Council of the European Union
General Secretariat

PUBLIC

**Interinstitutional files:**
**2026/0068 (COD)**

**Brussels, 02 July 2026**

**WK 9871/2026 INIT**

**LIMITE**

**COMPET**
**IND**
**MI**
**MAP**
**FDI**
**TRANS**

**CLIMA**
**ENV**
**ENER**
**ECOFIN**
**UD**
**POLCOM**
**CODEC**

*This is a paper intended for a specific community of recipients. Handling and further distribution are under the sole responsibility of community members.*

**WORKING DOCUMENT**

| | |
|---|---|
| From: | General Secretariat of the Council |
| To: | Delegations |
| Subject: | Regulation for Industrial Accelerator Act:<br>- General comments and questions on Chapter III by : AT, BE, CZ, DE, EE, DE, DK, EL, FI, FR, IT, LT, MT, NL, PL, PT, RO, SE, SI, SK |

Delegations will find in Annex to this note, a version of the consolidation of comments received on Chapter III of the Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a framework of measures for the acceleration of industrial capacity and decarbonisation in strategic sectors and amending Regulations (EU) 2018/1724, (EU) 2024/1735 and (EU) 2024/3110.

**Proposal for a Regulation on establishing a framework of measures for accelerating industrial capacity and decarbonisation in strategic sectors (Industrial Accelerator Act)** Deadline: ***19 June 2026***

**From: AT, BE, CZ, DE, EE, DE, DK, EL, FI, FR, IT, LT, MT, NL, PL, PT, RO, SE, SI, SK** **Updated: 02/07/2026 15:38**

PUBLIC

# Guidelines to be followed

*Please kindly provide your contributions in the table below.*

***Drafting suggestions:*** you may use '**track changes**'* or formatting (for example **bold-underline** for additions and ~~strike-through~~ for deletions, **where necessary, in a different colour**). *Track changes can only be connected once the cursor is placed in editable areas (Drafting or Comments columns).

To make it feasible to consolidate all contributions, the structure of the table must not be changed, so **no rows can be added or deleted.**

New provisions may only be added in any of the **'existing cells'.**

***Name of document:*** please add the **two initials** of your delegation's country followed by a space (to the MS Word document name), followed by any optional text, for example, for Austria: **AT comments on … .docx**

Thank you for your cooperation!

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | CZ<br>(Drafting suggestions):<br>**Please, create the templete in english not in spanish. Thank you in advance.**<br>IT<br>(Comments):<br>***Italy welcomes the opportunity to provide comments on this version of the text.***<br>***Drafting suggestions are reported in bold.***<br>***The absence of any comment does not imply Italy's agreement or disagreement with any proposed new wording.***<br>***Italy reserves the right to submit further written comments at a later stage.*** |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | IT<br>(Comments):<br>***Italy welcomes the opportunity to provide comments on this version of the text.***<br>***Drafting suggestions are reported in bold.***<br>***The absence of any comment does not imply Italy's agreement or disagreement with any proposed new wording.***<br>***Italy reserves the right to submit further written comments at a later stage.***<br><br>MT<br>(Comments):<br>General: From an industry perspective, Malta supports in principle initiatives that accelerate industrial capacity and decarbonization in strategic sectors. Yet, for a small state economy like Malta, international trade relations and sustained FDI flows are of strategic importance. Our economic structure is deeply integrated into global value chains and external markets. Therefore, special attention should be given to avoiding provisions that could have FDI repercussions or higher procurement related costs which could disproportionately affect us. As a country, despite being part of the EU, we remain geared to doing business and attracting business from outside the Union.<br><br>From Malta's side, the greatest concerns are placed in the implications for Malta, namely on cost and competition, supply chain resilience and the added administrative burden. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | On the first issue, limiting the number of bidders in public procurement processes would result in shrinking the possible suppliers, resulting in artificially high prices that do not reflect market conditions. This is especially important for us as we are heavily import-dependent. Apart from this, public projects could become increasingly more expensive if no compliant bids are made.<br><br>On supply chain resilience, this could disrupt the supply chains that already exist, and additionally increase vulnerability where EU supply does not meet our demand. Finally, complex origin verification and ownership/control checks risk delays and inconsistent application across Member States.<br><br>There is also a critical legal argument due to existing public procurement commitments under the EU FTA and WTO GPA commitments. If we have a de facto EU-only procurement system, it would be legally inconsistent with EU obligations. It is thus not clear how the proposal addresses this matter. Apart from this, the EU would be risking retaliation by trading partners and undermining EU trade credibility, which would influence any current and future negotiations.<br><br>In terms of foreign direct investment, Malta has reservations regarding the overall governance framework established under this Regulation for the assessment, approval, monitoring and enforcement of foreign direct investments.<br><br>Malta notes that this proposal is intended to establish a framework for accelerating industrial capacity and decarbonisation in strategic sectors. However, a number of provisions introduce extensive assessment, approval, monitoring and enforcement mechanisms relating to foreign direct investments which resemble elements of an FDI screening framework. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Malta considers that, as currently drafted, the proposal risks creating a de facto Union-level investment assessment and approval mechanism, including through mandatory approval criteria, Commission involvement in investment decisions, monitoring obligations and enforcement powers. Such provisions may unduly limit Member State discretion and affect national institutional arrangements and competences in the area of foreign direct investment.<br><br>Malta recalls that Regulation (EU) 2019/452 establishes a coordination and cooperation framework while preserving Member State competence with regard to decisions to screen, authorise, condition or prohibit foreign direct investments.<br><br>**Malta therefore considers that any provisions relating to foreign direct investments under this Regulation should remain proportionate, risk-based and clearly without prejudice to Member State competences, institutional arrangements and administrative autonomy.**<br><br>SI<br>(Comments):<br><br>The following comments are provisional in nature, as the official position of the Republic of Slovenia is still undergoing interministerial coordination. Due to the parliamentary elections held in March, the official position will be considered by the Government once constituted and subsequently submitted for parliamentary scrutiny. |
| 2026/0068 (COD) | |
| | |
| Proposal for a<br>**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| **establishing a framework of measures for the acceleration of industrial capacity and decarbonisation in strategic sectors and amending Regulations (EU) 2018/1724, (EU) 2024/1735 and (EU) 2024/3110**<br>(Text with EEA relevance) | |
| | |
| THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION, | |
| | |
| Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 and 207(2) thereof, | |
| | |
| Having regard to the proposal from the European Commission, | |
| | |
| After transmission of the draft legislative act to the national parliaments, | |
| | |
| Having regard to the opinion of the European Economic and Social Committee[1],<br>1 […] | |
| | |
| Having regard to the opinion of the Committee of the Regions[2],<br>2 […] | |
| | |
| Acting in accordance with the ordinary legislative procedure, | |
| | |
| Whereas: | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | |
| (1) The global COVID-19 pandemic, Russia's illegal and unprovoked war of aggression against Ukraine, hostile economic actions, cyberattacks, foreign interference, the weaponisation of Union economic dependencies, arbitrary deployment of trade measures, the increasing effects of climate change and rising geopolitical tensions have exposed the Union's vulnerabilities and pose a serious threat to the Union's societies, economies, and undertakings. The Union's economic security is therefore inextricably linked to its capacity to strengthen resilience and mitigate risks arising from hostile economic interconnections. The Union is committed to protecting its economic security and addressing threats to its supply chains, infrastructure, key technologies and threats coming from the weaponisation of its economic dependencies[3]. The Union's economic security and social cohesion are inextricably linked to its capacity to strengthen its resilience and mitigate the risks arising from economic interconnections. That requires the strengthening of the resilience of its supply chains and the safeguarding of its internal market and industrial capacity, while maintaining territorial, social and economic cohesion, including by fostering a strong and competitive industrial base in selected strategic sectors, such as clean and digital technologies, energy-intensive industries and the automotive sector, to secure access to strategic materials and technologies and retain high-quality jobs in the Union.<br><br>3 https://www.consilium.europa.eu/en/policies/european-economic-security/ | |
| | |
| (2) The European Economic Security Strategy[4], and the Economic Security Communication of 3 December 2025[5] clearly set the Union's pathway towards addressing geo-economic tensions and technological shifts to avoid economic dependencies in critical industrial supply chains, technologies and infrastructures which can lead to local shortages and threaten the Union's competitiveness, economy and ultimately its social cohesion. | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| 4 Joint Communication to the European Parliament, the European Council and the Council on "European Economic Security Strategy" (JOIN/2023/20 final).<br><br>5 Joint Communication to the European Parliament and the Council on Strengthening EU economic security (JOIN(2025)977 final). | |
| | |
| (3) Despite the Union's objectives of economic security, resilience, quality jobs and climate neutrality, manufacturing capacity has decreased over the last 20 years. The share of manufacturing in total GDP has declined from 17.4% to 14.3% between 2000 and 2024. It is therefore necessary to strengthen economic resilience, competitiveness and job creation, while also ensuring that the Union's climate and energy targets are met. The Union's manufacturing capacity should aim to account for at least 20% of the Union's gross domestic product by 2035. The development of industrial manufacturing projects within the Union should be facilitated to contribute to that objective. | |
| | |
| (4) The challenges posed by the need for industrial decarbonisation and for a resilient industrial production are complex and transcend national borders. Fragmented national measures aimed at tackling those challenges risk undermining the functioning of the internal market. Measures adopted by individual Member States could lead to divergent requirements imposed on market operators, inconsistent procurement practices and divergent permit-granting procedures across Member States. Such measures could create obstacles to cross-border trade within the Union and distortions on the internal market, undermining investor confidence, increasing costs, and redirecting investment flows within the Union. It is therefore necessary to establish harmonised measures to ensure the proper functioning of the internal market. | |
| | |
| (5) To ensure legal certainty, reference should be made to the most recent revision of the European Classification of Economic Activity (NACE, Rev. 2). | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| In order to ensure consistency with existing Union legislation and enable the uniform application of this Regulation across the Union, industrial manufacturing as well as energy-intensive industries should be defined by referring to the NACE classification codes[6].<br><br>6 With the exception of NACE Code C12, e-liquids used in vaping devices and nicotine-containing products under C20.59 and manufacture of electronic cigarettes and tobacco heating devices under C32.99 (unless they are authorised as medicinal products or certified as medical devices). | |
| | |
| (6) Energy-intensive industries are a key pillar of the Union's prosperity. They enable a wide range of downstream industries and contribute to the Union's economy by creating jobs, supporting growth and fostering innovation. However, they also account for around 22.3% of the Union's greenhouse gas emissions and require substantial investments in decarbonisation, leading also to reduced pollution. The combination of high energy prices, the need for large-scale decarbonisation investments and unfair global competition places energy-intensive industries at a competitive disadvantage, and there are growing signs of industrial decline. | |
| | |
| (7) Net-zero technologies are pivotal to achieving the Union's energy and climate targets. They play a crucial role in reducing greenhouse gas emissions and enabling the decarbonisation of a wide range of economic sectors, including building, transport and the industry. They are also key in advancing sustainable energy solutions, by enabling the decarbonisation of the energy supply and providing innovative solutions to enable the needed expansion and digitalisation of electricity grids and the energy system as a whole. However, the Union's net-zero technology manufacturing sector faces significant challenges, including increasing global competitive pressures and supply chain vulnerabilities which endangers the Union's competitiveness and economic resilience. | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | |
| (8) The bioeconomy is able to provide sustainable biomass and bio-based solutions for industrial production. The Commission communication "A Strategic Framework for a Competitive and Sustainable EU Bioeconomy"[7] identifies lead markets, such as bio-based plastics and polymers, bio-based chemicals and biobased construction products, as well as lead technologies that can support the Union's strategic autonomy and the decarbonisation of the industrial sectors identified in this initiative.<br><br>7 Communication from the Commission to the European, the Council, the European Economic and Social Committee and the Committee of the Regions, A Strategic Framework for a Competitive and Sustainable EU Bioeconomy (COM(2025)960). | |
| | FR<br>(Drafting suggestions):<br><br>**(8a) Low-carbon fertilisers can play a key role in supporting both the decarbonisation and the strategic resilience of the European fertiliser industry. In view of the strategic importance of safeguarding and decarbonising the Union's nitrogen fertiliser production capacity, the establishment of lead markets for low-carbon nitrogen fertilisers, produced either through the full or partial substitution of fossil gas-based hydrogen with electrolytic hydrogen, or through the use of carbon capture and storage (CCS) technologies, can contribute to the Union's strategic autonomy, strengthen industrial competitiveness, and accelerate the decarbonisation of this strategic industrial sector.**<br><br>**(8b) The rail rolling stock industry is a strategic pillar of the Union's transport and industrial base, supplying the high-speed trains, regional and urban rolling stock, signalling and electrification systems that are essential to the decarbonisation of mobility and the resilience of the Union's transport networks. The Union retains a strong manufacturing** |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | **capacity and recognised technological leadership in this sector. However, Union manufacturers are increasingly exposed to intense, and not always fair, global competition, in particular from heavily subsidised third-country producers benefiting from privileged access to their domestic markets while risking to expand aggressively into the Union market. In the absence of effective measures, this asymmetry risks eroding the Union's industrial capacity and technological know-how in a sector that is critical to its economic security, climate objectives and the proper functioning of essential public transport infrastructure.**<br><br>**(8c) The shipbuilding industry is of strategic importance for the Union's economic security, its maritime autonomy and the decarbonisation of waterborne transport, encompassing the construction of vessels and the supply of key components and propulsion systems. The Union retains specialised manufacturing capabilities, in particular in high value-added and complex vessels. However, global production has become highly concentrated in a limited number of third countries, whose producers benefit from large-scale industrial support and structural overcapacity, leading to a marked decline in the Union's global market share. Without decisive action, the Union risks becoming dependent on third countries for vessels and components that are essential to its trade, energy supply and security, thereby undermining its strategic autonomy and resilience.**<br><br>FR<br>(Comments):<br><br>This recital reflects the proposed amendment to Article 16. |
| (9) The automotive industry is a cornerstone of the Union economy. With a view to delivering on the Union's climate policy objectives, over the past years, the European automotive industry has been investing heavily in the development of cleaner vehicles and innovative components. Electric vehicles and electric vehicle components, including traction batteries, e-powertrain | IT<br>(Drafting suggestions):<br><br>The automotive industry is a cornerstone of the Union economy. With a view to delivering on the Union's climate policy objectives, over the past years, |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| components and electronic systems, are essential technologies for advancing the decarbonisation of road transport. However, as a result of costs disadvantage and the transformation of the value chain with an increasing value share for batteries, e-powertrain and electronics, the level of Union content in vehicles produced in the Union is decreasing. It is no longer possible to postpone effective measures to avoid the risk of local production being displaced. In the absence of such measures, the current circumstances would lead to a full reliance on third countries for key vehicle components. That would be a serious threat to the Union's economic security and future resilience, as well as for its climate goals. | the European automotive industry has been investing heavily in the development of cleaner vehicles and innovative components. **All** ~~Electric~~ vehicles and ~~electric~~ vehicle components, including traction batteries, e-powertrain components and electronic systems, are essential technologies for advancing the decarbonisation of road transport. However, as a result of costs disadvantage and the transformation of the value chain ~~with an increasing value share for batteries, e-powertrain and electronics~~, the level of ~~Union~~ **EU** content in vehicles produced in the Union is decreasing. It is no longer possible to postpone effective measures to avoid the risk of local production being displaced. In the absence of such measures, the current circumstances would lead to a full reliance on third countries for key vehicle components. That would be a serious threat to the Union's economic security and future resilience, as well as for its climate goals.<br><br>IT<br>(Comments):<br><br>The current wording of recital (9) limits the scope of the provision to electric vehicles and electric vehicle components, thereby excluding a significant portion of the automotive value chain that is equally exposed to competitive pressures from third countries and strategic dependencies.<br><br>The amendment seeks to broaden the reference to encompass all vehicles and vehicle components, while preserving the specific mention of electric powertrain-related technologies in view of their particular relevance to the Union's decarbonisation objectives. This broader framing better reflects the actual risk landscape facing the Union automotive industry as a whole, and ensures that the protective and resilience-oriented measures envisaged by this Regulation are not confined to a single vehicle technology segment.<br><br>**In this context, the acceptance of the prniciple of technological neutrality - including vehicles powered exclusively by renewable fuels (so-called** |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | **VEEFs) - is a prerequisite for Italy to advance in the negotiation of the IAA.**<br><br>IT<br>(Drafting suggestions):<br><br>The automotive industry is a cornerstone of the Union economy. With a view to delivering on the Union's climate policy objectives, over the past years, the European automotive industry has been investing heavily in the development of cleaner vehicles and innovative components. **All** ~~Electric~~ vehicles and ~~electric~~ vehicle components, including traction batteries, e-powertrain components and electronic systems, are essential technologies for advancing the decarbonisation of road transport. However, as a result of costs disadvantage and the transformation of the value chain ~~with an increasing value share for batteries, e-powertrain and electronics~~, the level of ~~Union~~ **EU** content in vehicles produced in the Union is decreasing. It is no longer possible to postpone effective measures to avoid the risk of local production being displaced. In the absence of such measures, the current circumstances would lead to a full reliance on third countries for key vehicle components. That would be a serious threat to the Union's economic security and future resilience, as well as for its climate goals.<br><br>IT<br>(Comments):<br><br>The current wording of recital (9) limits the scope of the provision to electric vehicles and electric vehicle components, thereby excluding a significant portion of the automotive value chain that is equally exposed to competitive pressures from third countries and strategic dependencies.<br><br>The amendment seeks to broaden the reference to encompass all vehicles and vehicle components, while preserving the specific mention of electric |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | powertrain-related technologies in view of their particular relevance to the Union's decarbonisation objectives. This broader framing better reflects the actual risk landscape facing the Union automotive industry as a whole, and ensures that the protective and resilience-oriented measures envisaged by this Regulation are not confined to a single vehicle technology segment.<br><br>**In this context, the acceptance of the prniciple of technological neutrality - including vehicles powered exclusively by renewable fuels (so-called VEEFs) - is a prerequisite for Italy to advance in the negotiation of the IAA.**<br><br>PT<br>(Comments):<br><br>The reference to the automotive sector should be made consistent with Annex III and the definitions in Article 3. The link to the CO2 emission standards revision (Reg. 2019/631) and the Clean Corporate Vehicles proposal should be acknowledged here.<br><br>PT<br>(Comments):<br><br>The reference to the automotive sector should be made consistent with Annex III and the definitions in Article 3. The link to the CO2 emission standards revision (Reg. 2019/631) and the Clean Corporate Vehicles proposal should be acknowledged here. |
| | |
| (10) The unpredictability, complexity and, at times, excessive length of national permit-granting procedures undermine the cost-effectiveness of investments necessary for the development of industrial activities. Therefore, and in order to ensure and speed up the effective implementation of industrial manufacturing activities, Member States should apply streamlined and | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| digitalised permit-granting processes. A competent authority should coordinate all permit granting processes and issue a comprehensive decision within the applicable time limit. | |
| | |
| (11) The implementation of single access points should be based on the European Business Wallets established pursuant to [Proposal for a Regulation on the establishment of European Business Wallets[8]], as they provide a secure, standardised, and interoperable platform for businesses to interact with public sector bodies. This should enable the efficient and effective submission of applications, while ensuring a high level of data protection, cybersecurity, and integrity of information. The European Business Wallets will also enable the streamlining of investments that were made and the avoidance of unnecessary duplications, allowing for the optimisation of resources and the reduction of administrative burdens for businesses. The implementation of single access points should also, to the extent possible, use existing Union digital infrastructures, catalogues and building blocks, including those developed under the Once-Only Technical System and its implementing acts. This would promote complementarity, interoperability and the efficient use of public resources, while avoiding duplication of existing digital solutions.<br><br>8 Proposal for a Regulation of the European Parliament and of the Council on the establishment of European Business Wallets (COM/2025/838 final). | |
| | |
| (12) In order to ensure streamlined and simplified permit-granting procedures, a single application covering all necessary permits should be provided for all industrial manufacturing projects except for the manufacturing sector under the C12 code. It should not apply where specific permit-granting or licensing procedures or requirements are established in Union harmonisation legislation for industrial manufacturing projects, such as pursuant to Regulations (EU) 2024/1735[9] and (EU) 2024/1252[10] of the | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| European Parliament and of the Council. Sectorial Union legislation governing medicines and medical devices has recently undergone or is undergoing further streamlining of harmonised rules and timelines for authorisations and certifications, with options to speed up the process if necessary. Those rules should therefore not be considered permit-granting procedures within the context of this initiative.<br><br>9 Regulation (EU) 2024/1735 of the European Parliament and of the Council of 13 June 2024 on establishing a framework of measures for strengthening Europe's net-zero technology manufacturing ecosystem and amending Regulation (EU) 2018/1724 (OJ L, 2024/1735, 28.6.2024, ELI: http://data.europa.eu/eli/reg/2024/1735/oj).<br><br>10 Regulation (EU) 2024/1252 of the European Parliament and of the Council of 11 April 2024 establishing a framework for ensuring a secure and sustainable supply of critical raw materials and amending Regulations (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1724 and (EU) 2019/1020 (OJ L, 2024/1252, 3.5.2024, ELI: http://data.europa.eu/eli/reg/2024/1252/oj). | |
| | |
| (13) Regulation (EU) [202X/XX] of […][11] establishes a common acceleration framework for environmental assessments in order to boost the Union's roll out of key technologies, reduce dependencies and strengthen competitiveness. Procedures linked to environmental assessments should be accelerated and streamlined for plans, programmes and projects across all sectors of the economy while maintaining high levels of protection of human health and of the environment. Some sectors may, however, require yet faster environmental assessments. Therefore, and in order to safeguard the coherence of the legal framework of environmental assessments, while allowing for the additional needs for acceleration in certain strategic sectors, Regulation (EU) [202X/XX] establishes a dedicated toolbox that should therefore be used in the context of this Regulation. Given their essential role in ensuring the achievement of the Union's climate objectives, and their contribution to the | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| Union's resilience and economic security, energy-intensive industry decarbonisation projects, industrial manufacturing projects located in industrial manufacturing acceleration areas, and net-zero technology projects should be considered strategic projects within the meaning of Regulation (EU) [202X/XX] and therefore benefit from the dedicated toolbox established under that Regulation.<br><br>11 Proposal for a Regulation of the European Parliament and of the Council on speeding-up environmental assessments (COM/2025/984 final, 10.12.2025). | |
| | |
| (14) Regulation (EU) 2024/1735 sets out provisions that streamline administrative and permit-granting processes for net-zero technology manufacturing projects. Some specific components in the supply chain of net-zero technologies are produced through energy-intensive production processes. Energy-intensive industry decarbonisation projects fall within the scope of Regulation (EU) 2024/1735 where the relevant facilities produce components that are part of the supply chain of a net-zero technology. However, energy-intensive facilities that do not produce components that are used in net-zero technologies are currently excluded from the scope of Regulation (EU) 2024/1735. This creates the risk of uneven conditions of between energy-intensive industries and slows down decarbonisation efforts. All energy-intensive decarbonisation projects should therefore be subject to the same permit-granting processes. | |
| | |
| (15) The Union should adopt a more strategic approach in leveraging its economic weight and the value of access to its internal market. In that context, the strategic use of public intervention is essential to prevent critical dependencies in the Union. Public procurement amounts to 15% of the Union's GDP. Contracting authorities and entities should therefore, where appropriate, ensure that public procurement requirements foster economic security and | NL<br>(Drafting suggestions):<br><br>The Union should adopt a more strategic approach in leveraging its economic weight and the value of access to its internal market. In that context, ~~the~~ strategic use of public intervention is essential to prevent critical |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| resilience of supply chains. Public support schemes also play an important role in stimulating demand in downstream sectors that account for a significant share of demand for certain strategic products and technologies. Such schemes should therefore favour beneficiaries that make a greater contribution to strengthening the Union's resilience and advancing its decarbonisation objectives. Auctions are crucial for the deployment of net-zero technologies and should be designed to foster demand for such technologies including components originating from the Union. | dependencies in the Union **and to stimulate the creation of new lead markets**. Public procurement amounts to 15% of the Union's GDP. Contracting authorities and entities should therefore, where appropriate, ensure that public procurement requirements foster economic security and resilience of supply chains. Public support schemes also play an important role in stimulating demand in downstream sectors that account for a significant share of demand for certain strategic products and technologies. Such schemes should therefore favour beneficiaries that make a greater contribution to strengthening the Union's resilience and advancing its decarbonisation objectives. Auctions are crucial for the deployment of net-zero technologies and should be designed to foster demand for such technologies including components originating from the Union.<br><br>NL<br>(Comments):<br><br>Intervening through public support schemes should also serve the purpose of stimulating new lead markets. |
| | NL<br>(Drafting suggestions):<br><br>**Furthermore, by implementing strategic and sustainable considerations when using public instruments, public authorities will set the example and create long term certainty for private sectors to do the same.**<br><br>NL<br>(Comments):<br><br>We need to set the example as public authorities, but also need to stimulate private markets to follow the same practices in the long run. |
| (16) The Union and Member States maintain an open investment environment, as enshrined in the Treaty on the Functioning of the European Union (TFEU) and embedded in their international commitments. This | BE<br>(Drafting suggestions): |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| includes commitments under the World Trade Organisation Agreement on Government Procurement (GPA)[12], as well as bilateral trade agreements, to open public procurement procedures and other forms of public intervention. At the same time, the Union retains the right to apply general or security exceptions. The Commission will regularly assess whether the conditions for excluding a third country from the scope of the provisions deeming content originating in third countries to be equivalent to Union origin, are in place, and will take appropriate action. Economic security aims at protecting and strengthening the internal market. Member States cannot rely on economic security to prevent, condition, or otherwise hinder in any way investments coming from other Member States.<br><br>12 World Trade Organisation (WTO), Agreement on Government Procurement 2012, available at https://www.wto.org/english/docs_e/legal_e/rev-gpr-94_01_e.pdf. | (16) The Union and Member States maintain an open investment environment, as enshrined in the Treaty on the Functioning of the European Union (TFEU) and embedded in their international commitments. This includes commitments under the World Trade Organisation Agreement on Government Procurement (GPA)[12], as well as bilateral trade agreements, to open public procurement procedures and other forms of public intervention. At the same time, the Union retains the right to apply general or security exceptions. The Commission will regularly assess whether the conditions for excluding a third country from the scope of the provisions deeming content originating in third countries to be equivalent to Union origin, are in place, and will take appropriate action. Economic security aims at protecting and strengthening the internal market. Member States cannot rely on economic security to prevent, condition, or otherwise hinder in any way investments coming from other Member States. **In order to ensure a consistent and practical application of Article 8 across the Union, the Commission should develop and make available a clear and user-friendly tool or guidance instrument to assist contracting authorities, contracting entities and economic operators in determining the scope of application of Article 8(1) and, where relevant, Article 8(2).**<br><br>12 World Trade Organisation (WTO), Agreement on Government Procurement 2012, available at https://www.wto.org/english/docs_e/legal_e/rev-gpr-94_01_e.pdf.<br><br>BE<br>(Comments):<br><br>BE: see proposed text amendment in article 8.3 |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | A clear and practical tool developed by the Commission would enhance legal certainty and ensure a more consistent application of Article 8 across the Union. Contracting authorities, contracting entities and economic operators need accessible guidance to correctly determine whether specific procurements fall within the scope of the relevant provisions. Such a tool would help reduce administrative burdens, avoid divergent interpretations between Member States, facilitate implementation in practice and lower the risk of legal disputes or delays in procurement procedures.<br><br>FR<br>(Drafting suggestions):<br><br>The Union and Member States maintain an open investment environment, as enshrined in the Treaty on the Functioning of the European Union (TFEU) and embedded in their international commitments. This includes commitments under the World Trade Organisation Agreement on Government Procurement (GPA)[12], as well as bilateral trade agreements, to open public procurement procedures and other forms of public intervention. At the same time, the Union retains the right to apply general or security exceptions **and to take into account reciprocity in the access granted by third countries to Union products and economic operators**. **Regarding public procurements, the** ~~The~~ Commission will regularly assess whether the conditions for ~~excluding~~ **including** a third country ~~from~~ **in** the scope of the provisions deeming content originating in third countries to be equivalent to Union origin, are in place, and will take appropriate action. Economic security aims at protecting and strengthening the internal market. Member States cannot rely on economic security to prevent, condition, or otherwise hinder in any way investments coming from other Member States.<br><br>FR<br>(Comments):<br><br>This recital reflects the proposed amendments to Articles 7, 8 and 9. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | NL<br>(Drafting suggestions):<br><br>The Union and Member States maintain an open investment environment, as enshrined in the Treaty on the Functioning of the European Union (TFEU) and embedded in their international commitments. This includes commitments under the World Trade Organisation Agreement on Government Procurement (GPA)12, as well as bilateral trade agreements, to open public procurement procedures and other forms of public intervention. At the same time, the Union retains the right to apply general or security exceptions**, if proportionate, targeted and temporary**. The Commission will regularly assess whether the conditions for excluding a third country from the scope of the provisions deeming content originating in third countries to be equivalent to Union origin, are in place, and will take appropriate action. Economic security aims at protecting and strengthening the internal market. Member States cannot rely on economic security to prevent, condition, or otherwise hinder in any way investments coming from other Member States.<br><br>NL<br>(Comments):<br><br>For the Netherlands, it is important to take into consideration the proportionate and targeted use of these instruments. We need careful analysis of costs and benefits, before determining the use of the instrument. |
| | |
| (17) The progressive integration of candidate countries and potential candidates into the Union's internal market, including through their gradual participation in Union policies and programmes, is essential to support their alignment with the acquis, strengthen their competitiveness, promote their deeper integration into Union value chains and enhance the Union's economic security. This Regulation should therefore contribute to fostering such gradual | FR<br>(Drafting suggestions):<br><br>The progressive integration of candidate countries and potential candidates into the Union's internal market, including through their gradual participation in Union policies and programmes, is essential to support their alignment with |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| integration, including by facilitating the participation of economic operators from those countries in Union-wide value chains, Union public procurement, public support schemes and auctions where appropriate and in line with the Union's interests and objectives. | the acquis, strengthen their competitiveness, promote their deeper integration into Union value chains and enhance the Union's economic security. This Regulation should therefore contribute to fostering such gradual integration, including by facilitating the participation of economic operators from those countries in Union-wide value chains, Union public procurement, public support schemes and auctions where appropriate and in line with the Union's interests**, bilateral commitments,** and objectives.<br><br>FR<br>(Comments):<br><br>This recital reflects the proposed amendments to Articles 7, 8 and 9. |
| | |
| (18) Acknowledging the importance of the Union's advancing towards greater strategic autonomy and resilience, the Union should also recognise for reasons of coherence the proactive efforts of partner countries to prioritise domestic participation in economic activities, similar to the measures established within this Regulation. In the context of implementing Union origin requirements within certain categories of public procurement and public schemes procedures, the Union should thoughtfully consider partner countries' content conditions for strategic Union-funded or supported investments in these partner countries, accepting its presence. This strategic approach is expected to enhance mutual economic benefits, strengthen strategic partnerships, and align with the Union's overarching objectives of international partnerships. | EL<br>(Comments):<br><br>We should discuss the value added of recital 18, especially the part referring to prioritizations of partner countries and the wording "accepting its presence" (it is a confusing wording implying that the EU will accept horizontally any relevant preferential regime). We think that a general mention to reciprocity is enough.<br><br>FR<br>(Drafting suggestions):<br><br>Acknowledging the importance of the Union's advancing towards greater strategic autonomy and resilience, the Union should also recognise for reasons of coherence the proactive efforts of partner countries to prioritise domestic participation in economic activities, similar to the measures established within this Regulation. In the context of implementing Union origin requirements within certain categories of public procurement ~~and public schemes procedures~~, the Union should thoughtfully consider partner countries' content conditions for strategic Union-funded or supported investments in these |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | partner countries, accepting its presence. This strategic approach is expected to enhance mutual economic benefits, strengthen strategic partnerships, and align with the Union's overarching objectives of international partnerships<br><br>FR<br>(Comments):<br><br>This recital reflects the proposed amendments to Articles 7, 8 and 9. |
| | |
| (19) Demand-side measures should focus on establishing low-carbon requirements for steel, cement and aluminium used in buildings, infrastructure and motor vehicles, where appropriate, since those sectors are the most energy-intensive industries. Targeted Union wide demand-side measures can help create lead markets for low-carbon and Union-produced energy-intensive industrial products, supporting decarbonisation while strengthening the Union's industrial base. | CZ<br>(Drafting suggestions):<br><br>Demand-side measures should focus on establishing low-carbon requirements for steel, cement and aluminium used in buildings, infrastructure, **NZIA technologies including wind energy projects** and motor vehicles, where appropriate, since those sectors are the most energy-intensive industries. Targeted Union wide demand-side measures can help create lead markets for low carbon and Union-produced energy-intensive industrial products, supporting decarbonisation while strengthening the Union's industrial base<br><br>CZ<br>(Comments):<br><br>If Europe wants to decarbonise its steel industry, it must create demand for low-carbon steel made in Europe. Otherwise, the EU risks funding foreign low-carbon steel production while weakening investment, jobs and industrial capacity at home. Even with the new trade measure in place, imported low-carbon steel could easily satisfy the market demand created thought the IAA. This is why the requirements on steel used in public procurement and public supports schemes need to also specify that the low carbon steel is also of Union Origin. |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | The lead market demand signal of low-carbon steel needs to match the projected volumes that will be available by 2030. The volumes of steel subject to public procurement and public schemes are variable for each member state, while public support schemes in construction are difficult to quantify. For example, 25% of public procurement represents less than 5% of the total steel market. This creates high uncertainty that sufficient demand will be created for low-carbon steel especially if requirements are set at such a low level and only limited to a few sectors. Increasing the quota to 50% will secure sufficient demand for low-carbon steel but still offering flexibility. This more ambitious target could also be gradually introduced over several years. NZIA technologies such as wind under public auctions should be added, since they have significant demand for steel yet so far do not have environmental sustainability criteria on steel. Wind energy is highly steel-intensive, with current EU consumption of around 2 million tonnes per year, projected to rise to over 3 million tonnes annually by 2030. Replacing conventional steel with low-emission steel of EU origin would therefore deliver substantial decarbonisation benefits at scale<br><br>FR<br>(Drafting suggestions):<br><br>Demand-side measures should focus on establishing low-carbon **and Union origin** requirements for **iron**, steel, **concrete,** cement **and clinker** and aluminium used in buildings, infrastructure **including water pipes** and motor vehicles, where appropriate, since those sectors are the most energy-intensive industries. Targeted Union wide demand-side measures can help create lead markets for low-carbon and Union-produced energy-intensive industrial products, supporting decarbonisation while strengthening the Union's industrial base.<br><br>FR<br>(Comments): |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Modified to maintain coherence with amendments proposed for Annex II.<br><br>Lead markets are an industrial policy, they should be presented as low-carbon and Union origin requirements directly, rather than simply as low-carbon requirements, which would be the case for a climate policy.<br><br>IT<br>(Drafting suggestions):<br><br>Demand-side measures should focus on establishing low-carbon requirements, for steel, cement and aluminium, **low-carbon requirements and/or relating to the use of sustainable carbon sources for chemicals and plastics used in end-product, such as ones** used in buildings, infrastructure and motor vehicles, **as well as fertilisers** where appropriate, since those sectors are the most energy-intensive industries. Targeted Union wide demand-side measures can help create lead markets for low-carbon and Union-produced energy-intensive industrial products, supporting decarbonization while strengthening the Union's industrial base~~.~~ **, and should be complemented by adequate supply-side support measures are in place to enable Union producers to effectively respond to and benefit from such market opportunities.**<br><br>IT<br>(Comments):<br><br>This amendment clarifies that demand-side measures may include requirements relating to the use of sustainable carbon sources for plastics and chemicals where carbon feedstock for the sector nature cannot be substitute. for the chemical sector in fact the transition depends both on lower-emission |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | production processes and on the progressive substitution of fossil carbon feedstocks with recycled, bio-based and carbon capture and utilisation sources. The amendment also broadens the reference to energy-intensive sectors by including chemicals, plastics, reflecting their role in industrial value chains and their relevance for defossilization. It further clarifies that demand-side measures should be accompanied by adequate supply-side conditions enabling Union producers to respond to the demand created. By linking demand-side requirements with enabling conditions on the supply side, the provision improves the feasibility and impact of lead market measures. It also reduces the risk of unmet demand being fulfilled primarily by imports, due to a lack of EU supply competitiveness, thereby supporting the objective of strengthening the Union's industrial base. This improves the coherence of the Regulation with its objectives of creating lead markets, supporting industrial decarbonisation and strengthening the Union's industrial base.<br><br>IT<br>(Drafting suggestions):<br>Demand-side measures should focus on establishing low-carbon requirements, for steel, cement and aluminium, **low-carbon requirements and/or relating to the use of sustainable carbon sources for chemicals and plastics used in end-product, such as ones** used in buildings, infrastructure and motor vehicles, **as well as fertilisers** where appropriate, since those sectors are the most energy-intensive industries. Targeted Union wide demand-side measures can help create lead markets for low-carbon and Union-produced energy-intensive industrial products, supporting decarbonization while strengthening the Union's industrial base~~.~~ **, and should be complemented by adequate supply-side support measures are** |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | **in place to enable Union producers to effectively respond to and benefit from such market opportunities.**<br><br>IT<br>(Comments):<br>This amendment clarifies that demand-side measures may include requirements relating to the use of sustainable carbon sources for plastics and chemicals where carbon feedstock for the sector nature cannot be substitute. for the chemical sector in fact the transition depends both on lower-emission production processes and on the progressive substitution of fossil carbon feedstocks with recycled, bio-based and carbon capture and utilisation sources. The amendment also broadens the reference to energy-intensive sectors by including chemicals, plastics, reflecting their role in industrial value chains and their relevance for defossilization. It further clarifies that demand-side measures should be accompanied by adequate supply-side conditions enabling Union producers to respond to the demand created. By linking demand-side requirements with enabling conditions on the supply side, the provision improves the feasibility and impact of lead market measures. It also reduces the risk of unmet demand being fulfilled primarily by imports, due to a lack of EU supply competitiveness, thereby supporting the objective of strengthening the Union's industrial base. This improves the coherence of the Regulation with its objectives of creating lead markets, supporting industrial decarbonisation and strengthening the Union's industrial base.<br><br>NL<br>(Drafting suggestions): |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Demand-side measures should focus on establishing low-carbon requirements **in the strategic sectors mentioned in Annex I. Firstly, low carbon requirements** for steel, cement and aluminium used in buildings, infrastructure and motor vehicles will be **established**, where appropriate, since those sectors are the most energy-intensive industries. **Subsequently, demand-side measures for chemicals will be introduced, in accordance with PM and on the basis of the recommendations of the Critical Chemicals Alliance.**Targeted **and sector-specific** Union wide demand-side measures can help create lead markets for low-carbon and Union-produced energy-intensive industrial products, supporting decarbonisation while strengthening the Union's industrial base.<br><br>NL<br>(Comments):<br><br>To complement article 16.<br><br>PL<br>(Comments):<br><br>Demand-side measures under the IAA should avoid making greenhouse gas intensity the sole or predominant criterion for access to market-pull instruments. While the proposal also relies on Union origin requirements, the low-carbon requirements and related classification methodologies may have significant effects on access to public procurement, support schemes and future lead markets. If designed too narrowly, a carbon-focused approach could undermine the level playing field within the internal market, as product emissions may depend not only on installation efficiency but also on Member States' energy mixes, availability of low-carbon energy and infrastructure conditions. Low-carbon performance should therefore remain one element of a broader and proportionate assessment, taking into account industrial resilience, security of supply, technological maturity.<br><br>PT |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Comments):<br>The term 'where appropriate' is too vague and would benefit from clarification.<br>PT<br>(Comments):<br>The term 'where appropriate' is too vague and would benefit from clarification. |
| | RO<br>(Drafting suggestions):<br>**Proposal for new recital:**<br><br>**For energy-intensive products such as aluminium, low-carbon and Union-origin requirements should only be applied where there are clear methodologies, sufficient verification capacity and realistic transition periods, taking into account electricity costs, the distinction between primary and secondary production routes and the role of recycled materials**<br><br>RO<br>(Comments):<br>**Justification**<br><br>Aluminium has a different profile than steel and cement: it is highly dependent on the cost of electricity and production can be primary, secondary or based on recycling. Electricity represents approximately 50% of the cost of production. Without a dedicated methodology, there is a risk that Romanian producers will be disadvantaged compared to Member States with cheaper energy or a more favorable energy mix. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | |
| (20) Downstream sectors that account for a large share of demand for certain energy-intensive materials, such as the construction and automotive sectors, should be prioritised under this Regulation when establishing low-carbon requirements, Union origin requirements, or both. That is particularly appropriate given that such sectors are significantly subject to public procurement and support schemes, while the share of energy-intensive input in total production value is relatively small and therefore minimises the impact of any price premium. | FR<br>(Drafting suggestions):<br>Downstream sectors that account for a large share of demand for certain energy-intensive materials, such as the construction and automotive sectors, should be prioritised under this Regulation when establishing low-carbon requirements **and** Union origin requirements~~, or both~~. That is particularly appropriate given that such sectors are significantly subject to public procurement and support schemes, while the share of energy-intensive input in total production value is relatively small and therefore minimises the impact of any price premium<br>FR<br>(Comments):<br>Lead markets are an industrial policy, they should be presented as low-carbon and Union origin requirements directly, rather than simply as low-carbon requirements, which would be the case for a climate policy.<br>PT<br>(Comments):<br>The scope of 'construction' and 'automotive' sectors should be more precisely defined.<br>PT<br>(Comments):<br>The scope of 'construction' and 'automotive' sectors should be more precisely defined. |
| | |
| (21) In order to ensure regulatory consistency with existing Union product legislation, steel, concrete and aluminium in construction should be considered | BE<br>(Drafting suggestions): |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| low-carbon in compliance with the requirements set out in the implementing measures adopted pursuant to Regulations (EU) 2024/3110[13] and (EU) 2024/1781[14] of the European Parliament and of the Council.<br><br>13 Regulation (EU) 2024/3110 of the European Parliament and of the Council of 27 November 2024 laying down harmonised rules for the marketing of construction products and repealing Regulation (EU) No 305/2011 (OJ L, 2024/3110, 18.12.2024, ELI: http://data.europa.eu/eli/reg/2024/3110/oj).<br><br>14 Regulation (EU) 2024/1781 of the European Parliament and of the Council of 13 June 2024 establishing a framework for the setting of ecodesign requirements for sustainable products, amending Directive (EU) 2020/1828 and Regulation (EU) 2023/1542 and repealing Directive 2009/125/EC (OJ L, 2024/1781, 28.6.2024, ELI: http://data.europa.eu/eli/reg/2024/1781/oj). | (21) In order to ensure regulatory consistency with existing Union product legislation, steel, concrete and aluminium in construction should be considered low-carbon in compliance with the requirements set out in ~~the implementing measures adopted pursuant to Regulations (EU) 2024/3110[13] and (EU) 2024/1781[14] of the European Parliament and of the Council.~~ **Annex V. When defining low-carbon, different production methods should be taken into account in a balanced and technology-neutral manner, in order to ensure equal treatment of technologies contributing to decarbonisation and to preserve flexibility and innovation in the transition towards climate neutrality.**<br><br>BE<br>(Comments):<br><br>BE: see proposed text amendment in article 10.<br>BE is of the opinion that investment certainty is important and therefore wants to include the methodology in the annex of the IAA BE is alsoconcerned about potential delays in the drafting and adoption of delegated acts if this is dealt with in the context of ecodesign regulation and CPR.<br><br>For Belgium, it is important that different production methods are taken into account in a balanced and technology-neutral manner when defining “low-carbon”.<br><br>CZ<br>(Comments):<br><br>The proposal correctly recognises that the determination of low-carbon construction products should be based on implementing measures adopted pursuant to Regulation (EU) 2024/3110 and Regulation (EU) 2024/1781. The Czech Republic therefore considers that any subsequent methodologies, |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | classification systems, labels or verification requirements established under this Regulation should remain fully aligned with those existing Union frameworks and should not introduce additional parallel assessment systems.<br><br>FI<br>(Drafting suggestions):<br><br>(21) In order to ensure regulatory consistency with existing Union product legislation, steel, concrete and aluminium in construction should be considered low-carbon in compliance with the requirements set out in the implementing measures adopted pursuant ~~**to Regulations (EU) 2024/3110[13] and**~~ (EU) 2024/1781[14] of the European Parliament and of the Council.<br><br>FI<br>(Comments):<br><br>The CPR already has means to harmonise construction products to become low-carbon and the work is ongoing under the CPR Acquis process. It is not sensible to draft parallel legislation. The correct place for harmonisation of construction products must remain under the CPR. Because of that references to CPR have to be removed.<br><br>FR<br>(Drafting suggestions):<br><br>In order to ensure regulatory consistency with existing Union product legislation, **iron,** steel, concrete**, cement and clinker** and aluminium in construction should be considered low-carbon in compliance with the requirements set out in the implementing measures adopted pursuant to Regulations (EU) 2024/3110[13] and (EU) 2024/1781[14] of the European Parliament and of the Council. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | FR<br>(Comments):<br>Modified to maintain coherence with amendments proposed for Annex II.<br><br>NL<br>(Drafting suggestions):<br>In order to ensure regulatory consistency with existing Union product legislation, steel, concrete and aluminium in construction should be considered low-carbon **if they [UNIFORM DEFINITION], and should furthermore be in accordance with the provisions of this regulation and in** compliance with the requirements set out in the implementing measures adopted pursuant to Regulations (EU) 2024/3110[13] and (EU) 2024/1781[14] of the European Parliament and of the Council.<br>NL<br>(Comments):<br>We believe a baseline definition of low carbon should be defined in the IAA to stimulate a level playing field. |
| | |
| (22) The Clean Industrial Deal Communication[15] highlighted the need to create lead markets for industrial products with a low greenhouse gas emissions intensity, including by promoting such products on the internal market through the establishment of a Union labelling scheme, starting with the steel sector. That should be seen in the context of Union products legislation already designed to introduce labelling and information requirements, including comprehensive product labelling requirements to be established under the delegated acts pursuant to Regulations (EU) 2024/3110 and (EU) 2024/1781. Considering the importance of both primary and secondary steel production for the long-term resilience of the Union industrial | CZ<br>(Drafting suggestions):<br>For construction products covered by Regulation (EU) 2024/3110, methodologies, environmental information and performance classes used for the purposes of this Regulation shall, where available, rely on data, methodologies and delegated acts established under Regulation (EU) 2024/3110 and harmonised standards developed thereunder.” |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| base, such requirements should be based on classes of performance that acknowledge the different decarbonisation effort of the technologies' routes, also rewarding circularity, adjusting emission intensity thresholds based on percentage of scrap metal used in production for those product categories that typically require primary steel production, as necessary. It should also be possible to complement the delegated acts adopted pursuant to Regulations (EU) 2024/3110 and (EU) 2024/1781 in order to support the creation of lead markets by informing investment decisions towards products granted a lower greenhouse gas intensity performance class, for industrial products not yet regulated by a Delegated Act under Regulation (EU) 2024/1781, or covered in the scope of products included in the working plan adopted in accordance with that Regulation. To do so, it should be possible to establish voluntary classification systems based on the greenhouse gas intensity of industrial products. To provide environmental integrity and administrative feasibility, it is important to rely on well-established and monitored emissions accounting methodologies. For domestic installations and sub-installations, the EU Emissions Trading System (EU ETS) provides relevant products benchmarks and system boundaries in Annex I to Commission Delegated Regulation (EU) 2019/331[16] and sound emissions accounting rules in Commission Implementing Regulation (EU) 2018/2066[17]. Concerning imported products, in order to limit administrative burden, it is appropriate to enable the use of data already verified in the context of the Carbon Border Adjustments Mechanism (CBAM), in accordance with implementing rules adopted pursuant to Article 7(a) of Regulation (EU) 2023/956 of the European Parliament and of the Council[18]. In view of reflecting accurately the greenhouse gas intensity of the industrial product, in addition to covering the direct emissions typically related to the installation's activities covered by Annex I of Directive 2003/87/EC of the European Parliament and of the Council[19], it is appropriate to also account for the most important sources of indirect emissions, including those from electricity, hydrogen and heat production used in the manufacturing process. To ensure consistency and limit | Voluntary classification systems and environmental labels shall only be introduced where no equivalent harmonised Union framework already exists.<br><br>CZ<br>(Comments):<br><br>The proposal should avoid creating parallel systems of environmental reporting, classification, verification and labelling. Construction products are already subject to harmonised environmental information requirements under Regulation (EU) 2024/3110 (CPR), including environmental characteristics and Digital Product Passport requirements. Additional low-carbon labelling systems could lead to duplication of reporting obligations, increased administrative burden and inconsistent results for identical products.<br><br>FI<br>(Comments):<br><br>The CPR already has necessary means to use delegated acts and harmonise construction products. The Commision does not need extra powers under the IAA with construction products. Lower greenhouse gas emissions can be the outcome of the standardisation process done under the CPR Acquis process. The Commission must avoid overregulation and need for the future Omnibus.<br><br>IT<br>(Drafting suggestions):<br><br>~~(22) The Clean Industrial Deal Communication[15] highlighted the need to create lead markets for industrial products with a low greenhouse gas emissions intensity, including by promoting such products on the internal market through the establishment of a Union labelling scheme, starting with the steel sector. That should be seen in the context of Union products legislation already designed to introduce labelling and information requirements, including comprehensive product labelling requirements to be~~ |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| administrative burden, methodologies used to define low-carbon requirements under this Regulation should make use of emissions of data reported under the EU ETS and CBAM, where available and relevant.<br><br>15 Communication From the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of The Regions, A Green Deal Industrial Plan for the Net-Zero Age (COM/2023/62 final, 1.2.2023).<br><br>16 Commission Delegated Regulation (EU) 2019/331 of 19 December 2018 determining transitional Union-wide rules for harmonised free allocation of emission allowances pursuant to Article 10a of Directive 2003/87/EC of the European Parliament and of the Council (OJ L 59, 27.2.2019, p. 8, 27.2.2019, ELI: http://data.europa.eu/eli/reg_del/2019/331/oj).<br><br>17 Commission Implementing Regulation (EU) 2018/2066 of 19 December 2018 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council and amending Commission Regulation (EU) No 601/2012 (OJ L 334, 31.12.2018, p. 1, 31.12.2018, ELI: http://data.europa.eu/eli/reg_impl/2018/2066/oj).<br><br>18 Regulation (EU) 2023/956 of the European Parliament and of the Council of 10 May 2023 establishing a carbon border adjustment mechanism (OJ L 130, 16.5.2023, p. 52, 16.5.2023, ELI: http://data.europa.eu/eli/reg/2023/956/oj).<br><br>19 Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, p. 32, 25.10.2003, ELI: http://data.europa.eu/eli/dir/2003/87/oj). | ~~established under the delegated acts pursuant to Regulations (EU) 2024/3110 and (EU) 2024/1781. Considering the importance of both primary and secondary steel production for the long-term resilience of the Union industrial base, such requirements should be based on classes of performance that acknowledge the different decarbonisation effort of the technologies' routes, also rewarding circularity, adjusting emission intensity thresholds based on percentage of scrap metal used in production for those product categories that typically require primary steel production, as necessary. It should also be possible to complement the delegated acts adopted pursuant to Regulations (EU) 2024/3110 and (EU) 2024/1781 in order to support the creation of lead markets by informing investment decisions towards products granted a lower greenhouse gas intensity performance class, for industrial products not yet regulated by a Delegated Act under Regulation (EU) 2024/1781, or covered in the scope of products included in the working plan adopted in accordance with that Regulation. To do so, it should be possible to establish voluntary classification systems based on the greenhouse gas intensity of industrial products. To provide environmental integrity and administrative feasibility, it is important to rely on well-established and monitored emissions accounting methodologies. For domestic installations and sub-installations, the EU Emissions Trading System (EU ETS) provides relevant products benchmarks and system boundaries in Annex I to Commission Delegated Regulation (EU) 2019/331[16] and sound emissions accounting rules in Commission Implementing Regulation (EU) 2018/2066[17]. Concerning imported products, in order to limit administrative burden, it is appropriate to enable the use of data already verified in the context of the Carbon Border Adjustments Mechanism (CBAM), in accordance with implementing rules adopted pursuant to Article 7(a) of Regulation (EU) 2023/956 of the European Parliament and of the Council[18]. In view of reflecting accurately the greenhouse gas intensity of the industrial product, in addition to covering the direct emissions typically related to the installation's activities covered by~~ |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | ~~Annex I of Directive 2003/87/EC of the European Parliament and of the Council19, it is appropriate to also account for the most important sources of indirect emissions, including those from electricity, hydrogen and heat production used in the manufacturing process. To ensure consistency and limit administrative burden, methodologies used to define low-carbon requirements under this Regulation should make use of emissions of data reported under the EU ETS and CBAM, where available and relevant.~~<br><br>~~15 Communication From the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of The Regions, A Green Deal Industrial Plan for the Net-Zero Age (COM/2023/62 final, 1.2.2023).~~<br><br>~~16 Commission Delegated Regulation (EU) 2019/331 of 19 December 2018 determining transitional Union-wide rules for harmonised free allocation of emission allowances pursuant to Article 10a of Directive 2003/87/EC of the European Parliament and of the Council (OJ L 59, 27.2.2019, p. 8, 27.2.2019, ELI: http://data.europa.eu/eli/reg_del/2019/331/oj).~~<br><br>~~17 Commission Implementing Regulation (EU) 2018/2066 of 19 December 2018 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council and amending Commission Regulation (EU) No 601/2012 (OJ L 334, 31.12.2018, p. 1, 31.12.2018, ELI: http://data.europa.eu/eli/reg_impl/2018/2066/oj).~~<br><br>~~18 Regulation (EU) 2023/956 of the European Parliament and of the Council of 10 May 2023 establishing a carbon border adjustment mechanism (OJ L 130, 16.5.2023, p. 52, 16.5.2023, ELI: http://data.europa.eu/eli/reg/2023/956/oj).~~<br><br>~~19 Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, p. 32, 25.10.2003, ELI: http://data.europa.eu/eli/dir/2003/87/oj).~~<br><br>IT |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Comments):<br><br>The recital was initially meant to support the introduction directly in IAA, through a set of articles in a dedicated chapter, of a voluntary Union label on greenhouse gas intensity of steel.<br>Such policy option was eventually discarded, to instead focus on the implementation of existing commitments in the context of Union products legislation, already designed to introduce performance and information requirements (the Ecodesign for Sustainable Production regulation and the Construction Product regulation).<br>Therefore, such recital no longer serves its intended purpose and would unduly interfere with the already advanced work on ESPR delegated act on steel intermediate products.<br><br>IT<br>(Drafting suggestions):<br><br>~~(22) The Clean Industrial Deal Communication[15] highlighted the need to create lead markets for industrial products with a low greenhouse gas emissions intensity, including by promoting such products on the internal market through the establishment of a Union labelling scheme, starting with the steel sector. That should be seen in the context of Union products legislation already designed to introduce labelling and information requirements, including comprehensive product labelling requirements to be established under the delegated acts pursuant to Regulations (EU) 2024/3110 and (EU) 2024/1781. Considering the importance of both primary and secondary steel production for the long-term resilience of the Union industrial base, such requirements should be based on classes of performance that acknowledge the different decarbonisation effort of the technologies' routes, also rewarding circularity, adjusting emission intensity thresholds based on percentage of scrap metal used in production for those product categories that typically require primary steel production, as~~ |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | ~~necessary. It should also be possible to complement the delegated acts adopted pursuant to Regulations (EU) 2024/3110 and (EU) 2024/1781 in order to support the creation of lead markets by informing investment decisions towards products granted a lower greenhouse gas intensity performance class, for industrial products not yet regulated by a Delegated Act under Regulation (EU) 2024/1781, or covered in the scope of products included in the working plan adopted in accordance with that Regulation. To do so, it should be possible to establish voluntary classification systems based on the greenhouse gas intensity of industrial products. To provide environmental integrity and administrative feasibility, it is important to rely on well-established and monitored emissions accounting methodologies. For domestic installations and sub-installations, the EU Emissions Trading System (EU ETS) provides relevant products benchmarks and system boundaries in Annex I to Commission Delegated Regulation (EU) 2019/331[16] and sound emissions accounting rules in Commission Implementing Regulation (EU) 2018/2066[17]. Concerning imported products, in order to limit administrative burden, it is appropriate to enable the use of data already verified in the context of the Carbon Border Adjustments Mechanism (CBAM), in accordance with implementing rules adopted pursuant to Article 7(a) of Regulation (EU) 2023/956 of the European Parliament and of the Council[18]. In view of reflecting accurately the greenhouse gas intensity of the industrial product, in addition to covering the direct emissions typically related to the installation's activities covered by Annex I of Directive 2003/87/EC of the European Parliament and of the Council19, it is appropriate to also account for the most important sources of indirect emissions, including those from electricity, hydrogen and heat production used in the manufacturing process. To ensure consistency and limit administrative burden, methodologies used to define low-carbon requirements under this Regulation should make use of emissions of data reported under the EU ETS and CBAM, where available and relevant.~~ |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | ~~15 Communication From the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of The Regions, A Green Deal Industrial Plan for the Net-Zero Age (COM/2023/62 final, 1.2.2023).~~<br><br>~~16 Commission Delegated Regulation (EU) 2019/331 of 19 December 2018 determining transitional Union-wide rules for harmonised free allocation of emission allowances pursuant to Article 10a of Directive 2003/87/EC of the European Parliament and of the Council (OJ L 59, 27.2.2019, p. 8, 27.2.2019, ELI: http://data.europa.eu/eli/reg_del/2019/331/oj).~~<br><br>~~17 Commission Implementing Regulation (EU) 2018/2066 of 19 December 2018 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council and amending Commission Regulation (EU) No 601/2012 (OJ L 334, 31.12.2018, p. 1, 31.12.2018, ELI: http://data.europa.eu/eli/reg_impl/2018/2066/oj).~~<br><br>~~18 Regulation (EU) 2023/956 of the European Parliament and of the Council of 10 May 2023 establishing a carbon border adjustment mechanism (OJ L 130, 16.5.2023, p. 52, 16.5.2023, ELI: http://data.europa.eu/eli/reg/2023/956/oj).~~<br><br>~~19 Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, p. 32, 25.10.2003, ELI: http://data.europa.eu/eli/dir/2003/87/oj).~~<br><br>IT<br>(Comments):<br><br>The recital was initially meant to support the introduction directly in IAA, through a set of articles in a dedicated chapter, of a voluntary Union label on greenhouse gas intensity of steel.<br>Such policy option was eventually discarded, to instead focus on the implementation of existing commitments in the context of Union products legislation, already designed to introduce performance and information |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | requirements (the Ecodesign for Sustainable Production regulation and the Construction Product regulation).<br>Therefore, such recital no longer serves its intended purpose and would unduly interfere with the already advanced work on ESPR delegated act on steel intermediate products.<br><br>PT<br>(Comments):<br><br>This recital should be reduced and simplified.<br><br>PT<br>(Comments):<br><br>This recital should be reduced and simplified.<br><br>SE<br>(Drafting suggestions):<br><br>The Clean Industrial Deal Communication[15] highlighted the need to create lead markets for industrial products with a low greenhouse gas emissions intensity, including by promoting such products on the internal market through the establishment of a Union labelling scheme, starting with the steel sector. That should be seen in the context of Union products legislation already designed to introduce labelling and information requirements, including comprehensive product labelling requirements to be established under the delegated acts pursuant to Regulations (EU) 2024/3110 and (EU) 2024/1781. Considering the importance of both primary and secondary steel production for the long-term resilience of the Union industrial base, such requirements should be based on classes of performance that acknowledge the different decarbonisation effort of the technologies' routes, also rewarding circularity, adjusting emission intensity thresholds based on percentage of scrap metal used in production for those |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | product categories that typically require primary steel production, as necessary. **Lead markets will show the way for a broader adoption of low-carbon metals as the market standard and enable the industries investing in decarbonisation to reap the "green premium"**.<br><br>SE<br>(Comments):<br><br>Language from A European Steel and Metals Action Plan COM (2025) 125 final: 6. De-risking decarbonisation projects through lead markets and public support + Clean Industrial Deal COM (2025) 85 final: 3.1 |
| | |
| (23) In order to ensure the attainment of the objectives of this Regulation, in particular the creation of lead markets for European low-carbon industrial products, minimum mandatory technical specifications should be provided for low-carbon and Union origin requirements in public procurement procedures Those requirements should apply to the procurement of those products in public supply contracts and in public works, public services contracts and concessions, where those products will be used for activities conducted under those contracts. In compliance with the public procurement framework, those minimum mandatory technical specifications should avoid artificially restricting competition and avoid favouring a specific economic operator. Contracting authorities and contracting entities should conduct the public procurement procedures in compliance with Directives 2014/23/EU[20], 2014/24/EU[21] and 2014/25/EU[22] of the European Parliament and of the Council and applicable sectoral legislation. The Union origin of products and components should be determined in accordance with the Union customs legislation.<br><br>20 Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts (OJ L 94, 28.3.2014, pp. 1-64, ELI: http://data.europa.eu/eli/dir/2014/23/oj). | BE<br>(Drafting suggestions):<br><br>(23) In order to ensure the attainment of the objectives of this Regulation, **contracting authorities and contracting entities should be able to exclude tenders submitted by economic operators owned or controlled by entities established in third countries that have not concluded an international agreement with the Union guaranteeing comparable access to procurement procedures. In applying this requirement, contracting authorities and contracting entities should rely on information reasonably available to them and should not be required to carry out disproportionate investigations or verification activities, thereby ensuring legal certainty and limiting unnecessary administrative burdens.** ~~in particular~~ **For** the creation of lead markets for European low-carbon industrial products, minimum mandatory technical specifications should be provided for low-carbon and Union origin requirements in public procurement procedures Those requirements should apply to the procurement of those products in public supply contracts and in public works, public services contracts and concessions, where those products will be used for activities conducted under those contracts. In compliance with the public procurement framework, those |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| 21 Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65, ELI: http://data.europa.eu/eli/dir/2014/24/oj).<br><br>22 Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243). | minimum mandatory technical specifications should avoid artificially restricting competition and avoid favouring a specific economic operator. Contracting authorities and contracting entities should conduct the public procurement procedures in compliance with Directives 2014/23/EU[20], 2014/24/EU[21] and 2014/25/EU[22] of the European Parliament and of the Council and applicable sectoral legislation. The Union origin of products and components should be determined in accordance with the Union customs legislation. **In order to support the effective implementation of this Regulation, the Commission should establish and maintain a dedicated helpdesk to assist economic operators, contracting authorities and contracting entities in the interpretation and application of the rules, including through practical guidance, support on implementation-related questions and assistance regarding the verification of evidence, declarations and supporting documentation**<br><br>BE<br>(Comments):<br><br>BE:<br>-The recital omits any reference to the exclusion of economic operators owned or controlled by entities from third countries with which no international agreement has been concluded.<br><br>-Furthermore, contracting authorities should not be expected to carry out in-depth investigations to assess whether an economic operator should be excluded. See also the amendment to Article 11.1<br><br>-See proposed amendment in article 11.2a<br>A dedicated helpdesk would facilitate the effective and uniform implementation of this chapter across the Union. Given the technical and administrative complexity of the requirements, economic operators and |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | contracting authorities may face practical difficulties in interpreting the rules and assessing compliance. Centralised support from the Commission would enhance legal certainty, reduce administrative burdens and promote consistent application among Member States.<br><br>CZ<br>(Drafting suggestions):<br><br>(23) In order to ensure the attainment of the objectives of this Regulation, in particular the creation of lead markets for European low-carbon industrial products, minimum mandatory technical specifications should be provided for low-carbon and Union origin requirements in public procurement procedures Those requirements should apply to the procurement of those products in public supply contracts and in public works, public services contracts and concessions, where those products will be used for activities conducted under those contracts. In compliance with the public procurement framework, those minimum mandatory technical specifications should avoid artificially restricting competition and avoid favouring a specific economic operator. Contracting authorities and contracting entities should conduct the public procurement procedures in compliance with Directives 2014/23/EU[20], 2014/24/EU[21] and 2014/25/EU[22] of the European Parliament and of the Council and applicable sectoral legislation. The Union origin of products and components should be determined in accordance with the Union customs legislation.<br>**The requirements laid down in this Regulation establish minimum obligations and should not preclude contracting authorities and contracting entities, in compliance with Union law, from applying more stringent requirements, including as regards the participation in procurement procedures of economic operators, goods and services originating in third countries not covered by international procurement commitments of the Union.** |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | 20...<br>21...<br>22...<br><br>CZ<br>(Comments):<br><br>For the sake of legal certainty, it should be clarified that IAA does not affect the possibility of less favourable treatment of economic operators, goods and services originating in third countries not covered by the Union's international procurement commitments. This reflects the principles confirmed by the CJEU in C-652/22 *Kolin*.<br><br>FR<br>(Drafting suggestions):<br><br>(23) In order to ensure the attainment of the objectives of this Regulation, in particular the creation of lead markets for European low-carbon industrial products, minimum mandatory technical specifications should be provided for low-carbon and Union origin requirements in public procurement procedures Those requirements should apply to the procurement of those products in public supply contracts and in public works, public services contracts and concessions, where those products will be used for activities conducted under those contracts. In compliance with the public procurement framework, those minimum mandatory technical specifications should avoid artificially restricting competition and avoid favouring a specific economic operator. Contracting authorities and contracting entities should conduct the public procurement procedures in compliance with Directives 2014/23/EU[20], 2014/24/EU[21] and 2014/25/EU[22] of the European Parliament and of the Council and applicable sectoral legislation. The Union origin **or partner origin** of products and components should ~~be determined~~ **rest on the notion of substantial transformation** ~~in accordance with~~ **laid down in** the Union customs legislation**, so as to ensure that origin is conferred only on** |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | **products whose decisive industrial operations have been carried out in the territory concerned.**<br><br>**For iron and steel, the origin of products and components should be determined in accordance with the country of "melt and pour" as defined by Article 4 of the Regulation of the European Parliament and of the Council addressing the negative trade-related effects of global overcapacity on the Union steel market and amending Regulation (EU) 2020/2170.**<br><br>**For concrete and mortar, the origin of products and components shall be determined on the basis of the origin of the cement used as a hydraulic binder, according to the residual rule for subheading 2523 21-2523 90 (« *The origin of cement produced from the mixture of clinker of different origins, shall be the country of origin of the greatest proportion of clinker by weight of the total clinker in the cement.* »).**<br><br>**For aluminium, the origin of products and components shall be determined in accordance with a specific rule to be established, so as to ensure that the applicable requirements effectively support the competitiveness and resilience of the European industrial base.**<br><br>FR<br>(Comments):<br><br>This recital reflects the proposed amendment to Article 7.<br><br>MT<br>(Drafting suggestions):<br><br>23) In order to ensure the attainment of the objectives of this Regulation, in particular the creation of lead markets for European low-carbon industrial products, minimum mandatory technical specifications should be provided |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | for low-carbon and Union origin requirements in public procurement procedures Those requirements should apply to the procurement of those products in public supply contracts and in public works, public services contracts and concessions, where those products will be used for activities conducted under those contracts. In compliance with the public procurement framework, those minimum mandatory technical specifications should avoid artificially restricting competition and avoid favouring a specific economic operator. Contracting authorities and contracting entities should conduct the public procurement procedures in compliance with Directives 2014/23/EU[20], 2014/24/EU[21] and 2014/25/EU[22] of the European Parliament and of the Council and applicable sectoral legislation. The Union origin of products and components should be determined in accordance with the Union customs legislation.<br><br>MT<br>(Comments):<br><br>The contents of this Recital should be reflected better and more explicity in the Articles of IAA and NZIA. |
| | |
| (24) In order to ensure the feasibility of the requirements at reasonable cost and avoid restricting competition, it is necessary to lay down the conditions under which contracting authorities may, on an exceptional basis, decide not to apply the low-carbon and Union origin requirements. Those conditions should cover cases where the application of such requirements would result in technical incompatibilities in the operation or maintenance of a project such as situations where the use of such products would risk compromising the fulfilment of basic requirements for construction works of the building or infrastructure, set out in Regulation (EU) 2024/3110. The requirements laid down in this Regulation should apply exclusively to procurement procedures falling within the scope of Directive 2014/23/EU, Directive 2014/24/EU and Directive 2014/25/EU, that is, to procedures whose estimated value reaches or | BE<br>(Drafting suggestions):<br><br>(24) In order to ensure the feasibility of the requirements at reasonable cost and avoid restricting competition, it is necessary to lay down the conditions under which contracting authorities may, on an exceptional basis, decide not to apply the low-carbon and Union origin requirements. **Such exceptions should apply, inter alia, where competition is absent and no reasonable alternatives exist, where no suitable tenders or requests to participate have been submitted, where the application of the requirements would result in disproportionate costs, or in duly justified cases of imperative urgency linked to unforeseeable events or crisis** |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| exceeds the thresholds set out in those Directives. Accordingly, procurement procedures not covered by those Directives, including those below the applicable thresholds, should not be subject to the requirements established by this Regulation, thereby avoiding disproportionate obligations for low-value procurements carried out by contracting authorities, including at local level. | **situations**.Those conditions should **also** cover cases where the application of such requirements would result in technical incompatibilities in the operation or maintenance of a project such as situations where the use of such products would risk compromising the fulfilment of basic requirements for construction works of the building or infrastructure, set out in Regulation (EU) 2024/3110. **In the event of an unsuccessful procurement procedure, contracting authorities and contracting entities should also be allowed to immediately resort to a negotiated procedure without prior publication in accordance with the provisions of Public Procurement Directive, without the removal of Union-origin or resilience requirements being considered a substantial modification of the initial procurement documents. Those exceptions should, however, remain limited to what is strictly necessary and should not undermine the objectives of this Regulation.** The requirements laid down in this Regulation should apply exclusively to procurement procedures falling within the scope of Directive 2014/23/EU, Directive 2014/24/EU and Directive 2014/25/EU, that is, to procedures whose estimated value reaches or exceeds the thresholds set out in those Directives. Accordingly, procurement procedures not covered by those Directives, including those below the applicable thresholds, should not be subject to the requirements established by this Regulation, thereby avoiding disproportionate obligations for low-value procurements carried out by contracting authorities, including at local level.<br><br>BE<br>(Comments):<br><br>BE: see proposed amendments in article 11.3<br>More flexibility is needed so that, following an unsuccessful procedure, it is possible to immediately switch to a negotiated procedure without prior publication. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | When implementing these requirements, availability and market maturity, etc., must be taken into account. We also advocate for necessary safeguards to avoid price spikes and bottlenecks.<br><br>There is a need for clear exceptions for situations of extreme urgency and for purchases made during times of crisis, so that a swift response is possible.<br><br>FI<br>(Comments):<br><br>The CPR already has necessary means to use delegated acts and harmonise construction products. The Commision does not need extra powers under the IAA with construction products. Lower greenhouse gas emissions can be the outcome of the standardisation process done under the CPR Acquis process. The Commission must avoid overregulation and need for the future Omnibus.<br><br>MT<br>(Comments):<br><br>The contents of this Recital, especially the reference to Thresholds should be explicity reflected in the Articles of IAA and NZIA |
| | |
| (25) The Automotive package adopted on 16 December 2025 includes a proposal to amend Regulation (EU) 2019/631 of the European Parliament and of the Council[23] to provide, *inter alia*, for the granting of super-credits for small affordable electric vehicles made in the Union prior to 2035 and amends the 2035 emissions reduction target, with the remaining emissions to be compensated through the use of low-carbon steel made in the Union or renewable and low-carbon fuels. The Automotive package also includes a [proposal for a Regulation on clean corporate vehicles] which limits financial support for corporate vehicles to zero- and low-emissions corporate vehicles | FR<br>(Drafting suggestions):<br><br>The Automotive package adopted on 16 December 2025 includes a proposal to amend Regulation (EU) 2019/631 of the European Parliament and of the Council[23] to provide, *inter alia*, for the granting of super-credits for ~~small affordable~~ electric vehicles (**including 'small affordable' ones**) made in the Union prior to 2035 and amends the 2035 emissions reduction target, with the remaining emissions to be compensated through the use of low-carbon steel |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| 'made in the European Union'. In order to ensure legal certainty and consistency with Regulation (EU) 2019/631 as amended and the [proposal for a Regulation on clean corporate vehicles], this Regulation should lay down definitions of 'small affordable electric vehicles made in the Union', 'low-carbon steel made in the Union' and 'corporate cars and vans made in the European Union'.<br><br>23 Regulation (EU) 2019/631 of the European Parliament and of the Council of 17 April 2019 setting CO2 emission performance standards for new passenger cars and for new light commercial vehicles, and repealing Regulations (EC) No 443/2009 and (EU) No 510/2011 (OJ L 111, 25.4.2019, p. 13, ELI: http://data.europa.eu/eli/reg/2019/631/oj). | made in the Union or renewable and low-carbon fuels. The Automotive package also includes a [proposal for a Regulation on clean corporate vehicles] which limits financial support for corporate vehicles to zero- and low-emissions corporate vehicles 'made in the European Union'. In order to ensure legal certainty and consistency with Regulation (EU) 2019/631 as amended and the [proposal for a Regulation on clean corporate vehicles], this Regulation should lay down definitions of '~~small affordable~~ electric vehicles made in the Union' (**including 'small affordable' ones**), 'low-carbon steel made in the Union' and 'corporate cars and vans made in the European Union'.<br><br>FR<br>(Comments):<br><br>French authorities welcome the introduction of a super-credit for 'small electric vehicles' (M1E) 'Made in the EU' in the proposed revision of Regulation 2019/631 on $CO_2$ emissions from light-duty vehicles. However, as these vehicles only account for 12.5% of the market according to the Commission, they reiterate their call for this super-credit to be extended to all MiEU electric vehicles, regardless of their size, in a proportionate approach that maintains a higher credit value for small electric vehicles.<br><br>IT<br>(Drafting suggestions):<br><br>The Automotive package adopted on 16 December 2025 includes a proposal to amend Regulation (EU) 2019/631 of the European Parliament and of the Council[23] to provide, *inter alia*, for the granting of super-credits for small affordable ~~electric~~ vehicles made in the **EU** ~~Union~~ prior to 2035 and amends the 2035 emissions reduction target, with the remaining emissions to be compensated through the use of low-carbon steel made in the **EU** ~~Union~~ or renewable and low-carbon fuels. The Automotive package also includes a [proposal for a Regulation on clean corporate vehicles] which limits financial support for corporate vehicles to zero- and low-emissions corporate vehicles |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | 'made in the European Union'. In order to ensure legal certainty and consistency with Regulation (EU) 2019/631 as amended and the [proposal for a Regulation on clean corporate vehicles], this Regulation should lay down definitions of 'small affordable ~~electric~~ vehicles made in the Union', 'low-carbon steel made in the Union' and 'corporate cars and vans made in the European Union'.<br><br>IT<br>(Comments):<br><br>The Commission's proposal to amend Regulation (EU) 2019/631, as referenced in recital (25), addresses certain structural shortcomings of the current $CO_2$ regulatory framework but falls short of providing a comprehensive and adequate response to the competitive and industrial challenges facing the Union automotive sector.<br><br>In particular, the proposal does not sufficiently account for the recommendations set out in the European Parliament Report, which advocate for a broader set of complementary measures, including: the introduction of multi-year averaging periods better suited to the market realities of both passenger cars and light commercial vehicles; the establishment of enhanced super-credit mechanisms for zero-emission vehicles produced in the Union, including a dedicated multiplier for "made in the EU" small electric vehicles; and the definition of eligible fuels by reference to the sustainability criteria of Directive (EU) 2018/2001, so as to ensure regulatory coherence and technology neutrality across the Union legal framework.<br><br>**In this context, the acceptance of the prniciple of technological neutrality - including vehicles powered exclusively by renewable fuels (so-called VEEFs) - is a prerequisite for Italy to advance in the negotiation of the IAA.** |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Such an extension would ensure consistency with the existing European regulatory framework and would enhance the recognition of all European industrial solutions contributing to the decarbonisation of mobility, without discriminating between different technological pathways capable of achieving equivalent environmental outcomes. Confining the scope of the Regulation to specific powertrain technologies would risk creating regulatory asymmetries that distort competition within the Union automotive sector and discourage investment in alternative low-carbon technologies that are equally central to the Union's climate and industrial strategy.<br><br>IT<br>(Drafting suggestions):<br><br>The Automotive package adopted on 16 December 2025 includes a proposal to amend Regulation (EU) 2019/631 of the European Parliament and of the Council[23] to provide, *inter alia*, for the granting of super-credits for small affordable ~~electric~~ vehicles made in the **EU** ~~Union~~ prior to 2035 and amends the 2035 emissions reduction target, with the remaining emissions to be compensated through the use of low-carbon steel made in the **EU** ~~Union~~ or renewable and low-carbon fuels. The Automotive package also includes a [proposal for a Regulation on clean corporate vehicles] which limits financial support for corporate vehicles to zero- and low-emissions corporate vehicles 'made in the European Union'. In order to ensure legal certainty and consistency with Regulation (EU) 2019/631 as amended and the [proposal for a Regulation on clean corporate vehicles], this Regulation should lay down definitions of 'small affordable ~~electric~~ vehicles made in the Union', 'low-carbon steel made in the Union' and 'corporate cars and vans made in the European Union'.<br><br>IT<br>(Comments): |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | The Commission's proposal to amend Regulation (EU) 2019/631, as referenced in recital (25), addresses certain structural shortcomings of the current $CO_2$ regulatory framework but falls short of providing a comprehensive and adequate response to the competitive and industrial challenges facing the Union automotive sector.<br><br>In particular, the proposal does not sufficiently account for the recommendations set out in the European Parliament Report, which advocate for a broader set of complementary measures, including: the introduction of multi-year averaging periods better suited to the market realities of both passenger cars and light commercial vehicles; the establishment of enhanced super-credit mechanisms for zero-emission vehicles produced in the Union, including a dedicated multiplier for "made in the EU" small electric vehicles; and the definition of eligible fuels by reference to the sustainability criteria of Directive (EU) 2018/2001, so as to ensure regulatory coherence and technology neutrality across the Union legal framework.<br><br>**In this context, the acceptance of the prniciple of technological neutrality - including vehicles powered exclusively by renewable fuels (so-called VEEFs) - is a prerequisite for Italy to advance in the negotiation of the IAA.**<br><br>Such an extension would ensure consistency with the existing European regulatory framework and would enhance the recognition of all European industrial solutions contributing to the decarbonisation of mobility, without discriminating between different technological pathways capable of achieving equivalent environmental outcomes. Confining the scope of the Regulation to specific powertrain technologies would risk creating regulatory asymmetries that distort competition within the Union automotive sector and discourage investment in alternative low-carbon technologies that are equally central to the Union's climate and industrial strategy. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | PL<br>(Drafting suggestions):<br><br>(25) The Automotive package adopted on 16 December 2025 includes a proposal to amend Regulation (EU) 2019/631 of the European Parliament and of the Council[23] to provide, *inter alia*, for the granting of super-credits for small affordable electric vehicles made in the Union prior to 2035 and amends the 2035 emissions reduction target, with the remaining emissions to be compensated through the use of low-carbon **footprint** steel made in the Union or renewable and low-carbon fuels. The Automotive package also includes a [proposal for a Regulation on clean corporate vehicles] which limits financial support for corporate vehicles to zero- and low-emissions corporate vehicles 'made in the European Union'. In order to ensure legal certainty and consistency with Regulation (EU) 2019/631 as amended and the [proposal for a Regulation on clean corporate vehicles], this Regulation should lay down definitions of 'small affordable electric vehicles made in the Union', 'low-carbon **footprint** steel made in the Union' and 'corporate cars and vans made in the European Union'.<br><br>PL<br>(Comments):<br><br>General terminology comment: In the current wording of the IAA proposal, the term "low-carbon steel" is used repeatedly. In metallurgical terminology, however, this term denotes low-carbon steel in the chemical sense, i.e. an iron alloy with a reduced carbon content. However, the IAA refers to the carbon emission intensity of the production process. To avoid the risk of misinterpretation, it is recommended to use the term "low-carbon footprint steel". This term clearly refers to the product's carbon footprint rather than |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | its chemical composition, which is essential for the correct application of the concept of „low-carbon footprint steel" in the regulatory context.<br><br>PT<br>(Comments):<br><br>Strong interdependency with the CO2 standards revision (Reg. 2019/631 as amended) and the Clean Corporate Vehicles proposal. It is not possible to anticipate which instrument will be adopted first; coherence between all three texts must be ensured throughout the legislative process.<br><br>PT<br>(Comments):<br><br>Strong interdependency with the CO2 standards revision (Reg. 2019/631 as amended) and the Clean Corporate Vehicles proposal. It is not possible to anticipate which instrument will be adopted first; coherence between all three texts must be ensured throughout the legislative process. |
| | |
| (26) In order to simplify procedures and reduce administrative burden, the verification of compliance with the requirements laid down in this Regulation should not impose a disproportionate burden on economic operators or contracting authorities. The verification system should therefore be based on a self-declaration by economic operators. Such approach is consistent with the general framework for public procurement established by Directive 2014/24/EU, in particular Article 59 thereof, which provides for self-declaration of compliance, subject to subsequent verification of the successful tenderer. For vehicles, manufacturers should, at the time of issuing the certificate of conformity in accordance with Regulation (EU) 2018/858 of the European Parliament and of the Council[24], provide an accompanying document certifying for the vehicles that comply with the relevant Union origin requirements. This document should be equivalent to a self-declaration | BE<br>(Drafting suggestions):<br><br>(26) In order to simplify procedures and reduce administrative burden, the verification of compliance with the requirements laid down in this Regulation should not impose a disproportionate burden on economic operators or contracting authorities. The verification system should therefore be based on a self-declaration by economic operators. ~~Such approach is consistent with the general framework for public procurement established by Directive 2014/24/EU, in particular Article 59 thereof, which provides for self-declaration of compliance, subject to subsequent verification of the successful tenderer.~~ **In order to ensure a consistent and practical application of the self-declaration of compliance across the Union, the** |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| and form part of the documentary evidence demonstrating compliance with the requirements set out in this Regulation.<br><br>24 Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.6.2018, p. 1, ELI: http://data.europa.eu/eli/reg/2018/858/oj). | **Commission should develop and make available a clear and user-friendly tool or guidance instrument.** For vehicles, manufacturers should, at the time of issuing the certificate of conformity in accordance with Regulation (EU) 2018/858 of the European Parliament and of the Council[24], provide an accompanying document certifying for the vehicles that comply with the relevant Union origin requirements. This document should be equivalent to a self-declaration and form part of the documentary evidence demonstrating compliance with the requirements set out in this Regulation. **To reduce unnecessary administrative burdens and facilitate the practical implementation of the requirements laid down in this Regulation, contracting authorities and contracting entities should be allowed, where this possibility is provided for in the procurement documents, to verify compliance during the performance of the contract rather than during the award procedure, in particular where supply chains or sourcing arrangements are not yet fully determined at the time of tender submission.**<br><br>BE<br>(Comments):<br><br>BE see proposed amendment for article 11.4<br>Companies must be able to provide adequate and verifiable evidence in their tender to demonstrate that they meet the specified requirements or criteria regarding low-carbon status or origin.<br><br>Allowing compliance-related requirements to be addressed during the contract performance phase would reduce unnecessary administrative burdens and practical difficulties during the award procedure. In many cases, supply chains and sourcing arrangements are not yet fully determined at the time of tender submission. A more flexible approach would therefore |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | improve the feasibility of implementation, while still ensuring compliance with the applicable requirements during contract execution.<br><br>EL<br>(Comments):<br><br>Regarding the proposed procedure for declaring and demonstrating compliance with the new provisions on mandatory verification of the origin of economic operators and goods in the context of public procurement, the provision in the IAA proposal is considered positive in principle, as the relevant verification is conducted at the pre-contractual stage on a preliminary basis through self-declaration by the participating economic operator in the ESPD or corresponding sworn statement. The burden of proof is deferred to a later stage, either during the evaluation phase or during contract performance. This positive assessment is linked to the contracting authorities' ability to make a final determination of the origin of the goods in an objective and easily verifiable manner.<br><br>FR<br>(Drafting suggestions):<br><br>(26) In order to simplify procedures and reduce administrative burden, the verification of compliance with the requirements laid down in this Regulation should not impose a disproportionate burden on economic operators or contracting authorities. **The admissible means of proof compliance by economic operators with those requirements should be determined by the Member States, in accordance** ~~The verification system should therefore be based on a self-declaration by economic operators. Such approach is consistent~~ with the general framework for public procurement established by Directive 2014/24/EU~~, in particular Article 59 thereof, which provides for self-declaration of compliance, subject to subsequent verification of the successful tenderer~~**.** For vehicles, manufacturers should, at the time of issuing the certificate of conformity in accordance with Regulation (EU) 2018/858 of the |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | European Parliament and of the Council[24], provide an accompanying document certifying for the vehicles that comply with the relevant Union origin requirements. This document should be equivalent to a self-declaration and form part of the documentary evidence demonstrating compliance with the requirements set out in this Regulation<br><br>FR<br>(Comments):<br><br>This recital reflects the proposed amendment to Article 11.<br><br>IT<br>(Comments):<br><br>Is this recital referring also to auctions as per article 34 of this Regulation? In this case, we support self-declariation as a semplification mechanism for economic operators, but it is essential that the requirements to be met and the methods for verifying them in the case of checks are clear and unequivocal.<br><br>IT<br>(Comments):<br><br>Is this recital referring also to auctions as per article 34 of this Regulation? In this case, we support self-declariation as a semplification mechanism for economic operators, but it is essential that the requirements to be met and the methods for verifying them in the case of checks are clear and unequivocal.<br><br>MT<br>(Comments):<br><br>Request for Clarification: The recital specifies '... subject to subsequent verification of the successful tenderer'. Is one to understand that the successful tenderer's declaration will need to be verified and substantiated by the actual |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | presentation of reliable documents such as certificates from the relevant competent bodies?<br><br>SE<br>(Comments):<br><br>It is not clear whether the self-declaration, referred to in article 11.4, should also be used when the contracting authorities or entities perform the subsequent verification of the successful bidder. Will the delegated acts referred to in article 10, include provisions on certification/documentation? It is very important that the subsequent verification is as easy as possible for contracting authorities and entities. |
| | |
| (27) To ensure that the requirements established by this Regulation remain appropriate even as market conditions, technological developments and the climate and internal market policy objectives of the Union continue to evolve, the Commission should be empowered to revise the requirements based on objective criteria and monitoring results. When assessing whether to revise Union origin requirements, low-carbon requirements, or both, the Commission should take into account developments in the relevant legislative frameworks, including the customs legislation on rules of origin, Emissions Trading System laid down in Directive 2003/87/EC the Carbon Border Adjustment Mechanism laid down in Regulation (EU) 2023/956, and trade defence instruments. | NL<br>(Drafting suggestions):<br><br>(27) To ensure that the requirements established by this Regulation remain appropriate even as market conditions, technological developments and the climate and internal market policy objectives of the Union continue to evolve, the Commission should be empowered **to broaden the scope of the regulation and the sectors listed in Annex I, in consultation with the member states, and** revise the requirements based on objective criteria and monitoring results. When assessing whether to revise Union origin requirements, low-carbon requirements, or both, the Commission should take into account developments in the relevant legislative frameworks, including the customs legislation on rules of origin, Emissions Trading System laid down in Directive 2003/87/EC the Carbon Border Adjustment Mechanism laid down in Regulation (EU) 2023/956, and trade defence instruments. |
| | EE<br>(Drafting suggestions): |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | **(27a) To ensure consistency in the public procurement procedures and other forms of public intervention, the Commission should provide the necessary data and guidance for applying the rules set out in this Regulation in a coherent manner across the EU. This data and guidance is primarily intended for the Member States procurement authorities to make informed decisions when carrying out public procurements and other forms of public intervention while applying this Regulation. This would provide more legal clarity, prevent uneven application of Union origin rules across Member States and therefore provide a more level playing field for public procurements and other forms of public intervention within the Single Market.**<br><br>EE<br>(Comments):<br><br>Each procuring authority in each Member State should not have compile their own data on which to base the application of EU origin rules and other relevant parts of the IAA in procurements and other forms of public intervention. Rather, this data should be provided centrally to ensure consistency in the EU's public procurement procedures. Therefore, together with setting the rules for procurement, the Commission should provide the necessary data and guidance for applying these rules consistently across the EU and for procurement authorities to make informed decisions which would not be immediately challenged by companies participating in public procurements. This would provide more legal clarity, prevent uneven application of Union origin rules across Member States and therefore provide a more level playing field for procurements within the Single Market. This comment is in line with and in addition to the EE comment on Article 28(b) provided on 3 June. |
| (28) Investment, including from foreign entities, plays a critical role in fostering a strong internal market and territorial cohesion, particularly by promoting innovation and driving economic growth in the Union which is | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| essential for its competitiveness. However, in exceptional circumstances, particularly large investments originating from third countries that hold a very significant market position in the global risk disrupting important supply chains and the security of emerging strategic sectors that are of particular importance in the development of the internal market. Divergent conditions applied by Member States for such investments fragment the internal market by creating unequal conditions for investors allowing investments that do not contribute genuine added value to the Union economy while creating significant risk for the development and supply security in these sectors and creating an incentive for "regulatory arbitrage" by investors. Allowing such investments to proceed without any conditions could mean that the added value creation associated with selected strategic technologies and innovative manufacturing activities remains outside the Union, which have detrimental effect for the Union's supply security and technological development in emerging strategic sectors. Moreover, unconditional exposure of the internal market to such large investments risks putting into question the Union's technological advancements necessary for its twin transition and defence capabilities. Therefore, the provisions of this Regulation should ensure that such large investments coming from third countries that hold a particularly significant market position do not disrupt the Union's supply security and economic security, and ensure its technological advancement in emerging strategic sectors. If such investments do not provide for sufficient Union participation and technology transfer, the long-term supply security of emerging strategic sectors is hampered due to lack of Union capacities independent from the country holding a significant share of relevant global supply. Furthermore, it has been observed that certain of such investments do not involve meaningful employment of Union workers, which jeopardizes the development of skills crucial for the development of emerging strategic sectors in the internal market. | |
| | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| (29) In order to ensure that the internal market remains attractive for investment, and that investment adds value to the Union's economy and society, it is necessary to establish common conditions for foreign direct investment in manufacturing emerging strategic sectors. Those sectors should be manufacturing sectors with innovative potential where Union entities are not at or near the global innovation frontier, and where appropriate Union capacities and participation should be ensured. Harmonised criteria should apply to foreign investors of a third country which holds over 40% of the global manufacturing capacity in emerging strategic sectors. To ensure the effectiveness of the provisions of this Regulation, the Commission should monitor the global manufacturing capacity of those sectors and publish the results. | |
| | |
| (30) Greenfield foreign investments occur where the foreign investor or a foreign investor's subsidiary in the Union sets up new facilities or a new undertaking in the Union. Both Greenfield and Brownfield foreign investments should fall within the scope of this Regulation to the extent that they involve the acquisition of control over a Union target or Union asset, as they both have the possibility to impact the well-functioning internal market. | |
| | |
| (31) The review of the investments and application of the harmonised conditions should be carried out in accordance with this Regulation. It should take into account all information available and adhere to the principle of proportionality. Moreover, all measures taken by national authorities or the Commission with respect to the review of foreign investments should comply with Union law, and in particular with Articles 49 and 63 TFEU. | |
| | |
| (32) Therefore, the provisions of this Regulation should apply to foreign direct investments in emerging strategic sectors in accordance with the thresholds established by this Regulation, notwithstanding the screening mechanism established under Regulation (EU) 2019/452 of the European | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| Parliament and of the Council[25]. Moreover, the provisions of this Regulation should also apply without prejudice to Union competition law instruments, including Regulation (EU) 2022/2560 of the European Parliament and of the Council[26] and Council Regulation (EC) No 139/2004[27].<br><br>25 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 79I, 21.3.2019, p. 1, ELI: http://data.europa.eu/eli/reg/2019/452/oj).<br><br>26 Regulation (EU) 2022/2560 of the European Parliament and of the Council of 14 December 2022 on foreign subsidies distorting the internal market (OJ L 330, 23.12.2022, p. 1, ELI: http://data.europa.eu/eli/reg/2022/2560/oj).<br><br>27 Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (OJ L 24, 29.1.2004, p. 1, ELI: http://data.europa.eu/eli/reg/2004/139/oj). | |
| | |
| (33) The foreign direct investment criteria should capture emerging strategic sector investments in the Union by third-country investors ('foreign investors') in the Union. However, it could also be necessary to include investments in the Union by entities that are controlled, directly or indirectly, by a third-country person or entity regardless of the ultimate owner's location ('foreign investor's subsidiary'), as they are equally capable of disrupting the functioning of the internal market, including its supply and economic security, due to the control exercised from the third country having a significant market share Therefore, Investment Authorities should apply the investment criteria where they are clearly needed to effectively ensure the protection of public security, the supply and economic security, and environmental sustainability in the Union, and where it is essential for the technological advancements of the internal market for the green and digital transition and defence purposes. Moreover, to prevent the circumvention of the Regulation's provisions, where | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| no alternative measures are reasonably available. To ensure the proportional application of conditions prescribed to investments made by the foreign investor's subsidiary, the Commission should have the opportunity to assess the notification and request the Investment Authority to prescribe certain conditions. Apart from review of foreign direct investments made by the foreign investor's subsidiary as established by this Regulation, investments coming from other Union Member States should not be conditioned or deterred. | |
| | |
| (34) It is necessary to ensure a lasting link between the foreign investor and the Union target, whether it is carried out directly by a foreign investor or through an entity established in the Union and controlled by a foreign investor. However, that should not apply to the acquisition of company securities that are intended purely for financial investment and without any intention to influence the management or control of the company ('portfolio investments'). | |
| | |
| (35) Restructuring operations within a corporate group and investments made in financial institutions in application of a resolution tool as well as of write down and conversion powers should fall outside of the scope of this Regulation. Internal restructurings should only be excluded from the scope of application to the extent that they are conducted solely for the purpose of the internal reorganisation of a Union target or of the corporate group to which the Union target belongs, without resulting in any changes in the beneficial ownership or control of the Union target. In particular, internal restructurings should be excluded where they do not result in a situation where a new foreign investor acquires ownership or control over the Union target or over a company that directly or indirectly owns or controls that Union target, where there is an increase in the shares held by foreign investors, or where the transaction results in additional rights for foreign investors that may lead to a change in the effective participation of one or more foreign investors in the management or control of the Union target. | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | |
| (36) The foreign direct investment criteria should only apply to emerging strategic sector foreign direct investments reaching an investment value threshold that is able to disrupt the functioning of the internal market. A threshold of EUR 100 million should be considered as having potential for to impact the well-functioning of the internal market in emerging strategic sectors. Such foreign direct investment covered by the scope of this Regulation would bear high risk on the security and environmental sustainability of the Union, while not producing enough added value including ensuring Union contribution in the investment, enhancement of the Union's technological development, employment of Union workers and contribution to Union value chains for the internal market without compliance with the harmonised conditions. | MT<br>(Drafting suggestions):<br>"...A threshold of EUR ~~1~~**2**00 million should be considered…"<br>MT<br>(Comments):<br>Given Malta's inherent characteristics and constraints (insularity, lack of economies of scale, etc…), it is crucial for us not to further limit the potential to attract foreign direct investment into the country. |
| | |
| (37) In order to ensure the effective application of this Regulation, each Member State should designate an investment authority responsible for assessing the conditions of investment by foreign entities in emerging strategic sectors. Moreover, it should be equipped with the legal, administrative, and financial resources to carry out its tasks effectively and independently, with due regard to the authorities already responsible for implementing Regulation (EU) 2019/452. | MT<br>(Drafting suggestions):<br>In order to ensure the effective application of this Regulation, each Member State should designate an investment authority responsible for assessing the conditions of investment by foreign entities in emerging strategic sectors. Moreover, it should be equipped with the legal, administrative, and financial resources to carry out its tasks effectively and independently. **The designation of an investment authority under this Regulation should be without prejudice to existing national mechanisms and competent authorities responsible for foreign direct investment screening pursuant to Regulation (EU) 2019/452 and national implementing legislation.**<br>MT<br>(Comments):<br>Malta considers that the designation of an investment authority under this Regulation should not prejudice existing national institutional arrangements |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | relating to foreign direct investment screening. The proposed amendment is therefore necessary to preserve Member State flexibility and competences in this area. |
| | |
| (38) To enable Member States to effectively identify the investments defined in this Regulation, foreign investors should notify competent authorities prior to acquiring or establishing significant stakes in undertakings or assets within the Union. Setting a threshold at 30 percent ownership or other rights establishing control for both undertakings and assets should ensure that the mechanism captures investments capable of impacting the well-functioning of the internal market. | |
| | |
| (39) To minimise the risk of circumvention through fragmented or indirect acquisitions, where several foreign investors act in concert, or where investments are made through affiliated entities or complex ownership structures, their respective interests should be aggregated by the Investment Authority for the purpose of determining the investment value and the notification threshold. Aggregation should also apply to existing holdings in the same Union undertaking or asset, whether direct or indirect, individual or joint, to ensure that successive transactions leading to significant influence or control are duly notified. | |
| | |
| (40) In order to ensure Union participation in large foreign direct investments originating from third countries having a significant global position, this Regulation should establish limits on the extent of ownership and control that foreign investors can acquire in Union undertakings and assets. Accordingly, foreign investors should not, whether directly or indirectly, establish, acquire, hold, or exercise ownership interests exceeding 49% of the share capital, voting rights, or equivalent ownership interests in any Union target, nor establish or obtain equivalent ownership, leasehold, or other rights conferring control over a Union asset. | MT<br>(Comments):<br><br>Malta does not agree with the 49% ownership threshold as this could act as a deterrent to attract an investment. Malta suggests that this clause is only enforced if the project in question is not showing in a tangible manner how it will link within the European ecosystem (referring to the part of having IP, knowhow transfer in Europe, etc...) |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | |
| (41) To ensure that foreign investors and Union entities cooperate in emerging strategic sectors while ensuring sufficient participation of Union partners, joint venture requirements should be prescribed, which should include contractual arrangements. In the joint venture, the foreign investor should not hold more than 49 % of the share capital, voting rights, or equivalent ownership interests or other rights conferring control in any of the Union entities participating in the joint venture. That condition should also contribute to the strategic autonomy of the Union and ensure value added to the internal market. | |
| | |
| (42) It is necessary to assess, as part of the conditions for approval of a foreign direct investment, whether the transfer of technology can contribute to achieving the objectives of this Regulation. To that end, the foreign investors should be encouraged to license to the Union Target, the joint venture or the legal entity acquiring or owning the Union asset the relevant intellectual property rights, and know-how, which are necessary for carrying out the concerned economic activity in the context of the foreign direct investment. Appropriate intellectual property licensing agreement(s) should therefore be granted by the foreign investor to the Union Target, the joint venture or the legal entity acquiring or owning the Union asset. The scope and conditions of these agreements, such as the exact IP rights concerned, the exclusive nature of the license, the duration of the license or confidentiality-preserving measures, should be appropriate to the circumstances and to the objective pursued under this Regulation and the relevant investment. The foreign investor should commit to granting the appropriate licenses of intellectual property rights and relevant know-how they hold, as required for the economic activity concerned. That could be achieved by providing a description of the main aspects of the possible licensing agreements, on a confidential basis, with the Investment Authority. | |
| | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| (43) Where the Union Target or the legal entity acquiring or owning the Union asset owns intellectual property rights in an invention, a work or any other asset subject to intellectual property protection prior to the foreign investment, those intellectual property rights should fully and exclusively remain under the control of the Union Target or the legal entity acquiring or owning the Union asset. The foreign investor should not claim any intellectual property right nor undertake any activity that would affect the ability of the Union Target or the legal entity acquiring or owning the Union asset to own and exercise the intellectual property rights on their inventions, works, trademarks, designs or any other relevant asset obtained prior to the foreign investment. Where an invention, a work or any other asset subject to intellectual property protection is the result of a collaborative work between the Union Target or the legal entity acquiring or owning the Union asset and the foreign investor or as a result of the joint venture, the intellectual property rights should be owned jointly by the foreign investor, the Union Target or the legal entity acquiring or owning the Union asset, depending on the circumstances. The conditions accompanying the co-ownership of intellectual property rights should, to the extent possible, be defined and communicated to the Investment Authority, ahead of the approval of the foreign direct investment. These conditions should include clarifications as to the possibility for one co-owner to grant a licence and start infringement procedures as well as the financial agreements as regards the filing and registration of intellectual property rights and licensing agreements. In the case of a joint venture without a legal personality, clarifications should be provided to the Investment Authority regarding the ownership of intellectual property. | |
| | |
| (44) It is necessary to ensure that the foreign investors' expertise of the large foreign direct investment under the scope of this Regulation should contribute to enhancing the Union's technological development both within and outside the Union Target, the joint venture or the legal entity acquiring or owning the Union asset. To that end, foreign investors should invest in research and | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| development projects to be executed within the Union while ensuring that the Union will benefit from the results produced. It is therefore necessary to assess, as part of the conditions to be considered for having a foreign direct investment approved, whether the foreign investors' research and development investments are adequate to achieve that objective. Such investments could be directed to the benefit of research institutions established in the Union, including in the context of joint projects with the Union Target, the joint venture or the legal entity acquiring or owning the Union asset. Those investments could also be made within the Union target, the joint venture or the legal entity acquiring or owning the Union asset, for developing or executing specific research and development activities. These investments could also consist in the training of Union workers, or direct or indirect financial support to research and development projects within the Union Target, the joint venture or the legal entity acquiring or owning the Union asset. Any assessment performed in relation to investments in research and development projects to be executed within the Union should be without prejudice to Union competition law instruments, including Regulations (EU) 2022/2560 and (EC) No 139/2004. | |
| | |
| (45) To promote sustainable integration of investments by foreign entities to the internal market and the development of skills in emerging strategic sectors, and to ensure meaningful social contribution at the place of the investment, such investments should employ a proportion of Union workers and should provide appropriate training and capacity-building measures, involving education and training providers, as well as social partners. The foreign investor should ensure that the thresholds established in this Regulation are fulfilled across all categories of workforce, including the operational, technical, supervisory, and managerial positions. | |
| | |
| (46) To strengthen the industrial capacity of emerging strategic sectors and to integrate foreign direct investment into the Union's industrial ecosystem, a | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| certain share of inputs manufactured in the Union should be included in products placed on the Union market by such investments. | |
| | |
| (47) In order to ensure that foreign direct investments fulfil at least 4 of the 6 conditions established by this Regulation, the competent Investment Authority should examine each notification and issue a reasoned decision on its approval or rejection. Investment Authorities should establish the fulfilment of the conditions, or as appropriate, the intent of the foreign investor to comply with the conditions. Such investments should not be implemented without the explicit approval of the Investment Authority. Accordingly, foreign investors should comply with a set of conditions before starting their economic activity regarding the relevant foreign direct investment. Investment Authorities should decide in a timeframe ensuring both procedural efficiency and legal certainty. Where justified by the complexity of the case or the need for additional information, that timeframe could be extended, for justified and duly substantiated reasons. | |
| | |
| (48) Member States should inform the Commission about notifications received to allow the Commission to effectively monitor the investment landscape and ensure a harmonised investment framework across the internal market. | |
| | |
| (49) In order to ensure the horizontal application of this Regulation in the internal market, the Commission should be able to provide an opinion on whether the investment fulfils the conditions set out in this Regulation. Such opinion should be made publicly available. If the Investment Authority intends to diverge from the Commission opinion in its decision, it should extend the approval process for two additional months in order to properly assess the Commission's arguments. When taking a decision, Member States should justify how they took the Commission's opinion into account. | |
| | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| (50) In order to ensure the horizontal application of this Regulation on the Single Market, the Commission should be able to review foreign direct investments, based on its own initiative or on the initiative of a Member State affected by the foreign direct investment. That should be particularly the case for investments where several member states are impacted, as well as high value investments and investments with particular strategic importance for the Union due to their effect on the Single Market. | |
| | |
| (51) The Investment Authorities should not only ensure compliance with the conditions at the time of the foreign direct investment's notification, but also throughout its operation, as appropriate, to ensure that the benefits of the foreign direct investment are maximised on the internal market. | |
| | |
| (52) To ensure that foreign direct investment criteria for the emerging strategic sectors remain appropriate even as market conditions, technological developments and the competitiveness policy objectives of the Union continue to evolve, the Commission should monitor the global manufacturing trends of strategic sectors and be empowered to adopt implementing acts imposing foreign investment criteria to additional strategic sectors. The Commission should assess in particular the threshold value, as well as whether all of the investment criteria referred to in this regulation are appropriate and necessary to meet the objectives of this regulation. | |
| | |
| (53) Clustering industrial activity can contribute substantially to achieving the objectives of this Regulation and to strengthening certain strategic sectors in the internal market. It is therefore appropriate to promote the development of industrial manufacturing acceleration areas. Such areas should be limited in geographical scope in order to foster industrial symbiosis. When designating the areas, Member States should, in cooperation with regional authorities where appropriate, take into account industrial production (in particular for certain strategic sectors) and their regions' general level of development, with | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| a focus on the less developed regions and those in transition. Furthermore, in order to strengthen the resilience, strategic autonomy and competitiveness of the Union's industrial base, the designation of industrial manufacturing acceleration areas should align with strategic projects and other Union initiatives such as Net-Zero Acceleration Valleys. | |
| | |
| (54) The industrial acceleration measures within the acceleration areas should seek appropriate synergies with other Union initiatives, including strategic projects recognised in Union legislation, Net-Zero Acceleration Valleys and Union funding opportunities, in order to align the strategic priorities in the internal market and benefit industrial installations vital for the strategic autonomy and competitiveness of the Union. Those benefits should also apply to undertakings awarded with the competitiveness seal under Regulation (EU) XXXX/[XX] [28] (European Competitiveness Fund), unless specifically excluded by the Member State.<br><br>28 Proposal for a Regulation of the European Parliament and of the Council on establishing the European Competitiveness Fund ('ECF'), including the specific programme for defence research and innovation activities, repealing Regulations (EU) 2021/522, (EU) 2021/694, (EU) 2021/697, (EU) 2021/783, repealing provisions of Regulations (EU) 2021/696, (EU) 2023/588, and amending Regulation (EU) (COM/2025/555 final, 16.7.2025). | |
| | |
| (55) To enable an adequate supply of critical raw materials for projects in the acceleration areas, the European Critical Raw Materials Board established by Article 35 of Regulation (EU) 2024/1252 should provide a platform to exchange information on critical raw materials related supply chain bottlenecks in the acceleration areas. It should be possible for projects in relevant areas to benefit from the Joint purchasing mechanism established in Article 25 of Regulation (EU) 2024/1252 to aggregate their demand for strategic raw materials and increase their negotiating power with potential | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| sellers, especially when they contain small or medium-sized enterprises (SMEs) and small mid-cap companies (SMCs). | |
| | |
| (56) Sufficient and timely energy supply to the acceleration areas constitutes a fundamental enabling condition for their effective deployment and for the development of manufacturing activities. Reliable and accurate information on future energy demand contributes to cost-effective grid development. Member States should therefore prepare an analysis for each acceleration area, identifying its future energy needs. Such analysis should serve the purpose of providing information for the national grid planning thereby contributing to purposeful anticipatory grid investments and faster energy connections for the acceleration area. When defining the scope, Member States should take into account the availability of relevant transport and network infrastructure. The results of these assessments should be reflected in national network development plans to adequately capture future points of energy demand in upcoming grid planning. | |
| | |
| (57) Where industrial manufacturing acceleration areas are set up, their designation should correspond to the potential to access or organise education and training opportunities to ensure the availability of skilled labour. | |
| | |
| (58) To promote the development of industrial manufacturing acceleration areas and to expedite the permit-granting procedures necessary for industrial activities within those areas, Member States should establish an aggregated baseline permit reflecting the specific characteristics of each identified industrial acceleration area and tailored to the industrial manufacturing sector or sectors to be deployed therein. That aggregated baseline permit issued by public authorities should cover the permits commonly required for such activities within the area, excluding those permits that are installation specific, such as those required under Directive 2010/75/EU of the European Parliament and of the Council[29] and the grid connection permit. Consequently, project | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| promoters should be required to obtain additional permits only for activities not covered by the aggregated baseline permit as well as environmental assessments where required. In case of activities potentially affecting Union and nationally protected sites, relevant permits should be granted only after having ensured that the activities are compatible with the conservation objectives of these sites. Such approach should significantly accelerate permit-granting procedures and reduce the administrative burden associated with them whilst maintaining high level of environmental standards.<br><br>29 Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010, p. 17, ELI: http://data.europa.eu/eli/dir/2010/75/oj). | |
| | |
| (59) In order to establish a framework to ensure the Union's strategic autonomy and economic security through access to a secure, sustainable and resilient supply of relevant manufacturing products, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of changes to the list of third countries whose content is not treated as equivalent to Union origin, the introduction or amendment of Union origin and low-carbon requirements, including for additional net-zero technologies and for products and services listed in Annexes II and III, laying down Union-level demand-side measures for products from the chemical industry, taking into account, among others, recommendations from the Critical Chemicals Alliance, the extension of foreign direct investment criteria to additional emerging strategic sectors, the specification of common procedural rules for foreign direct investment criteria, and establishing classification systems based on the greenhouse gas intensity for products. It is of particular importance that the Commission carries 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 Inter-institutional Agreement | BE<br>(Drafting suggestions):<br><br>(59) In order to establish a framework to ensure the Union's strategic autonomy and economic security through access to a secure, sustainable and resilient supply of relevant manufacturing products, ~~the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission~~ **implementing powers should be conferred on the Commission** in respect of changes to the list of third countries whose content is not treated as equivalent to Union origin, the introduction or amendment of Union origin and low-carbon requirements, including for additional net-zero technologies and for products and services listed in Annexes II and III, laying down Union-level demand-side measures for products from the chemical industry **after conducting an impact assessment**, taking into account, among others, recommendations from the Critical Chemicals Alliance, the extension of foreign direct investment criteria to additional emerging strategic sectors, the specification of common procedural rules for foreign direct investment |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| of 13 April 2016 on Better Law-Making[30]. 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.<br><br>30 OJ L 123, 12.5.2016, p. 1, http://data.europa.eu/eli/agree_interinstit/2016/512/oj. | criteria, and establishing classification systems based on the greenhouse gas intensity for products. **Given that carbon constitutes an essential feedstock in chemical production processes, the concept of low-carbon in the chemical sector should be understood as referring to defossilised products, whereby fossil carbon is replaced by non-fossil carbon sources, including biomass, recycled plastics and captured $CO_2$.** It is of particular importance that the Commission carries 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 Inter-institutional Agreement of 13 April 2016 on Better Law-Making[30]. ~~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~~.<br><br>BE<br>(Comments):<br><br>BE: see proposed amendments for article 16.1<br>- Preference for implementing acts instead of delegated acts to maximise MS involvement<br>- Any expansion of the scope, such as to chemical products, must be based on an impact analysis;<br>- In the event of inclusion of the chemical sector, 'low carbon' must be defined as 'defossilised products'.<br><br>FR<br>(Drafting suggestions):<br><br>In order to establish a framework to ensure the Union's strategic autonomy and economic security through access to a secure, sustainable and resilient supply |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | of relevant manufacturing products, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission ~~in respect of changes to the~~ **with regard to the establishment and amendment of a** list of third countries whose content ~~is not treated as~~ **shall be considered** equivalent to Union origin **for the purposes of public procurement procedures**, the introduction or amendment of Union origin and low-carbon requirements, including for additional net-zero technologies**,** ~~and~~ for products and services listed in Annexes II and III **and for additional critical sectors for the Union's strategic autonomy, resilience and economic security, including, critical and strategic raw materials (e.g., lithium and permanent magnets), the shipbuilding industry and railway rolling stock, as well as other strategic manufacturing sectors,** laying down Union-level demand-side measures for products from the chemical industry, taking into account, among others, recommendations from the Critical Chemicals Alliance, the extension of foreign direct investment criteria to additional emerging strategic sectors, the specification of common procedural rules for foreign direct investment criteria, and establishing classification systems based on the greenhouse gas intensity for products. It is of particular importance that the Commission carries 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 Inter-institutional Agreement of 13 April 2016 on Better Law-Making[30]. 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.<br><br>FR<br>(Comments):<br><br>An additional provision should be introduced requiring the European Commission, through delegated acts, to extend the sectoral scope of European |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | content requirements to other strategic sectors, notably certain critical and strategic raw materials (e.g., lithium and permanent magnets), the shipbuilding industry, and railway rolling stock.<br><br>The current provision empowering the Commission to extend the sectoral scope of European content requirements should not be limited solely to the chemicals and net-zero technology industries. It should also enable the Commission to broaden this scope to other sectors |
| | |
| (60) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission as regards specifying the method for calculating the proportion of volume of products and components originating in the Union and for verifying the compliance with the conditions laid down in Article 15. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[31].<br><br>31 Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13, ELI: http://data.europa.eu/eli/reg/2011/182/oj). | |
| | |
| (61) The Commission should evaluate this Regulation based on the information provided by Member States. Pursuant to paragraph 22 of the Interinstitutional Agreement on Better Law-Making of 13 April 2016, such evaluation should be based on the five criteria of efficiency, effectiveness, relevance, coherence and Union value added. It should also serve as the basis for impact assessments of possible further measures. | |
| | |

PUBLIC

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| (62) To ensure compliance with the obligations laid down in this Regulation, Member States should provide for penalties to be imposed on undertakings that do not comply with their obligations. Such penalties should be without prejudice and in addition to specific penalty requirements set out by this Regulation, for instance on foreign direct investments. It is therefore necessary that Member States lay down effective, proportionate and dissuasive penalties in national law for failure to comply with this Regulation. It is also necessary for Member States to ensure that project promoters have access, where relevant, to administrative or judicial review in accordance with national law. | |
| | |
| (63) When reviewing this Regulation, the Commission should assess the need to amend the provisions included in Chapters III and IV. In particular, it should consider introducing targeted Union origin in transport sectors critical to the Union's economic security, notably building of ships and building of rail rolling stock. The Commission should also consider introducing an enhanced review of foreign direct investments for aeronautical products and parts. | FR<br>(Drafting suggestions):<br><br>When reviewing this Regulation, the Commission should assess the need to amend the provisions included in Chapters III and IV. In particular, it should consider introducing targeted Union origin in ~~transport sectors critical to the Union's economic security, notably building of ships and building of rail rolling stock~~ **the EU's critical technology areas for the EU's economic security identified in the Commission Recommendation (EU) 2023/2113 of 3 October 2023, or in any subsequent update thereof**. The Commission should also consider introducing an enhanced review of foreign direct investments for aeronautical products and parts.<br><br>FR<br>(Comments):<br><br>This amendment aligns the scope of potential Union origin requirements with the critical technology areas already identified by the Commission as presenting the most sensitive risks for the Union's economic security, while ensuring that this scope remains dynamic and consistent with any future update of that list. |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Note: the building of ships and of rail rolling stock are removed from this provision, as their inclusion within the scope of this Regulation should be addressed directly through a delegated act pursuant to Article 16, rather than being deferred to a review three years after entry into force.<br><br>LT<br>(Comments):<br><br>It is observed that shipbuilding and the manufacturing of rail rolling stock are referenced only once in Article 29, without further mention as strategic sectors elsewhere in the Regulation. In the interest of ensuring clarity, coherence and transparency of the legislative intent, it may be appropriate to provide additional explanation of the rationale and strategic relevance of these sectors, either within the corresponding recital or directly in Article 29. Such clarification would help underline their contribution to the Union's industrial resilience and justify their inclusion in a manner consistent with the overall structure and objectives of the Regulation. |
| | |
| (64) Regulation (EU) 2018/1724 of the European Parliament and of the Council[32], which established the Single Digital Gateway, provides general rules for the online provision of information, procedures and assistance services that are relevant to the functioning of the internal market. In order to allow businesses and manufacturing industry project promoters, including for cross-border projects, to directly enjoy the benefits of the internal market without incurring an unnecessary additional administrative burden, the information that needs to be submitted to any relevant authorities as part of the permit-granting process under this Regulation is that set out in Annex I to Regulation (EU) 2018/1724. The related procedures are included in Annex II to that Regulation to ensure that project promoters can benefit from fully online procedures and the Once-Only Technical System Services. In particular, promoters of manufacturing industry projects should be able to fully access | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| and complete any procedure related to the permit-granting process online, in accordance with Article 6(1) of Regulation (EU) 2018/1724 and Annex II of that Regulation. Regulation (EU) 2018/1724 should therefore be amended accordingly.<br><br>32 Regulation (EU) 2018/1724 of the European Parliament and of the Council of 2 October 2018 establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012 (OJ L 295, 21.11.2018, p. 1, ELI: http://data.europa.eu/eli/reg/2018/1724/oj). | |
| | |
| (65) Regulation (EU) 2024/1735 introduces resilience requirements for a range of net-zero technology final products. Those requirements aim at reducing dependencies on individual third countries of supply, but they are not sufficient to enable Union industries to scale up the potential of the internal market and carry a risk of circumvention. Therefore, in order to address such challenges, the legislative framework should ensure the need to attract and retain technological know-how within the Union, through targeted additional intervention. | |
| | |
| (66) The provisions on public procurement laid down in this Regulation should build on the provisions of Regulation (EU) 2024/1735 on resilience; and complement them by introducing additional requirements for battery energy storage systems, solar photovoltaic technologies, heat pumps, onshore and offshore wind technologies, electrolysers and nuclear fission energy technologies. Such additional requirements should ensure that a certain share of the products and their main specific components originate in the Union. That approach should ensure sufficient diversification while strengthening strategic manufacturing capacity and technological sovereignty within the Union. The system for verification of compliance with the requirements should limit the administrative burden and align with common public procurement practice as | EL<br>(Comments):<br><br>See comment under point 26<br><br>FR<br>(Drafting suggestions):<br><br>The provisions on public procurement laid down in this Regulation should build on the provisions of Regulation (EU) 2024/1735 on resilience; and complement them by introducing additional requirements for battery energy storage systems, solar photovoltaic technologies, heat pumps, onshore and |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| well as the existing system of verification of compliance under Regulation (EU) 2024/1735. It should therefore rely on a self-declaration by economic operators. | offshore wind technologies, electrolysers**,** ~~and~~ nuclear fission energy technologies **and electricity grid technologies**. Such additional requirements should ensure that a certain share of the products and their main specific components originate in the Union. That approach should ensure sufficient diversification while strengthening strategic manufacturing capacity and technological sovereignty within the Union. The system for verification of compliance with the requirements should limit the administrative burden and align with common public procurement practice as well as the existing system of verification of compliance under Regulation (EU) 2024/1735. ~~It should therefore rely on a self-declaration by economic operators~~.<br><br>FR<br>(Comments):<br><br>It is important to introduce a requirement relating to electricity grid technologies in light of the ongoing development of the European markets and their increasing strategic importance within the energy transition framework.<br><br>MT<br>(Comments):<br><br>Request for Clarification: Will the contents of the Self-Declaration of the successful tenderer need to be verified and substantiated by the actual presentation of reliable documents such as certificates from the relevant competent bodies? |
| | |
| (67) In addition to complementing the public procurement provisions of Regulation (EU) 2024/1735, this Regulation should also amend them to provide greater legal certainty. The scope of Article 25 of Regulation (EU) 2024/1735 should be limited to those net-zero technologies for which public procurement of a relevant scale is expected to take place, thereby enhancing the clarity of the provision. | FR<br>(Drafting suggestions):<br><br>X |
| | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| (68) In line with the same policy objective pursued for renewable energy auctions under Regulation (EU) 2024/1735, this Regulation should extend the additional Union origin requirements to renewable energy auctions for certain renewable energy technologies, in order to contribute to strengthening the Union's industrial base and ensuring resilience of net-zero technology supply chains. To reflect the specific characteristics of renewable energy auctions, the additional requirements should apply to the net-zero technologies that are most relevant in the context of auctions, which are battery energy storage systems, solar photovoltaic technologies, electrolysers, as well as on- and offshore wind technologies. Where Union origin requirements apply to auctions, other provisions setting similar requirements for public support schemes should not apply to those auctions. | IT<br>(Comments):<br>See comments on article 34.<br>IT<br>(Comments):<br>See comments on article 34. |
| | |
| (69) To reinforce the effectiveness of the framework, and to reflect recent increases in geopolitical risks and global market distortions, the share of auctions covered by the requirements should be increased and a higher cost threshold for the opt-out from those requirements should be established. That should also prevent excessive use of exemptions and provide an effective incentive to boost Union production of renewable energy technologies. | IT<br>(Drafting suggestions):<br>~~(69) To reinforce the effectiveness of the framework, and to reflect recent increases in geopolitical risks and global market distortions, the share of auctions covered by the requirements should be increased and a higher cost threshold for the opt-out from those requirements should be established. That should also prevent excessive use of exemptions and provide an effective incentive to boost Union production of renewable energy technologies.~~<br>IT<br>(Comments):<br>We propose to delete this recital.<br>We believe, in light of the Italy's experience with the NZIA photovoltaic auctions, that these provisions would lead to an increase in public expenditure to support net-zero technologies, which, in any case, is not justified by the protection of a European component supply chain, but only by a diversification of supplies. Furthermore, they would not allow the |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | achievement of decarbonization objectives with the risk to slow down the process and face increasing costs.<br><br>IT<br>(Drafting suggestions):<br><br>~~(69) To reinforce the effectiveness of the framework, and to reflect recent increases in geopolitical risks and global market distortions, the share of auctions covered by the requirements should be increased and a higher cost threshold for the opt-out from those requirements should be established. That should also prevent excessive use of exemptions and provide an effective incentive to boost Union production of renewable energy technologies.~~<br><br>IT<br>(Comments):<br><br>We propose to delete this recital.<br>We believe, in light of the Italy's experience with the NZIA photovoltaic auctions, that these provisions would lead to an increase in public expenditure to support net-zero technologies, which, in any case, is not justified by the protection of a European component supply chain, but only by a diversification of supplies. Furthermore, they would not allow the achievement of decarbonization objectives with the risk to slow down the process and face increasing costs. |
| | |
| (70) Businesses and households are an essential part of the demand for net-zero technologies in the Union. Public support schemes designed to support consumer demand for such products are important tools for strengthening the Union's economic security and accelerating the green transition. In order to build on the provisions of Regulation (EU) 2024/1735 on resilience, it is necessary to complement those provisions introducing additional requirements for battery energy storage systems, solar photovoltaic technologies and heat pumps. Such additional requirements should ensure that certain main specific | FR<br>(Drafting suggestions):<br><br>Businesses and households are an essential part of the demand for net-zero technologies in the Union. Public support schemes designed to support consumer demand for such products are important tools for strengthening the Union's economic security and accelerating the green transition. In order to build on the provisions of Regulation (EU) 2024/1735 on resilience, it is |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| components and, in some cases, the whole final product, originate in the Union. That approach is in line with the general objective of support schemes to promote socially-desirable outcomes, in view of making progress on the ambitions of the European Pillar of Social Rights as well as environmental and climate objectives. Furthermore, it should ensure sufficient diversification while strengthening strategic manufacturing capacity and technological sovereignty within the Union. Public authorities in charge of support schemes should have the possibility either to condition the eligibility of the scheme to the fulfilment of the requirements, or to grant additional financial compensation when the requirements are fulfilled. In the latter case, the additional financial compensation should have an incentivising effect. However, if State aid is involved, the additional financial compensation should not exceed the applicable maximum aid intensity. | necessary to complement those provisions introducing additional requirements for battery energy storage systems, solar photovoltaic technologies**,** ~~and~~ heat pumps **and stationary hydrogen fuel cells system**. Such additional requirements should ensure that certain main specific components and, in some cases, the whole final product, originate in the Union. That approach is in line with the general objective of support schemes to promote socially-desirable outcomes, in view of making progress on the ambitions of the European Pillar of Social Rights as well as environmental and climate objectives. Furthermore, it should ensure sufficient diversification while strengthening strategic manufacturing capacity and technological sovereignty within the Union. Public authorities in charge of support schemes should have the possibility either to condition the eligibility of the scheme to the fulfilment of the requirements, or to grant additional financial compensation when the requirements are fulfilled. In the latter case, the additional financial compensation should have an incentivising effect. However, if State aid is involved, the additional financial compensation should not exceed the applicable maximum aid intensity.<br><br>FR<br>(Comments):<br><br>It is important to introduce a requirement relating to fuel cells in light of the ongoing development of the European fuel cell sector and its increasing strategic importance within the energy transition framework. Such a requirement would also support the expanding deployment and use of fuel cell technologies across a wide range of industrial and energy-related applications.<br><br>IT<br>(Drafting suggestions):<br><br>(70) Businesses and households are an essential part of the demand for net-zero technologies **and high efficiency household appliances** in the Union. Public support schemes designed to support consumer demand for |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | such products are important tools for strengthening the Union's economic security and accelerating the green transition. In order to build on the provisions of Regulation (EU) 2024/1735 on resilience, it is necessary to complement those provisions introducing additional requirements for battery energy storage systems, solar photovoltaic technologies**,** ~~and~~ heat pumps**, and household appliances**. Such additional requirements should ensure that certain main specific components and, in some cases, the whole final product, originate in the Union. That approach is in line with the general objective of support schemes to promote socially-desirable outcomes, in view of making progress on the ambitions of the European Pillar of Social Rights as well as environmental and climate objectives. Furthermore, it should ensure sufficient diversification while strengthening strategic manufacturing capacity and technological sovereignty within the Union. Public authorities in charge of support schemes should have the possibility either to condition the eligibility of the scheme to the fulfilment of the requirements, or to grant additional financial compensation when the requirements are fulfilled. In the latter case, the additional financial compensation should have an incentivising effect. However, if State aid is involved, the additional financial compensation should not exceed the applicable maximum aid intensity.<br><br>IT<br>(Drafting suggestions):<br><br>(70) Businesses and households are an essential part of the demand for net-zero technologies **and high efficiency household appliances** in the Union. Public support schemes designed to support consumer demand for such products are important tools for strengthening the Union's economic security and accelerating the green transition. In order to build on the provisions of Regulation (EU) 2024/1735 on resilience, it is necessary to complement those provisions introducing additional requirements for battery energy storage systems, solar photovoltaic technologies**,** ~~and~~ heat pumps**, and household appliances**. Such additional requirements should ensure that |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | certain main specific components and, in some cases, the whole final product, originate in the Union. That approach is in line with the general objective of support schemes to promote socially-desirable outcomes, in view of making progress on the ambitions of the European Pillar of Social Rights as well as environmental and climate objectives. Furthermore, it should ensure sufficient diversification while strengthening strategic manufacturing capacity and technological sovereignty within the Union. Public authorities in charge of support schemes should have the possibility either to condition the eligibility of the scheme to the fulfilment of the requirements, or to grant additional financial compensation when the requirements are fulfilled. In the latter case, the additional financial compensation should have an incentivising effect. However, if State aid is involved, the additional financial compensation should not exceed the applicable maximum aid intensity. |
| | |
| (71) Digital technologies continue to transform the way we generate, distribute, and consume energy. Such digital evolution, while presenting unprecedented opportunities, has also introduced complexity and interdependence within modern energy systems, which are now susceptible to a growing array of cyber threats. The integration of digital technologies into energy systems increases the attack surface for malicious actors, who can exploit vulnerabilities to disrupt operations, steal sensitive data, or manipulate energy markets. Such disruptions not only threaten the security and stability of our energy infrastructure and continuous supply of energy but also have cascading effects on all sectors of the economy that rely on stable energy inputs. Furthermore, energy system disruptions could undermine investor confidence and deter investment in essential modernisation and decarbonisation efforts. Therefore, safeguarding the cybersecurity of these systems is paramount to ensuring economic security, maintaining trust, and fostering resilience against future challenges. | |
| | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| (72) To ensure a high level of cybersecurity, it is necessary to prevent high-risk suppliers, as identified in accordance with [the proposal for a revised Cybersecurity Act] from supplying critical components to bidders of renewable energy auctions, tenderers of public procurement procedures, and final products supported by government intervention in the scope of this Regulation. | IT<br>(Comments):<br><br>Generally, we can support this new reference to high-risk suppliers, because it can be beneficial for the Union origin. At the same time, it should be taken into account the need not to have an unjustified increase of costs and an excessive admistrative burden.<br>In addition, we consider necessary a detailed explanation to Member States in this regard.<br><br>IT<br>(Comments):<br><br>Generally, we can support this new reference to high-risk suppliers, because it can be beneficial for the Union origin. At the same time, it should be taken into account the need not to have an unjustified increase of costs and an excessive admistrative burden.<br>In addition, we consider necessary a detailed explanation to Member States in this regard. |
| | |
| (73) Furthermore, the cybersecurity provisions of Article 26 of Regulation (EU) 2024/1735 should not only apply to 30%, but to all renewable energy auctions in light that cybersecurity is essential to the stability and integrity of the Union's energy system as a whole. A gap even in just one element of an energy system's cybersecurity could endanger the stability of the whole system. In addition to the high level of cybersecurity ensured in critical sectors by Directive (EU) 2022/2555 and in products with digital elements under Regulation (EU) 2024/2847, extending the scope of the cybersecurity requirements of Regulation (EU) 2024/1735 to all renewable energy auctions should further reduce the vulnerabilities of the Union's energy system and contribute to securing energy and economic stability. | IT<br>(Comments):<br><br>See comment above.<br><br>IT<br>(Comments):<br><br>See comment above. |
| | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| (74) The application of the requirements on Union origin and cybersecurity for net-zero technologies should complement the requirements on sustainability and resilience set out in Regulation (EU) 2024/1735. They should therefore be inserted in that Regulation to ensure consistency and simplify implementation by the relevant authorities. | |
| | |
| (75) In line with the measures for public procurement, auctions and public support schemes, this Regulation should also complement Regulation (EU) 2024/1735 with Union origin requirements for Member State support to the construction of nuclear power plants and to the manufacturing of hydrogen electrolysers. To secure long term Union sovereignty, energy security, and sector resilience, it is essential that the new nuclear plants, both large scale reactors and small modular reactors, prioritise as much as possible Union sourced technologies and components while maintaining the highest quality standards. Such strategy will not only boost domestic capabilities but also position the Union as a reliable, competitive player in the global nuclear market. However, in order to prevent risks related to technological lock-in, the Union origin requirements for nuclear power plants should only apply to new-builds, excluding refurbishments and lifetime extensions of existing nuclear power plants. | BE<br>(Comments):<br>BE: How will be determined what is a 'new-build' and what is refurbishing or lifetime extension? Will there be a clear definition?<br>MT<br>(Comments):<br>The relevant contents of this Recital should be explicity reflected in the Articles of NZIA, especially 'the Union origin requirements for nuclear power plants should only apply to new-builds, excluding refurbishments and lifetime extensions of existing nuclear power plants'. |
| | |
| (76) Regulation (EU) 2024/1735 should therefore be amended accordingly. | |
| | |
| (77) Hydrogen is a crucial energy carrier for the energy transition in many industry applications and is instrumental in driving the transition to cleaner energy systems. To accommodate the emergence of gigawatt scale electrolyser deployments in the Union, it is essential to have a concerted, enhanced support system is essential. | PT<br>(Drafting suggestions):<br>(77) Hydrogen is a crucial energy carrier for the energy transition in many industry applications and is instrumental in driving the transition to cleaner energy systems. To accommodate the emergence of gigawatt scale electrolyser deployments in the Union, it is essential to have a concerted, enhanced support system is essential. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | PT<br>(Drafting suggestions):<br>(77) Hydrogen is a crucial energy carrier for the energy transition in many industry applications and is instrumental in driving the transition to cleaner energy systems. To accommodate the emergence of gigawatt scale electrolyser deployments in the Union, it is essential to have a concerted, enhanced support system is essential. |
| | |
| (78) Where Union origin requirements require that a certain number of components should originate in the Union without specifying which ones, the choice should be left to the economic operators. This ensures sufficient competition among suppliers of the required components and enables economic operators to make the most cost-efficient choices while applying the requirements. | |
| | |
| (79) Regulation (EU) 2024/3110 empowers the Commission to adopt delegated acts to establish environmental sustainability labelling requirements for specific product categories and families of construction products, provided that a product is typically chosen by consumers and does not have a different overall environmental performance over its life cycle depending on its installation. Such strict conditions should be removed in order to enable the Commission to set requirements for the labelling of construction products on the basis of their carbon intensity, including for those products that are not typically sold to end consumers. Regulation (EU) 2024/3110 should therefore be amended accordingly. | FI<br>(Drafting suggestions):<br>~~**(79) Regulation (EU) 2024/3110 empowers the Commission to adopt delegated acts to establish environmental sustainability labelling requirements for specific product categories and families of construction products, provided that a product is typically chosen by consumers and does not have a different overall environmental performance over its life cycle depending on its installation. Such strict conditions should be removed in order to enable the Commission to set requirements for the labelling of construction products on the basis of their carbon intensity, including for those products that are not typically sold to end consumers. Regulation (EU) 2024/3110 should therefore be amended accordingly.**~~<br>FI |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Comments):<br>The article 22 of the CPR was a result of negotiations and has to be kept as it is. Since article 35 has to be deleted, also recital 79 has to be deleted. |
| | |
| (80) To the extent that any of the measures envisaged by this Regulation constitute State aid, the provisions concerning such measures are without prejudice to the application of Articles 107 and 108 TFEU. | |
| | |
| (81) Since the objective of this Regulation, namely to support resilient and decarbonised industrial production, cannot be sufficiently achieved by the Member States and can rather, by reason of the scale or effects of the action, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective, | |
| | |
| HAVE ADOPTED THIS REGULATION: | |
| | |
| CHAPTER I<br>**GENERAL PROVISIONS** | |
| | |
| *Article 1*<br>**Subject matter and scope** | |
| | |
| 1. This Regulation aims at improving the functioning of the internal market by establishing a framework to support the development, competitiveness and resilience of the Union's manufacturing sector, with a focus on selected strategic sectors, while contributing to the Union's climate | MT<br>(Comments): |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| objective, economic security and the creation, retention of, and transition into high-quality jobs. | A key aspect of the IAA is the emphasis on Made in Europe for energy-intensive industrial products, net-zero technologies, and automotive components. Procurement preferences will be given to tenders predominantly composed of European-made products. This could pose a challenge for our companies, particularly given that Malta's import base is also reliant on non-EU sources. With Made in Europe we may end up paying a higher price**.** We need to ensure that "Made in Europe" concept is close to fair global prices.<br><br>Malta calls for a Made with Europe' approach which would uphold mutual and reciprocal commitments with international trading partners. This would be preferred as 1) Existing trade agreements would not be affected and exploring new trade agreements with 3rd countries would not be deterred 2) Since EU manufacturing is experiencing a significant slowdown, limiting sources emanating from better-resourced 3rd countries would further exacerbate supply chain vulnerabilities for European-based manufacturers. |
| | |
| 2. To achieve the general objective referred to in paragraph 1, this Regulation lays down measures aiming to | |
| | |
| (a) speed-up permit-granting procedures for industrial manufacturing projects, including energy-intensive industry decarbonisation projects; | |
| | |
| (b) create lead market for certain products in strategic sectors, by laying down Union origin requirements, low-carbon requirements, or both, in the context of public procurement, public support schemes; | MT<br>(Comments):<br><br>Procurement preferences and exclusions linked to Made in Europe and third-country access may have cost implications for Member States such as Malta, whose enterprises and public authorities rely heavily on global supply chains for intermediate and final products. Reduced supplier pools and |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | sourcing constraints risk driving procurement prices away from fair global market levels, with consequent impacts on public finances and project delivery. Implementation should therefore remain flexible and recognise global value chains, allowing cooperation with trusted third-country partners while safeguarding EU strategic interests.<br><br>To address the challenges of European sovereignty and ensure the security and resilience of industrial and strategic value chains, Malta is supportive of the trusted third-party operators to be implemented within the framework of European preference through the IAA. We consider this essential to stimulate European demand, redirecting demand within Europe, and enabling new growth drivers across the Union. Strengthening these mechanisms is therefore necessary to support competitiveness and encourage investment within the Single Market.<br><br>It is also very important that the provisions (vis-à-vis the Made-in-EU Concept as well as access rights to EU PP Procedures by Third Countries) are in full congruence to the provisions under Directive EU/24/2014 (particularly Article 25).<br><br>It is important that a List of Third Countries with secured access to the EU PP Markets is drawn up, in line with all the requirements and conditions of the above-mentioned agreements.<br><br>It is also highly recommended that the IAA introduces a proviso whereby the CION commits to publish a simplified Guidance Document vis-a-vis the interpretation and application of the Public Procurement Articles of the IAA (namely Articles 7, 8, 10 and 11 + corresponding annexes) as well as Recitals. It is believed that such a document would be of help for Member States thus mitigating the possibility of different interpretations and non-uniform |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | adoption. Having said this, it is also very important that Member States are given the relevant flexibility in the IAA's implementation within Public Procurement Procedures. Accordingly, such flexibility needs to be clearly explained in the Guidance Document. |
| | |
| © set conditions on foreign direct investments in emerging strategic sectors; | MT<br>(Comments):<br><br>See position under Chapter IV |
| | |
| (d) designate industrial manufacturing acceleration areas by Member States for the purposes of boosting industrial activities. | MT<br>(Comments):<br><br>See position under Chapter V |
| | |
| *Article 2*<br>**Industrialisation objective** | |
| | |
| The Union and Member States shall seek to ensure that by 2035 the manufacturing industry of the Union accounts for at least 20% of the Union's gross domestic product. | CZ<br>(Comments):<br><br>.<br><br>SI<br>(Comments):<br><br>The Republic of Slovenia expresses certain reservations regarding the proposal's ability to achieve its ambitious objectives (namely, that industry should account for 20% of the Union's GDP by 2035), given the fact that the share of industrial production in the EU has been declining for at least two decades. Increasing this share from 14.3% to 20% would require relative growth of approximately 40%, meaning that industrial output would need to |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | grow significantly faster than the services sector. Such an outcome would realistically be achievable only if the EU were to impede the development of service industries, which are currently the only sectors demonstrating sustained growth momentum. |
| | |
| *Article 3*<br>**Definitions** | |
| | |
| For the purposes of this Regulation, the following definitions apply: | |
| | |
| (1) 'industrial manufacturing project' means the construction, conversion or extension of an industrial site intended for carrying out an economic activity classified under NACE Code C (Manufacturing), with the exception of NACE Code C12; | |
| | |
| (2) 'energy- intensive industries' means the industries listed in point 1 of Annex I; | |
| | |
| (3) 'energy'energy-intensive industry decarbonisation projects' means the construction or conversion of the commercial facility of an energy-intensive business as defined in Article 17(1), point (a), of Council Directive 2003/96/EC[33] in the energy- intensive industries listed in point 1 of Annex I to this Regulation that reduce emission rates of CO2 -eq of industrial processes significantly and permanently to an extent which is technically feasible;<br><br>33 Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity (OJ L 283, 31.10.2003, pp. 51–70, ELI: http://data.europa.eu/eli/dir/2003/96/oj). | SE<br>(Drafting suggestions):<br><br>(3 |
| | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| (4) 'permit-granting procedure' means a process that covers all relevant permits to build, expand, convert and operate industrial manufacturing projects, including building, chemical and grid connection permits as defined in Article 1 of [the Proposal for a Directive amending Directives (EU) 2018/2001, (EU) 2019/944, (EU) 2024/1788 as regards acceleration of permit-granting procedures[34]], and environmental assessments and authorisations where required, and encompassing all applications and procedures from the acknowledgement that the application is complete to the notification of the comprehensive decision on the outcome of the procedure;<br><br>34 Proposal for a Directive of the European Parliament and of the Council amending Directives (EU) 2018/2001, (EU) 2019/944, (EU) 2024/1788 as regards acceleration of permit-granting procedures ((2025/0400 (COD)). | DE<br>(Drafting suggestions):<br>'<br><br>DE<br>(Drafting suggestions):<br>' |
| | |
| (5) 'comprehensive decision' means the decision or set of decisions taken by a Member State authority or authorities, that determines whether or not a project promoter is authorised to build, expand, convert and operate an industrial manufacturing project; | |
| | |
| (6) 'contract' means public contract as defined in Article 2(1), point (5), of Directive 2014/24/EU[35], supply, works and service contracts as defined in Article 2, point (1), of Directive 2014/25/EU[36], and concessions as defined in Article 5, point (1), of Directive 2014/23/EU;<br><br>35 Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, pp. 65–242, ELI: http://data.europa.eu/eli/dir/2014/24/oj).<br><br>36 Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, pp. 243–374, ELI: http://data.europa.eu/eli/dir/2014/25/oj). | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | |
| | |
| (7) 'contracting authority' means a contracting authority as defined in Article 6 of Directive 2014/23/EU, Article 2(1), point (1), of Directive 2014/24/EU and Article 3 of Directive 2014/25/EU; | |
| | |
| (8) 'contracting entity' means a contracting entity as defined in Article 7 of Directive 2014/23/EU and Article 4 of Directive 2014/25/EU; | |
| | |
| (9) 'economic operator' means the manufacturer, the authorised representative, the importer, the distributor, the dealer and the fulfilment service provider and, for the purposes of public procurement procedures, it means economic operator as set out in Article 5, point (2), of Directive 2014/23/EU, Article 2(1), point (10), of Directive 2014/24/EU and Article 2, point (6), of Directive 2014/25/EU; | |
| | |
| (10) 'public procurement procedure' means either of the following: | |
| | |
| (a) a procedure for the award of works or a service concession covered by Directive 2014/23/EU; | |
| | |
| (b) any type of award procedure covered by Directive 2014/24/EU for the conclusion of a public contract or Directive 2014/25/EU for the conclusion of a supply, works and service contract; | AT<br>(Drafting suggestions):<br>any type of award procedure covered by Directive 2014/24/EU for the conclusion of a public contract or Directive 2014/25/EU for the conclusion of a supply, works and service contract **with the exception of procedures concerning lots according to Art. 5(10) of Directive 2014/24/EU and Art. 16(10) of Directive 2014/25/EU;**<br>AT |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Comments):<br><br>Procedures for "small" lots do not apply in the procedures foreeseen in the Directives and should also not fall within the scope of the IAA.<br><br>CZ<br>(Drafting suggestions):<br><br>(<br><br>MT<br>(Comments):<br><br>Whilst a procedure vis-a-vis Directive 2014/24/EU is referenced generically through the use of 'any type of award procedure', a procedure vis-a-vis Directive 2014/25/EU seems to be more explicit. Request for clarification: Malta would like to know why is there such a distinction. |
| | |
| (11) 'greenhouse gas intensity' means emissions (measured in tCO2eq) released during the production of industrial products referred to in Article 10(2); | |
| | |
| (12) 'manufacturer' means any natural or legal person that manufactures a product or that has a product designed or manufactured, and markets that product under their name or trademark; | |
| | |
| (13) 'system boundary' means the group of chemical or physical processes included in the calculation of the greenhouse gas intensity of products; | |
| | |
| (14) 'precursor' means any input material into a production process that is part of the system boundaries. | |
| | |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| (15) 'chemical industry' means activities classified under NACE Rev. 2, Code C20 (Manufacture of chemicals and chemical products), carried out by manufacturers established in the Union; | FR<br>(Drafting suggestions):<br>'chemical industry' means activities classified under NACE Rev. 2, Code C20 (Manufacture of chemicals and chemical products) **and Code 21.10 (Manufacture of basic pharmaceutical products)**, carried out by manufacturers established in the Union<br>FR<br>(Comments):<br>The current drafting is limited to NACE Chapter 20, excluding key segments of the industry, notably fine chemicals for pharmaceutical applications (NACE code 21.10). |
| | |
| (16) 'sustainable carbon sources' means biomass that complies with the sustainability criteria laid down in Article 29 of Directive (EU) 2018/2001, waste and carbon from capturing carbon dioxide emissions. | IT<br>(Drafting suggestions):<br>(16) 'sustainable carbon sources' means biomass that complies with the sustainability criteria laid down in Article 29 **(2-7)** of Directive (EU) 2018/2001, waste and carbon from capturing carbon dioxide emissions.<br>IT<br>(Comments):<br>For biomass, the land use and biodiversity sustainability criteria outlined in art. 29 (2-7) of RED III, are tailored only for biofuels, bioliquids and biomass fuels, they cannot be directly applicable to all possible sectors: however, they should be considered as a suitable base for designing biomass sustainability criteria related also to chemical and plastic sectors.<br>Other provision of article 29 of the RED should be not take into account since they are not directly related to biomass. Additionally aspect such as GHG saving related to the final products should be defined via targeted |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | methodology for defining low-carbon chemical products is to be developed for the application of the requirements laid down in Annex II and Delegated Acts under Article 16 (1), thereby ensuring that chemical products are effectively integrated into the demand-side measures established under the Regulation.<br><br>IT<br>(Drafting suggestions):<br><br>(16) 'sustainable carbon sources' means biomass that complies with the sustainability criteria laid down in Article 29 **(2-7)** of Directive (EU) 2018/2001, waste and carbon from capturing carbon dioxide emissions.<br><br>IT<br>(Comments):<br><br>For biomass, the land use and biodiversity sustainability criteria outlined in art. 29 (2-7) of RED III, are tailored only for biofuels, bioliquids and biomass fuels, they cannot be directly applicable to all possible sectors: however, they should be considered as a suitable base for designing biomass sustainability criteria related also to chemical and plastic sectors.<br>Other provision of article 29 of the RED should be not take into account since they are not directly related to biomass. Additionally aspect such as GHG saving related to the final products should be defined via targeted methodology for defining low-carbon chemical products is to be developed for the application of the requirements laid down in Annex II and Delegated Acts under Article 16 (1), thereby ensuring that chemical products are effectively integrated into the demand-side measures established under the Regulation. |
| | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| (17) 'substance' means substance as defined in Article 2, point (7), of Regulation (EC) No 1272/2008; | |
| | |
| (18) 'mixture' means a mixture as defined in Article 2, point (8), of Regulation (EC) No 1272/2008; | |
| | |
| (19) 'made available on the market' means any supply of a product for distribution, consumption or use on the Union market during a commercial activity, whether against payment or free of charge; | |
| | |
| (20) 'fuel cell vehicle' or 'FCV' means a vehicle equipped with a powertrain containing exclusively energy converters transforming chemical energy (input) into electrical energy (output), or vice versa, and electric machines as propulsion energy converters; | |
| | |
| (21) 'motor vehicle' means any vehicle of categories M and N referred to in Article 4(1), points (a) and (b), of Regulation (EU) 2018/858 of the European Parliament and of the Council[37];<br><br>37 Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.6.2018, p. 1, ELI: http://data.europa.eu/eli/reg/2018/858/oj). | |
| | |
| (22) 'off-vehicle charging hybrid electric vehicle' or 'OVC-HEV' means a vehicle equipped with a powertrain containing at least two different categories of propulsion energy converters where one of the propulsion energy converters is an electric machine that can be charged from an external source'; | |
| | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| (23) 'pure electric vehicle' or 'PEV' means a vehicle equipped with a powertrain containing exclusively electric machines as propulsion energy converters and exclusively rechargeable electric energy storage systems as propulsion energy storage systems; | |
| | |
| (24) 'main specific components' means the main specific components as listed in the Annex to Commission Implementing Regulation 2025/1178[38]; | FR<br>(Drafting suggestions):<br><br>main specific components' means the main specific components as listed in the Annex to Commission Implementing Regulation 2025/1178[38].<br><br>**For batteries, binders and lithium (hydroxide or carbonate) shall account as 'main specific components' for the purpose of this Regulation.**<br><br>**For battery cells to originate in the Union, electrodes (both cathode and anode) shall be manufactured in the Union.**<br><br>FR<br>(Comments):<br><br>Binders, lithium and cells are strategic for the European battery value chain.<br><br>**Binders**, which are considered 'primarily used components' in the Annex to Commission Implementing Regulation 2025/1178, should be taken into account given the urgency to support the European chemical industry.<br><br>**Lithium** is recognized as a critical and strategic raw material listed in the Annexes I and II to Regulation (EU) 2024/1252. A capacity of lithium extraction, refining, and recycling, is emerging in Europe, in the context of extra-European dependencies and export control policies (both on materials and technologies of production) which will jeopardize the supply security of lithium products for European operators. |

38 Commission Implementing Regulation (EU) 2025/1178 of 23 May 2025 on laying down rules for the application of Regulation (EU) 2024/1735 of the European Parliament and of the Council as regards the list of net-zero technology final products and their main specific components for the purposes of assessing the contribution to resilience (OJ L, 2025/1178, 18.6.2025, ELI: http://data.europa.eu/eli/reg_impl/2025/1178/oj).

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | **Electrodes** manufacturing is a key step in the production process of batteries, concentrating a significant share of the value created by gigafactories. Producing the electrodes in the Union (as opposed to purchasing imported electrode rolls) is essential to ensure the Union's resilience. Hence, the IAA shall make explicit that battery cells must contain electrodes made in the Union in order to account as "main specific components" originating in the Union.<br><br>Hence, battery manufacturers shall be able to choose binders, lithium and celles as well as the main specific components listed in the Annex to Commission Implementing Regulation 2025/1178 to comply with Union origin requirements for batteries provided by the present Proposal. |
| | |
| (25) 'vehicle's traction battery' means the electric vehicle battery specifically designed to provide electric power for traction as defined in Article 3(14) of Regulation (EU) 2023/1542[39].<br><br>39 | |
| | |
| (26) 'e-powertrain components' means power electronics, transport propulsion electric motors and e-axles and their components, rotors and stators; | FR<br>(Drafting suggestions):<br>'e-powertrain components' means power electronics, transport propulsion electric motors and e-axles and their components, rotors and stators, **and permanent magnets**;<br>FR<br>(Comments): |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Permanent magnets are highly critical components of electric powertrains, both responsible for the performance of electric motors, and the creation of significant extra-european dependencies. As such, the integration of permanent magnets in the definition of 'e-powertrain components' will incentivize the sourcing of EU permanent magnets and foster both the competitiveness and resilience of the automotive industry, and the localization of investments for the European production of these components. |
| | |
| (27) 'main electronic systems' means advanced driver assistance systems (including lidars, radars, sensors, cameras, ECUs and integration platforms), central computing units, wireless access systems, in-vehicle infotainment head units and chassis electronics; | FR<br>(Drafting suggestions):<br>main electronic systems' means advanced driver assistance systems (including lidars, radars, sensors, cameras, ECUs and integration platforms), central computing units **and other ECUs**, wireless access systems, in-vehicle infotainment head units and chassis electronics<br>FR<br>(Comments):<br>In a vehicle, Electronic Control Units (ECUs) are not only dedicated to Advanced Driver-Assistance Systems (ADAS) but also to other key vehicle control functions, such as thermal management, lighting or powertrain. It appears necessary to take into account other ECUs in order to cover all key electronic functions of the vehicle. |
| | |
| (28) 'vehicle component' means any part of a vehicle, including processed material; | |
| | |
| (29) 'assembled' means the process of the final assembly of the vehicle; | FR<br>(Drafting suggestions): |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | 'assembled' means the process of ~~the final assembly of the vehicle~~ **carrying out: body parts stamping, body-in-white assembly, body protection and painting, and final assembly of the vehicle in the manufacturing site**<br><br>FR<br>(Comments):<br><br>A clearer definition of vehicle assembly is needed to prevent circumvention of the requirement through 'Completely Knocked Down'(CKD) or 'Semi-Knocked Down' (SKD) re-assembly practices |
| | |
| (30) 'vehicle manufacturer' means a natural or legal person who is responsible for all aspects of the type-approval of a vehicle, system, component or separate technical unit, or the individual vehicle approval, or the authorisation process for parts and equipment, for ensuring conformity of production and for market surveillance matters regarding that vehicle, system, component, separate technical unit, part and equipment produced, irrespective of whether or not that person is directly involved in all stages of the design and construction of that vehicle, system, component or separate technical unit concerned; | |
| | |
| (31) 'foreign direct investment' means an investment, including greenfield investments, into a Union target or a Union asset by a foreign investor or by the foreign investor's subsidiary 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, or at using an Union asset, 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; | |
| | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| (32) 'foreign investor' means a natural person of a third country who does not hold the nationality of a Member State or an undertaking of a third country, intending to make or having made a foreign direct investment; | |
| | |
| (33) 'foreign investor's subsidiary' means an undertaking controlled, directly or indirectly, by a foreign investor regardless of its place of establishment; | SE<br>(Drafting suggestions):<br>( |
| | |
| (34) 'Union target' means an undertaking established under the laws of a Member State; | |
| | |
| (35) 'Union asset' means an immovable asset used or intended to be used for manufacturing products in the territory of the Union; | |
| | |
| (36) 'Union worker' means any natural person who has an employment contract or employment relationship as defined by law, a collective agreement or practice in force in a Member State and is either a citizen of the Union or a third country national legally residing in a Member State with a valid work permit at the moment of recruitment; | |
| | |
| (37) 'portfolio investment' means the acquisition of company securities that are intended purely for financial investment and without any intention to influence the management or control of the company; | |
| | |
| (38) 'turnover' means the amount derived by an undertaking within the meaning of Article 5(1) of Council Regulation (EC) No 139/2004[40]; | |

40 Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (OJ L 24, 29.1.2004, p. 1).

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | |
| (39) 'active material' means a material which reacts chemically to produce electric energy when the battery cell discharges or to store electric energy when the battery is being charged; | |
| | |
| (40) 'electric vehicle battery' means an electric vehicle battery as defined in Article 3(1), point (14), of Regulation (EU) 2023/1542 of the European Parliament and of the Council[41]; | |
| 41 Regulation (EU) 2023/1542 of the European Parliament and of the Council of 12 July 2023 concerning batteries and waste batteries, amending Directive 2008/98/EC and Regulation (EU) 2019/1020 and repealing Directive 2006/66/EC (OJ L 191, 28.7.2023, p. 1, ELI: http://data.europa.eu/eli/reg/2023/1542/oj). | |
| | |
| (41) 'supplier' means a manufacturer established in the Union, the authorised representative of a manufacturer who is not established in the Union, or an importer, who places a product on the Union market; | |
| | NL<br>(Drafting suggestions):<br>( |

| | |
|---|---|
| CHAPTER II<br>**ENABLING CONDITIONS FOR INDUSTRIAL PRODUCTION AND DECARBONISATION** | SI<br>(Comments):<br><br>Slovenia generally supports proposals to simplify and digitize licensing procedures; however, we believe that provisions regarding the simplification and acceleration of licensing procedures should be harmonized across individual sectoral EU legislative acts, and the issue of permits should be addressed comprehensively rather than within the framework of individual sectoral proposals, as this leads to legal fragmentation. This creates uncertainty for both businesses and national authorities and increases the administrative burden due to coordination, as well as the risk of procedural errors in implementing the provisions, which runs counter to the goal of simplification.<br><br>We believe that, if we wish to simplify procedures, we need a clear picture of which permits required under EU regulations can and should be combined into a single application.<br><br>In general, we believe that in the area of permitting, we should strive for appropriate systemic solutions that also incorporate environmental assessments, rather than continuing to introduce new sector-specific solutions that exacerbate the fragmentation of the legal system, which poses a particularly significant challenge for smaller countries where a single authority must operate under multiple legal frameworks, thereby prolonging procedures and increasing the risk of administrative and procedural errors.<br><br>The Republic of Slovenia assesses that the proposal also contains several significant implications for the field of information and cybersecurity, and therefore we would like to emphasize that, with regard to provisions concerning strategic technologies and supply chains, the cybersecurity aspect of trusted suppliers must be taken into account, particularly for components related to critical energy and digital infrastructure. |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | The Republic of Slovenia wishes to emphasize that solutions must remain proportionate and aligned with the existing EU cybersecurity framework and must not lead to further fragmentation of cybersecurity requirements or disproportionate burdens on businesses. |
| | |
| *Article 4*<br>**Single access points** | SI<br>(Comments):<br><br>Slovenia expresses reservations regarding the proposed concept of establishing a single point of access (ETD) for the submission of a single application for projects. We have reservations about the ETD's responsibilities that go beyond simply providing information to investors. We also express concerns regarding the introduction of a single application to which the issuance of all permits would be linked. After reviewing the provisions as proposed, we note that it is unclear which permits are to be included in the single application and what the anticipated level of digitization is.<br><br>We view the establishment of a unified permitting process based on a single application covering all permits required for industrial production as problematic, since such consolidation does not take into account the sequential nature of the procedures for obtaining various permits (construction/operation), as well as the potential for achieving interoperability and automatic data exchange. We also urge caution regarding the introduction of the concept of data reuse in connection with the issuance of permits without appropriate safeguards that would address the protection of trade secrets, copyrights, and intellectual property. |
| | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| 1. Member States shall set up a single access point at national level for the submission by project promoters of the single application for industrial manufacturing projects referred to in Article 5(1). | |
| | |
| 2. The single access points shall automatically attribute the permit applications to the relevant authority, inform the applicant about all steps of the permit-granting procedure, the status of the procedure and of the decisions of the relevant authorities, and enable the applicant to check compliance with applicable deadlines. To that effect the single access points shall use the European Business Wallets established pursuant to [Proposal for a Regulation on the establishment of European Business Wallets]. | |
| | |
| Through the use of European Business Wallets, the single access points shall enable: | SI<br>(Comments):<br><br>Slovenia supports the goal of establishing a single point of access and the digitization and simplification of licensing procedures. It welcomes the inclusion of licensing procedures within the framework of Regulation (EU) 2018/1724, with the aim of their full digitization and support for cross-border implementation and the exchange of documents under the “once-only” principle. At the same time, Slovenia expresses reservations regarding the integration of the European Business Wallet into the use of the single point of access, as it is currently not sufficiently clear how its use will be linked to the implementation of the requirements of Regulation (EU) 2018/1724.<br><br>Slovenia also draws attention to the need for an additional impact assessment of the proposed European Business Wallet solutions on existing national regulations, particularly in areas that could significantly affect the implementation of administrative procedures and established national systems, especially in the field of electronic service of documents. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | |
| (a) interoperability and automated data exchange between competent authorities; | |
| | |
| (a) re-use of data and documents already held by public authorities; | |
| | |
| (b) a high level of cybersecurity, and integrity of information; | |
| | |
| © transparency and accountability of the permit-granting procedure. | |
| | |
| 3. When setting up the single access points, Member States shall, where appropriate, make use of existing Union digital infrastructure, catalogues and building blocks established by Union law. | |
| | |
| *Article 5*<br>**Permit-granting procedure** | |
| | |
| 1. Member States shall establish a single permit-granting procedure based on a single application covering all permits required for industrial manufacturing projects. | |
| | |
| 2. Member States shall designate a competent authority to coordinate the permit-granting procedure referred to in paragraph 1 in order to ensure the adoption and issue of a comprehensive decision within the applicable time limit. | |
| | |
| 3. No later than 45 days from the receipt of the application for a permit for industrial manufacturing projects, the competent authority shall either acknowledge that the application is complete or request any missing information needed to process the application. | SE<br>(Comments):<br>. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | SI<br>(Comments):<br><br>Slovenia considers that the currently proposed wording of the third paragraph of Article 5 is unacceptable to administrative authorities, as they must issue a substantively correct decision in accordance with the principle of substantive truth. We believe that in practice this will mean that proceedings will either be longer, because the authority itself will have to determine or seek information that the investor has not provided but which it needs for its decision, or the authority will issue a negative decision, since the burden of proof regarding the fulfillment of the conditions for issuing an administrative decision rests with the investor. |
| | |
| Where, after the submission of any missing information, the application is still deemed to be incomplete, the competent authority may, within 30 days of the submission of the requested missing information, make a second request for any information still missing. The competent authority shall not request information in areas not covered in the first request for additional information and shall request further information only as necessary to cover the missing information. | |
| | |
| 4. The provisions of this Article shall not apply where rules to streamline the administrative and permit-granting processes are established in other Union legislative acts for specific industrial manufacturing sectors. | |
| | |
| *Article 6*<br>**Energy-intensive industry decarbonisation projects** | |
| | |
| 1. Chapter II, Section II, of Regulation (EU) 2024/1735 shall apply to all energy-intensive industry decarbonisation projects. | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | |
| 2. All energy-intensive industry decarbonisation projects shall be considered strategic projects contributing to resilience and decarbonisation or resource efficiency for the purposes of [Article 14 of Proposal for a Regulation on speeding-up environmental assessment]. Points 1, 2 and 3 of the Annex in that Regulation shall apply. | |
| | NL<br>(Drafting suggestions):<br>**3.** |

| | |
|---|---|
| CHAPTER III<br>**STRENGTHENING THE UNION'S STRATEGIC INDUSTRIAL VALUE CHAINS** | AT<br>(Comments):<br><br>**General remarks on "Made in EU" in public procurement:**<br>AT broadly supports the objectives of the proposal, including the pursuit of a "Made in EU" policy (with the involvement of partner countries) and the related preferential treatment of European products and/or undertakings. However, any "EU preference" must be straightforward to apply and must entail only minimal additional costs or other burdens—both for contracting authorities and entities, as well as for economic operators. Administrative efforts should be reduced to the absolute minimum.<br>At present, several Union legal acts already contain preference schemes in favour of EU undertakings and/or products (e.g. Regulation [EU] 2024/1610 [HDV]; Regulation [EU] 2024/1735 [NZIA]) and such schemes are discussed in parallel in other fora (see CWG PHARMA and the Critical Medicines Act or the recent proposal for the Chips Act 2.0, COM(2026) 504). A key concern is that these schemes follow different models and rely on differing criteria for determining the Union origin of goods and economic operators to be preferred (e.g. place of establishment of the economic operator, share of value added generated within the EU, origin of goods). Additionally, more than 80 sector-specific procurement provisions in Union legal acts outside the procurement directives either exist or are under negotiation. In practice, this multiplicity, combined with a lack of coherence, gives rise to significant legal uncertainty and interpretative difficulties and significantly increases the transaction costs in public procurement.<br>Against this background, the introduction of yet another model of an EU preference scheme in an additional sector-specific legal act such as the IAA is viewed critically from a public procurement perspective as well as from the perspective of practitioners. Instead, any "Made in EU" or "European Preference" provision should be incorporated as a horizontal rule into the procurement directives in the context of the ongoing revision and be limited to clearly defined strategic sectors. In sector specific legislation a "trigger |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | provision" might be implemented which makes the horizontal regime applicable.<br><br>BE<br>(Comments):<br><br>BE general comments on this chapter:<br>• General scrutiny reservation;<br>• Given the need to strengthen open strategic autonomy, competitiveness and decarbonisation, we generally welcome the initiative and are prepared to examine the proposals regarding the creation of lead markets in a constructive manner.<br>• Administrative simplification, minimal burdens, legal certainty and no additional complexity for businesses and (procuring) public authorities is important.<br>• Concerns regarding the complexity and lack of clarity of the draft legislation.<br>• A number of essential aspects require further elaboration and study, particularly the impact on the cost of public sector projects;<br>• The principle of free market forces must be central.<br>• Safeguarding the level playing field of the internal market, for both Member States and market participants;<br>• Consistency with existing and future sectoral legislation on lead markets, as well as on ensuring non-preferential access;<br>• To ensure that this chapter of the IAA is effective and workable in practice, it is necessary to supplement the legislative text with clear and practical guidelines on monitoring and evidence-gathering, as well as with appropriate tools and operational support. Without such clarifications, the proposal will continue to fall short in terms of legal certainty and practicality. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | LT<br>(Comments):<br><br>Sector-specific 'Union oroigin' and 'Made in the European Union' requirements should be maintained, provided that they remain fully compatible with the Union's international obligations and are applied in a manner that reflects genuine reciprocity. In particular, such requirements should continue to apply to third countries that grant Union products equivalent conditions of access to their markets and ensure that EU-manufactured goods can be placed on those markets under fair and non-discriminatory terms.<br>At the same time, products originating in third countries that do not apply comparable conditions within their own jurisdictions, nor comply with the requirements laid down in Chapter III, should not be placed in a more advantageous position than products manufactured within the Union or the European Economic Area. This is essential to safeguard the core objective of this Regulation, namely to stimulate demand for goods produced in Europe and thereby strengthen the Union's industrial base and its contribution to EU GDP target.<br>In pursuing this objective, the implementation of Chapter III should remain responsive to the practical needs of contracting authorities, ensuring that procurement procedures remain efficient, predictable and conducive to achieving value for money, while still supporting the Union's strategic industrial priorities.<br>Accordingly, participation on equal terms in procurement procedures under Chapter III should be reserved for economic operators from third countries that provide reciprocal market-access conditions and uphold equivalent standards of fairness. This approach preserves the integrity of the Union's industrial policy goals, supports contracting authorities in meeting their operational requirements, and maintains openness towards partners that treat the Union as an equal and reliable counterpart.<br><br>MT |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Comments):<br><br>Using public procurement to create lead markets for low-carbon and Union-origin products must be applied proportionately and with preserved flexibility – this is to allow Contracting Authorities to continue procuring proven, compatible, and available solutions (including from non-EU sources), especially where EU supply is limited, where restrictions would introduce disproportionate operational risk and/or cost.<br><br>PL<br>(Comments):<br><br>**General comment:** The provisions of Chapter III grant the European Commission a significant role and responsibility due to its ability to use delegated acts. Poland opposes moving of essential elements of the act to secondary legislation.<br><br>SI<br>(Comments):<br><br>Slovenia generally supports efforts to increase value creation in EU industry through appropriate measures and to help strengthen the European industrial base, despite increasingly fierce unfair competition at the global level and growing dependence on suppliers from third countries in strategic sectors.<br><br>At the same time, we assess that the proposed measures alone will not be sufficient to restore the long-term competitiveness of European industry and increase its share in the economy unless key structural challenges are also addressed, in particular:<br>- high energy costs,<br>- investment and technological uncertainty,<br>- a shortage of suitably qualified workers,<br>- and the growing administrative burden on businesses and Member States. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Slovenia therefore emphasizes the need to adopt measures to ensure affordable electricity, which is crucial for restoring the competitiveness of Europe's energy-intensive industries.<br><br>Slovenia urges caution when introducing requirements and criteria regarding "Union origin" and low-carbon status in public procurement and public support schemes. Slovenia believes that public procurement and other forms of public spending can make a significant contribution to the development of sustainable European value chains and stimulate investment in low-carbon technologies and production within the EU. However, the effectiveness of these measures will depend largely on their practical feasibility, legal clarity, and alignment with market conditions and the existing EU legislative framework.<br><br>In particular, we highlight the risk of excessive administrative burdens due to the demanding verification of ownership of third-country bidders, uncertainty regarding the conduct of the procedure, the assessment of compliance with criteria, and the adequacy of supporting evidence (self-declarations, equivalent documents), as well as the absence of harmonized tools at the EU level.<br><br>The act does not provide sufficiently clear guidelines regarding the application of exceptions, criteria for determining market alternatives, or justifying cost increases, which increases legal uncertainty for contracting authorities.<br>Particularly problematic is also the regulation of penalties, which is left to Member States without clear criteria, which may lead to inconsistent practices and fragmentation of the single market, particularly in the case of sanctioning false declarations. |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Furthermore, we draw attention to the additional reporting burdens and the need to harmonize data collection methodologies at the EU level, as well as to ambiguities in the definition of covered products (e.g., from energy-intensive industries) and the requirements for low-carbon products, which, due to references to multiple regulations, are opaque and difficult to apply in practice.<br>In particular, we highlight the risk of excessive administrative burdens due to the demanding verification of ownership of third-country suppliers, as well as ambiguities regarding implementation. Slovenia wishes to point out the absence of a "Melt & Pour" requirement for steel produced in the EU. In practice, steel is increasingly being melted and cast outside the EU, while only final processing takes place within the EU, which means the outflow of the most energy-intensive and technologically demanding part of production from the EU and further exacerbates the problems caused by dumped imports. We also note that the act does not contain sufficiently clear criteria for determining whether a public contract includes products listed in Annex II (steel, aluminum, cement).<br><br>Slovenia would like to draw attention to ambiguities in the definitions (e.g., "assembly in the EU," "key battery components," the application of the 70% threshold, calculation of local content), which need to be resolved, as well as the difficulties in harmonizing the act with existing automotive, $CO_2$ and other sectoral legislation. We also wish to highlight the potential for an increase in administrative burdens, particularly for type-approval and supervisory authorities, and draw attention to the need for clear methodologies and guidelines.<br><br>In a broader context, Slovenia wishes to highlight the issue of actual market readiness, as restrictions regarding "Union origin" may lead to reduced competition, higher prices, and unsuccessful procedures, particularly among less experienced contracting authorities. To this end, we propose that the |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | following be urgently recommended: simplification of the rules, greater clarity of provisions, harmonization at the EU level, and the establishment of support mechanisms (e.g., a list of third countries where origin is equivalent to the Union), while simultaneously considering the act's compliance with upcoming changes to public procurement legislation that are already in the works.<br><br>Regarding the establishment of voluntary classification systems based on greenhouse gas intensity for products listed in Annex I to the Emissions Trading System (ETS) Directive and the proposal for related delegated acts, Slovenia considers that such an approach does not ensure full alignment with existing rules. To avoid the creation of parallel rules and systems, we emphasize that we do not see a need for delegated acts adopted pursuant to the second paragraph of Article 10 to establish separate methodologies for determining the system boundaries and for calculating greenhouse gas intensities. Instead, they should refer directly to existing legislation (the Emissions Trading System Directive and the CBAM Regulation) or this should be addressed directly in the act.<br><br>Slovenia also urges caution in the use of benchmarks in the context of the Industrial Promotion Act, as these are primarily intended for calculating free emission allowances under the ETS, and the rules for their determination are set for several years in advance, meaning they do not necessarily reflect actual technological progress within a given sector.<br><br>We also call for the act to ensure alignment with existing methodologies, where possible, in order to prevent duplication and unnecessary administrative burdens.<br><br>Slovenia would like to urge caution here when designing measures to create a lead market for certain products in strategic sectors (requirements regarding |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Union origin and low carbon emissions, or both, in the context of public procurement and public support programs). The proposal currently focuses primarily on the aspects of low-carbon and origin; however, from the perspective of sustainability goals, it would be sensible to also consider the inclusion of broader environmental criteria (e.g., circularity, resource efficiency, life-cycle approach).<br><br>We agree that new measures need to be developed; however, care must be taken not to undermine a level playing field in the internal market for EU industry, and measures must be carefully weighed and supported by an impact analysis—including in light of potential retaliatory measures by third countries.<br>The Republic of Slovenia welcomes the fact that the proposed act has been drafted in accordance with the Economic Security Strategy. As stated in the explanatory memorandum, the EC took the WTO Agreement on Government Procurement into account during the drafting process, but other aspects of trade policy are not mentioned.<br><br>It is important to ensure compliance with the international obligations of the EU and EU Member States and to also consider the possibility of using a softer “Made with EU” concept, which does not imply protectionism and does not restrict cooperation with like-minded partners or preferential trading partners. In any case, we believe that the chosen concept must be based on impact analyses that take into account the entire supply chain, as well as potential retaliatory measures by third countries and dispute resolution procedures.<br><br>Slovenia advocates the concept of open strategic autonomy (given the Slovenian economy’s integration into supply chains and its strong export orientation), therefore, we will advocate for maintaining openness and strive |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | to achieve the right balance among all three pillars of economic security (protect, promote, and partner).<br><br>We also call for due attention to be paid to alignment with transport emission reduction targets as well as the broader issue of the relationship between climate goals and industrial policy, while ensuring that the proposed measures do not undermine the effectiveness of achieving climate goals. |
| | |

PUBLIC

| | |
|---|---|
| *Article 7*<br>**Union origin** | AT<br>(Comments):<br><br>The relationship between Art. 7 and 8, on the one hand, and Art. 11, on the other, remains unclear. In particular, it is not evident how contracting authorities and contracting entities (CA/CE) proceed where a tenderer from a third country benefiting from market access submits an offer including goods that are not covered by a relevant agreement (e.g. FTA or customs union) — for example, a South Korean company offering, inter alia, goods or components originating in China. COM explained in the CWG on 11/12.6. that such goods would not count as havin an EU origin. AT would welcome clarification from COM how CA/CE should verify this aspect in the context of PP procedures.<br><br>PT<br>(Comments):<br><br>The concept of 'Union origin' and the notion of 'content' lack clarity. PT highlights the need for full alignment with the Union Customs Code (UCC). The distinction between preferential and non-preferential rules of origin should be explicitly addressed.<br>The concept of 'Made in Europe' should be included in the definitions in Article 3.<br><br>PT<br>(Comments):<br><br>The concept of 'Union origin' and the notion of 'content' lack clarity. PT highlights the need for full alignment with the Union Customs Code (UCC). The distinction between preferential and non-preferential rules of origin should be explicitly addressed.<br>The concept of 'Made in Europe' should be included in the definitions in Article 3. |
| | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| 1. For the purposes of this Chapter, content of Union origin refers to content originating in the Union. | AT<br>(Comments):<br><br>AT notes that the terminology used in Art. 7 is not fully aligned with the Union Customs Code (e.g. "content of Union origin" / "content originating in the Union" versus "goods brought into or taken out of the customs territory of the Union"). This raises concerns from a terminological and interpretative perspective. Could COM clarify the rationale for this deviation?<br><br>CZ<br>(Drafting suggestions):<br><br>For the purposes of this Chapter, content of Union origin refers to content originating in the ~~Union~~ **European Economic Area**.<br><br>CZ<br>(Comments):<br><br>The EEA countries (Norway, Iceland, Liechtenstein) are part of the Single Market and should not be considered third countries in the IAA. This is in line with their close integration in the EEA, their participation in the ETS and their planned involvement in the CBAM. Their inclusion among regular trading partners could weaken this long-standing partnership.<br><br>DK<br>(Comments):<br><br>From the Danish side, we are supportive of a broad definition of the Union Origin principle. A "made with Europe" approach still allowing for strengthening European strategic autonomy is preferable. We should keep a general openness towards our partners and keep in line with the EU's international commitments, while still having in mind the objective of European strategic autonomy |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | DK highlights that rules for Union Origin creates a situation where the same product can both be considered of union origin and not of union origin depending on if it is procured publically or privately. Specifically for vehicles there are several different definitions of Union Origin depending on whether it is large or small electric vehicles, who the buyer is and whether or not it shall contribute to the CO2-standards for light duty vehicles. This creates a complex administrative setup.<br><br>EL<br>(Comments):<br><br>Regarding article 7, on Union origin, we have a scrutiny reservation. In line with the intervention of Greece at COMPET 28.05.2026 we consider it necessary to specify the geographical scope of the Regulation and to add all necessary safeguards to avoid circumvention of the Regulation, ensuring the effectiveness of the planned interventions.<br><br>FI<br>(Comments):<br><br>Finland considers that, in the further preparation of the proposal, the content of the proposed criteria and their practical feasibility should be specified in greater detail.<br><br>FR<br>(Drafting suggestions):<br><br>For the purposes of this Chapter, content of Union origin **only** refers to content originating in ~~the Union~~ **the States which are Contracting Parties to the Agreement on the European Economic Area (EEA)**.<br><br>FR<br>(Comments):<br><br>France proposes to explicitly include Norway, Iceland and Liechtenstein, along with the 27 EU Member states in the initial scope of the regulation. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | PL<br>(Comments):<br><br>The provisions of the proposal does not sufficiently contribute to strenghtening coherence of the EU public procurement legal framework. The basic provisions and definitions establishing the rules for determining EU origin should be set forth in the EU's horizontal public procurement regulations. On that basis, a sector-specific act such as the IAA should establish specific rules for the sector in question.<br><br>PT<br>(Comments):<br><br>The term 'content' is undefined. Guidance on how to assess the EU content percentage is needed, including applicable sectoral rules.<br><br>PT<br>(Comments):<br><br>The term 'content' is undefined. Guidance on how to assess the EU content percentage is needed, including applicable sectoral rules.<br><br>SI<br>(Drafting suggestions):<br><br>For the purposes of this Chapter, content equivalent to Union origin refers to content originating in the Union.<br><br>SI<br>(Comments):<br><br>The change is proposed to ensure consistant wording.<br>The term "Union origin" is found at the EU level in various acts with different definitions, which is not appropriate and these definitions should be unified |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | FR<br>(Drafting suggestions):<br>**For the purposes of this Chapter, content of Partner origin is to be considered as content equivalent to Union origin.**<br>FR<br>(Comments):<br>France proposes to distinguish explicitly, throughout this Chapter, between "Union origin" and "Partner origin" content, in order to enhance the clarity and readability of the text |
| 2. The origin of products and components shall be determined in accordance with Regulation (EU) No 952/2013 of the European Parliament and of the Council. | AT<br>(Comments):<br>Art. 7 regulates only the origin of goods (products and components). It does not address the origin of services, even though service contracts are likewise subject to mandatory Union origin requirements in public procurement procedures (see, however, Article 11[1], which provides for the exclusion of tenders submitted by economic operators owned or controlled by an entity established in third countries which have not concluded an international agreement with the Union guaranteeing such access; “beneficial ownership”). AT would welcome clarification as to why a definition regarding the origin of services is not included in Art. 7 and which regime applies to service contracts where service providers use goods from countries without market access.<br><br>Pursuant to Art. 7(2), the origin of products and components shall be determined in accordance with the Union Customs Code (Regulation [EU] 952/2013). AT notes that the Union Customs Code is highly complex. Most contracting authorities and contracting entities (in particular smaller authorities, such as municipalities) are not in a position to assess the origin of |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | goods in tenders on the basis of its detailed provisions (286 articles; Commission Delegated Regulation [EU] 2015/2446 supplementing the Code, comprising more than 1.100 pages). For example, Art. 60 of the Code (cf. Article 60[2]: "*Goods the production of which involves more than one country or territory shall be deemed to originate in the country or territory where they underwent their last, substantial, economically-justified processing or working, in an undertaking equipped for that purpose, resulting in the manufacture of a new product or representing an important stage of manufacture*.") poses a significant practical challenge for contracting authorities and contracting entities in application, as they are not customs experts. Even tough Art. 11(4) allows reliance, as a rule, on self-declarations submitted by economic operators, the ultimate responsibility for verification remains with the contracting authorities and contracting entities. This is particularly relevant in light of the potential liability under Art. 32 of the proposal.<br><br>EL<br>(Comments):<br><br>We would like to kindly ask the Commission to provide us with a case study, demonstrating how the origin of products and components is determined according with the Union Custom Code. Does the proposed provision add workload to Union Custom authorities?<br><br>FI<br>(Comments):<br><br>Finland requests more information on whether the delegated powers of the Commission under Regulation 952/2013 can be used for determining the Union origin content for the purposes of the IAA.<br><br>FR |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Drafting suggestions):<br><br>**Except in the cases set out below,** the origin of products and components shall be determined in accordance with **the primary non-preferential rules of origin laid down in** Regulation (EU) No 952/2013 of the European Parliament and of the Council **and in Commission Delegated Regulation (EU) 2015/2446**.<br><br>**The origin of iron and steel products and components thereof shall be determined on the basis of the country of "melt and pour", as defined in Article 4 of Regulation (EU) of the European Parliament and of the Council addressing the negative trade-related effects of global overcapacity on the Union steel market and amending Regulation (EU) 2020/2170.**<br><br>**The origin of concrete and mortar products and components thereof shall be determined on the basis of the origin of the cement used as a hydraulic binder, according to the residual rule for subheading 2523 21-2523 90 (« The origin of cement produced from the mixture of clinker of different origins, shall be the country of origin of the greatest proportion of clinker by weight of the total clinker in the cement. »).**<br><br>**The origin of aluminium shall be determined in accordance with a specific rule to be established, so as to ensure that the applicable requirements effectively support the competitiveness and resilience of the European industrial base.**<br><br>**Where the origin of a product or component cannot be determined in accordance with this Article, that product or component shall be deemed not to originate in the Union.**<br><br>FR |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Comments):<br><br>In order to ensure the effectiveness of the Union content requirements established by Chapter III, the origin of products and components must be determined solely on the basis of the notion of substantial transformation, as operationalised by the primary non-preferential rules of origin set out in Annex 22-01 of Commission Delegated Regulation (EU) 2015/2446. The residual rules of origin should therefore be excluded, as they may confer Union origin on products whose decisive industrial operations have not taken place within the Union, thereby undermining the very purpose of this chapter.<br><br>In order to ensure robustness of Union origin requirements and avoid circumvention, specific rules should be set out for iron and steel, concrete and mortar and aluminium. These will ensure that upstream energy-intensive producers will benefit from Union origin requirements, in accordance with the objectives of the text. For steel, a product with imported raw materials that are solely remelted in the EU should not be granted Union origin; for concrete and mortar, a product with imported raw materials that are solely mixed in the EU should not be granted Union origin; for aluminium, the origin shall be determined in accordance with a specific rule to be established.<br><br>LT<br>(Comments):<br><br>During the implementation of the Regulation, it is important to ensure its compatibility with EU customs law, a clearly defined scope of responsibilities for customs authorities, proportionate enforcement mechanisms, and uniform application across all Member States.<br><br>MT<br>(Comments): |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | It is opined that, if possible, a Simplified Guidance Document on Regulation (EU) No 952/2013 (of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (recast)) would assist Member States in determing clearly the origin of products and components.<br><br>NL<br>(Drafting suggestions):<br><br>The origin of products and components shall be determined in accordance with Regulation (EU) No 952/2013 of the European Parliament and of the Council.<br><br>**3. In derogation of paragraph 1, content originating in the Union shall be presumed not to qualify as content of Union origin if an off-taking entitity has reasonable grounds to believe suppliers of that content are owned or controlled by a non-EU undertaking.**<br>**Such a supplier may rebut this presumption by demonstrating the absence of ownership or control by a non-EU undertaking by establishing any of the following :**<br>**a) The supplier fulfills, in its relationship with its presumed owner or the entity presumed in control, all of the criteria a) to c) from article 18, paragraph 2;**<br>**b) The supplier forms a single economic entity with an undertaking established in the EU; or**<br>**There is no control of the presumed owner or entity presumed in control, in the sense of article 3, paragraph 2, of Regulation 139/2004.**<br><br>NL<br>(Comments):<br><br>In order to strengthen the EU's industry in strategic value chains, it is imperative from a resilience point of view to have regard of high-risk strategic dependencies emanating from control or ownership of third-country |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | players over critical suppliers. As such, two factual situations come into view:<br>1. A supplier is, or is owned or controlled by an EU undertaking, though its relevant products originate from outside the EU.<br>2. A supplier's products originate from the EU, but is owned or controlled by a non-EU undertaking.<br>Both scenarios pose risks to the EU in terms of high-risk strrategic dependencies, while the provision currently proposed still permits content as EU-origin in scenario 2. As such, only a provision which accounts for strategic risks emanating from foreign control over critical supplies suffices. To avoid unnecessary administrateve burdens, off-taking entities may rely on a reasonable presmption of non-EU-ownership or control, in derogation of the standard rule to ascertain content origin in accordane with Regulation (952/2013), retaining a margin of appreciation in determining the risk they identify from a particular supplier involved. In turn, this presumption may be rebutted by relying on similar criteria as applied for investment screening on strategically important sectors per proposed article 18, or the standard definition of control used in a competition law context (to idenfity a single economic entity, or to identify a merger within the Merger Regulation ). Furthermore, to relieve administrative burdens (in this respect, for the supplying entitity), the ability for a supplier to choose a satisfactory way of rebutting a presumption of control offers sufficient flexibility for the supplier.<br><br>PT<br>(Comments):<br>The absence of a published list of third countries covered creates legal uncertainty for contracting authorities and economic operators.<br>PT |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Comments):<br><br>**The definition of "Union origin" relying on the Union Customs Code is appropriate and has legal consistency. However, the practical application may prove complex, particularly for SMEs, due to the difficulty in tracing multi-stage value chains. Additional guidance and simplified methodologies should be considered to ensure feasibility and uniform interpretation across Member States.**<br><br>SI<br>(Drafting suggestions):<br><br>The origin of products and components shall be determined in accordance with Article 60 of Regulation (EU) No 952/2013 and the provisions laid down in Annexes II and III.<br><br>SI<br>(Comments):<br><br>Reference has to be made to non-preferential rules of origin in the UCC and provisions in Annex II and III which together define the origin requirements |
| | DK<br>(Drafting suggestions):<br><br>**3. The Commission shall publish and update indicative list of third countries considered to meet or not meet requirements for "Union origin" under Articles 8 and 9, based on relevant agreements and reciprocity evaluations. [This list is provided for guidance and does not exempt contracting authorities from independent assessment.]**<br><br>DK<br>(Comments):<br><br>DK and several MS identified implementation challenges for contracting authorities regarding "Union origin." Publishing an indicative country list |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | addresses practical clarity, reducing administrative burdens and increasing transparency, while still requiring authorities to perform independent assessments.<br><br>IT<br>(Drafting suggestions):<br>**3. For steel products and components containing steel, only steel that has been originally melted and poured within the Union, in accordance with Regulation (EU 2025/0726 shall qualify as being of Union origin.**<br>IT<br>(Comments):<br>For steel, the current definition using Regulation (EU) No 2013/952 cannot apply, as its 'last substantial transformation' rule would undermine the objective by allowing third-country steel to gain Union origin status through minor downstream processing. Such a loophole would risk diverting decarbonisation investments away from Europe and rewarding imports of partly finished products instead of supporting genuine EU -based production. The "melt and pour" criteria adopted in Regulation EU 2025/0726 ensures that the major steelmaking processes and decarbonisation takes place in the EU, and therefore ensures a lead market demand that recognises EU investments.<br><br>IT<br>(Drafting suggestions):<br>**3. For steel products and components containing steel, only steel that has been originally melted and poured within the Union, in accordance with Regulation (EU 2025/0726 shall qualify as being of Union origin.**<br>IT |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Comments):<br><br>For steel, the current definition using Regulation (EU) No 2013/952 cannot apply, as its 'last substantial transformation' rule would undermine the objective by allowing third-country steel to gain Union origin status through minor downstream processing. Such a loophole would risk diverting decarbonisation investments away from Europe and rewarding imports of partly finished products instead of supporting genuine EU -based production. The "melt and pour" criteria adopted in Regulation EU 2025/0726 ensures that the major steelmaking processes and decarbonisation takes place in the EU, and therefore ensures a lead market demand that recognises EU investments.<br><br>RO<br>(Drafting suggestions):<br><br>RO: Add a new paragraph:<br>"The Commission shall ensure that compliance mechanisms related to Union origin requirements remain proportionate to the size, resources and administrative capacity of SMEs. Standardised declaration templates and digital tools should be made available to facilitate compliance."<br><br>RO<br>(Comments):<br><br>RO: SMEs participating in industrial value chains frequently do not possess complete information regarding the origin of all upstream inputs and components. Without proportionate compliance mechanisms, origin requirements may generate excessive administrative costs and reduce SME participation in strategic industrial value chains. The proposed addition is consistent with the Better Regulation principles and the "Think Small First" approach |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| *Article 8* | PT<br>(Comments):<br>**The equivalence granted to third countries with trade agreements is justified; however, the conditions for exclusion (lack of reciprocity, supply security risks) should be clarified to avoid legal uncertainty. The discretionary nature of such exclusions may lead to inconsistent application and should be supported by transparent and objective criteria.** |
| | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| **Content equivalent to Union origin in public procurement** | AT<br>(Comments):<br><br>AT questions the choice of the heading "Content equivalent to Union origin". In customs terminology, the notion of "equivalent" is typically used in the context of transit goods. The deviation from established terminology therefore appears unclear and may give rise to interpretative uncertainty. Could COM clarify the rationale for this terminology?<br><br>FR<br>(Drafting suggestions):<br><br>Content ~~equivalent to Union~~ **of Partner origin** in public procurement<br><br>FR<br>(Comments):<br><br>France proposes to distinguish explicitly, throughout this Chapter, between "Union origin" and "Partner origin" content, in order to enhance the clarity and readability of the text<br><br>PL<br>(Comments):<br><br>Balanced approach is needed that strenghtens competitiveness of European industries without alienating our trusted partners and disrupting supply chains.<br>Actual market conditions must be considered across the whole of the UE, economic security and possibility for European industries to adjust.<br>EU commitments must be respected however and reciprocity must be expected as well as use of means to enforce it for the mechanism to be effective. |
| | |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| 1. With respect to the Union origin requirements referred to in Article 11, content originating in third countries with which the Union has concluded an agreement establishing a free trade area or a customs union, or that are parties to the Agreement on Government Procurement, where relevant obligations of the Union exist under that agreement, shall be deemed to be of Union origin. | AT<br>(Comments):<br><br>Para 1 appears to introduce a concept that differs from the approach under the Union Customs Code, in particular through the wording "*shall be deemed to be of Union origin*". AT would welcome clarification as to the added value and practical implications of this legal presumption.<br>Can COM confirm, that Art. 8(1) is lex specialis to Art. 7 and that the content of bids (for ex offered goods) originationg in GPA countries have access to the EU regardless where they really come from?<br><br>BE<br>(Comments):<br><br>BE is in favour of a 'Made with EU' approach and we underline the need to respect free trade agreements and trusted partners while guaranteeing respect for the principle of reciprocity.<br><br>We are concerned about the price impact it has on ongoing and future (offshore) auctions and availability of critical raw materials, which might hamper the energy objectives of the Union.<br><br>CZ<br>(Comments):<br><br>It is essential for the Czech Republic to maintain the scope as is in Article 8. More specifically, we welcome that FTA partners are included, thereby preventing disruption to trade relations and supply chains. At the same time, the Czech Republic insists on compliance with the obligations arising from multilateral agreements (e.g., the WTO).<br><br>DK<br>(Comments): |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Important for Denmark to ensure that Greenland and the Faroe Island will be able to access the EU markert. Could the COM or CLS clarify whether this is the case?<br><br>EL<br>(Drafting suggestions):<br><br>With respect to the Union origin requirements referred to in Article 11, content originating in third countries with which the Union has concluded an agreement establishing a free trade area or a customs union, or that are parties to the Agreement on Government Procurement, where relevant obligations of the Union exist under that agreement, **which are listed in Annex [XX]** shall be deemed to be of Union origin. **Annex [XX] shall be updated as appropriate by means of delegated acts in accordance with Article 30**.<br><br>EL<br>(Comments):<br><br>Concerning article 8 para 1, on Content equivalent to Union origin in public procurement, Executive Vice-President Séjourné during the last COMPET meeting narrowed the total number of countries with which an FTA including a reciprocity clause is signed to 20 and noted the asymmetry between EU and Canada public procurement agreements.<br><br>It would be essential to provide us with a list of all the countries that are included in the scope (positive list), along with the corresponding list of goods and services that are covered, underlining any relevant asymmetries.<br><br>We would like also an update from the Commission on the pending GPA negotiations? |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | If a third country concludes a GPA agreement in the future, it would be automatically included in the scope of this regulation?<br><br>FI<br>(Comments):<br><br>The recognition of partner countries in Art. 8(1) is positive and necessary for openness.<br><br>FR<br>(Drafting suggestions):<br><br>With respect to the ~~Union~~ origin requirements referred to in Article 11, ~~content originating in third countries with which the Union has concluded an agreement establishing a free trade area or a customs union, or that are parties to the Agreement on Government Procurement, where relevant obligations of the Union exist under that agreement, shall be deemed to be of Union origin~~ **the Commission is empowered to adopt delegated acts in accordance with Article 30 supplementing this Regulation by specifying the third countries whose content is to be deemed to be of Partner origin.**<br><br>FR<br>(Comments):<br><br>France supports an *opt-in* approach whereby content originating in third countries with which the Union has concluded a free trade agreement, when such agreements include relevant obligations, or that are parties to the Agreement on Government Procurement, may be deemed to be of Partner origin, only insofar as the Commission, by delegated act, expressly includes that third country within the scope of Article 8(1).<br><br>Such inclusion should be subject to cumulative conditions ensuring that the third country concerned provides effective and reciprocal national treatment to Union products and economic operators and that the inclusion does not risk |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | aggravating strategic dependencies or threatening the Union's security of supply. This approach reverses the default logic of the Commission's proposal, which would automatically grant equivalent treatment to several dozens of third countries from the entry into force of the Regulation, and which would, in the absence of any prior assessment of reciprocity, significantly undermine the effectiveness of the Union content requirements established by this Chapter. Furthermore, an inclusion-based mechanism also provides the Union with greater negotiating leverage and a more constructive political framing than an exclusion-based one: granting access by positive decision, rather than withdrawing it by sanction, incentivises third countries to demonstrate effective reciprocity *ex ante* and avoids the diplomatic friction inherent in *ex post* exclusion measures.<br><br>IT<br>(Drafting suggestions):<br><br>1. With respect to the Union origin requirements referred to in Article 11, content originating in third countries with which the Union has concluded an agreement establishing a free trade area or a customs union, or that are parties to the Agreement on Government Procurement, shall be deemed to be of Union origin **only where the Commission has determined, by means of an implementing act, that such third country ensures effective reciprocity, regulatory alignment, comparable sustainability requirements, fair competition conditions and does not create risks of circumvention or strategic dependency**.<br><br>IT<br>(Comments):<br><br>The proposal aims to clarify that, with regard to the Union origin requirements set out in Article 11, content originating in third countries with which the Union has concluded an agreement establishing a free trade area or |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | a customs union, or which are parties to the Agreement on Government Procurement, shall be considered to be of Union origin only where the Commission has determined, by means of an implementing act, that such a third country ensures effective reciprocity, regulatory alignment, comparable sustainability requirements and conditions of fair competition, and does not create risks of circumvention or strategic dependence.<br><br>Italy considers it necessary to reach a definition of a geographical scope that does not undermine the effectiveness of the act itself and its shared objective of industrialisation.<br><br>IT<br>(Drafting suggestions):<br>1. With respect to the Union origin requirements referred to in Article 11, content originating in third countries with which the Union has concluded an agreement establishing a free trade area or a customs union, or that are parties to the Agreement on Government Procurement, shall be deemed to be of Union origin **only where the Commission has determined, by means of an implementing act, that such third country ensures effective reciprocity, regulatory alignment, comparable sustainability requirements, fair competition conditions and does not create risks of circumvention or strategic dependency**.<br><br>IT<br>(Comments):<br>The proposal aims to clarify that, with regard to the Union origin requirements set out in Article 11, content originating in third countries with which the Union has concluded an agreement establishing a free trade area or a customs union, or which are parties to the Agreement on Government |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Procurement, shall be considered to be of Union origin only where the Commission has determined, by means of an implementing act, that such a third country ensures effective reciprocity, regulatory alignment, comparable sustainability requirements and conditions of fair competition, and does not create risks of circumvention or strategic dependence.<br><br>Italy considers it necessary to reach a definition of a geographical scope that does not undermine the effectiveness of the act itself and its shared objective of industrialisation.<br><br>MT<br>(Comments):<br><br>Linking Articles 8 and 11: It is generally understood that the contents of Article 8(1) are in adherence to Preamble 17 and Article 25 of Directive EU/24/2014: Public Procurement (PP) – Text hereunder in Italics:<br>Preamble 17 specifies that *'For contracts covered by Annexes 1, 2, 4 and 5 and the General Notes to the European Union's Appendix I to the GPA, as well as by other relevant international agreements by which the Union is bound, contracting authorities should fulfil the obligations under those agreements by applying this Directive to economic operators of third countries that are signatories to the agreements'*<br><br>Article 25 specifies that *'In so far as they are covered by Annexes 1, 2, 4 and 5 and the General Notes to the European Union's Appendix I to the GPA and by the other international agreements by which the Union is bound, contracting authorities shall accord to the works, supplies, services and economic operators of the signatories to those agreements treatment no less favourable than the treatment accorded to the works, supplies, services and economic operators of the Union'.* |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | As one may note, the above citations from Directive EU/24/2014 mention:<br>• Agreement on Government Procurement<br>• International Agreements.<br><br>However, Article 8 of IAA mentions:<br>• Agreement establishing a Free Trade Area<br>• Agreenment establishing a Customs Union<br>• Agreement on Government Procurement<br><br>Moreover, it is observed that Article 11 of the IAA specifies only International Agreements. To ascertain legal certainty, it is recommended that Article 8 and Article 11 of the IAA are reflective of each other.<br><br>Clarification is being sought on how the Agreements establishing a Free Trade Area or a Customs Union correlate and/or differentiated from International Agreements.<br><br>Additionally, Malta seeks clarifications as to what is exactly meant by: 'where *relevant obligations* of the Union exist under that agreement'?<br><br>It is opined that, if possible, a Simplified Guidance Document on all the aforementioned Agreements is developed, in view that Member States - especially their Contracting Authorities - require clear, unequivocal direction on which Countries have a secured access to the EU Public Procurement Markets. In fact, the said Guidance Document would ideally include a List of all Countries signatories in each of the applicable Agreement/s, specifying any relevant obligations within the context of Public Procurement Procedures.<br><br>Malta strongly supports and advocates for the maintenance of broad procurement access, including FTA partners and GPA countries. This is so that we can maintain competition and value-for-money, avoid cost escalation |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | leading to higher inflation rates, and ensure coherence with trade commitments. Therefore, we would ideally maintain broad eligibility, i.e. this should be the default rule, and try to limit Article 8(2) by defining clear criteria, transparency, and limit its uses to exceptional uses.<br><br>PL<br>(Drafting suggestions):<br><br>With respect to the Union origin requirements referred to in Article 11, content originating in third countries with which the Union has concluded an agreement establishing a free trade area or a customs union,or that are parties to the Agreement on Government Procurement, where relevant obligations of the Union exist under that agreement, shall ~~be deemed to~~ be **treated as a content** of Union origin **according to international commitments of the Union**.<br><br>PL<br>(Comments):<br><br>For reasons of clarity, it is necessary to maintain the conceptual distinction between "EU origin" and "content equivalent to EU origin." This provision should use the terminology set forth in international agreements binding on the EU, such as the most-favored-nation clause in Article IV of the GPA.<br><br>RO<br>(Drafting suggestions):<br><br>Proposal: a mandatory annex or a (dynamic) list-type tool is needed, by category of contracting authorities/entities and types of contracts, to indicate to contracting authorities/entities when relevant obligations exist at EU level. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Regarding the provisions on derogations from origin requirements, we consider it necessary to introduce the following text:<br>"**Union origin requirements shall not apply where their application would be incompatible with imperative requirements of nuclear safety, operational safety, physical protection, cybersecurity, licensing, technical qualification, or authorization, including in situations where the competent national authority in the field of nuclear safety mandates the use of the original equipment manufacturer, the technology holder, the organization responsible for the initial design, their successors, or** |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | **suppliers qualified/authorized in accordance with the applicable framework**<br><br>We propose the following addition:<br>**"Union origin requirements for nuclear fission technologies should not apply to projects for which, prior to the entry into force of the regulation, one or more of the following stages have already been initiated or completed: technology selection, launch of FEED studies, structuring of the procurement strategy, signing or negotiation of EPC/EPCM contracts, initiation of licensing procedures, initiation of financing processes, or discussions regarding public support."**<br><br>RO<br>(Comments):<br><br>Assimilation of content originating in certain third countries to content originating in the Union in public procurement, the phrase “shall be deemed to be of EU origin” for content from third countries that have a free trade agreement, a customs union or are party to the GPA.<br><br>This provision has a significant impact. Non-EU content can be considered to be of EU origin if it comes from countries with which the EU has certain agreements. The problem is that access to public procurement under trade agreements is not uniform: it depends on the contracting authority, the type of contract, the threshold, the sector, the services/works/supplies and the list of coverage. The formula “where there are relevant Union obligations under the agreement” will be difficult to apply in practice. The text does not provide for a simple verification mechanism. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Contracting authorities may misinterpret that any product from a GPA or FTA country is automatically "EU equivalent". In reality, equivalence must be verified in accordance with the exact coverage of the agreement.<br><br>Requirements regarding Union origin are relevant to strengthening European value chains; however, in the nuclear sector, they must be applied with additional flexibility. Nuclear projects rely on licensed technologies, reference designs, qualified suppliers and, in certain cases, procurement obligations from the original equipment manufacturer, the technology holder, or their successors. Replacing a qualified supplier with an alternative one, solely to meet an origin criterion, may involve licensing risks, significant delays, additional costs, and implications for nuclear safety.<br>We propose that Romania support the inclusion of an explicit derogation for nuclear projects and critical energy infrastructure, applicable to both public procurement and public support schemes.<br>For nuclear projects in advanced stages of development, the retroactive application of new component origin requirements can impact the procurement structure, financing, timeline, licensing, and agreements already initiated with technological or industrial partners. In the case of nuclear projects, modifying the supply chain after technology selection, the launch of FEED studies, the structuring of EPC/EPCM contracts, the initiation of financing processes, or the preparation of licensing documentation can generate significant delays.<br><br>SI<br>(Drafting suggestions):<br>. By way of derogation from Article 7 with respect to the Union origin requirements referred to in Article 11, content originating in third countries with which the Union has concluded an agreement establishing a free trade area or a customs union, or that are parties to the Agreement on Government |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Procurement, where relevant obligations of the Union exist under that agreement, shall be deemed to be of Union origin<br><br>SI<br>(Comments):<br><br>Article 8 derogates from Article 7 and this has to be specified.<br><br>Verification of "Union origin" can be a problem for some, particularly smaller contracting authorities, which do not have sufficiently skilled staff to successfully verify requirements<br>specific market of each country and the structure of its contracting authorities are also key factors. It needs to be taken into consideration the<br>specific market of each country and the structure of its contracting authorities to successfully carry out the requirements. |
| | DE<br>(Comments):<br><br>DE<br>(Drafting suggestions):<br><br>By [entry of force of IAA] the commission shall publish a list with all countries that fall under the provision of Article 8. The list shall be publicly available and will be updated with every implementating act that is adopted following Art 8.2.<br><br>DE<br>(Comments): |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Member States as well as public authorities and companies need planning security. Therefore it is essential that this information is provided by the Commission.<br><br>RO<br>(Drafting suggestions):<br><br>**2. For the purpose of determining the existence and scope of such relevant Union obligations, contracting authorities/entities shall apply a binding reference instrument made available by the COM in the form of a dynamic list, clearly indicating when and to what extent such obligations apply under the relevant international agreements.**<br><br>RO<br>(Comments):<br><br>This provision may have a significant practical and legal impact, as non-EU content could be treated as Union-origin, provided it originates from countries with which the EU has concluded such agreements.<br>The reference to "where relevant obligations of the Union exist under that agreement" is not sufficiently precise from an operational perspective and may be difficult to apply consistently in practice, as it does not provide a clear or simple verification mechanism.<br><br>There is a risk that contracting authorities or entities may incorrectly assume that any product originating from a GPA or FTA partner country is automatically equivalent to EU-origin, without conducting a proper assessment of the actual scope and coverage of the relevant agreement. In practice, such equivalence must be determined strictly in accordance with the specific market access commitments and limitations set out in each individual agreement.<br><br>SE |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Drafting suggestions):<br><br>**The Commission shall maintain an updated list of countries that are covered by paragraph 1, including exclusions made in accordance with paragraph 2.**<br><br>SE<br>(Comments):<br><br>Information about which countries are deemed to be of Union origin should be clear and easily accessible in order to reduce complexity for contracting authorities, contracting entities and companies, especially SMEs.<br>SE proposed that this can be done through digital tools such as access to makets database. |
| 2. The Commission shall adopt delegated acts in accordance with Article 30 to exclude, in whole or in part, a third country from the scope of paragraph 1 based on any of the following criteria: | AT<br>(Drafting suggestions):<br><br>The Commission shall adopt **implementing** acts in accordance with Article 30 to exclude, in whole or in part, a third country from the scope of paragraph 1 based on any of the following criteria<br><br>AT<br>(Comments):<br><br>AT does not support the broad empowerment of the Commission to adopt delegated acts pursuant to para 2. In addition to Art. 8(2), the IAA provides for several other far-reaching delegations of powers to the Commission (cf. Art. 9[2], 10[2], 16[1], 16[2], 24, as well as Art. 28e, 28f, 28g, 28h[1] and 28h[2] of the NZIA). There are significant doubts as to whether these powers (especially if they are exercised in a cumulative manner) can still be considered “non-essential elements” within the meaning of Art. 290 TFEU (AT refers to the discussion in the CWG 11./12.6.); a request for a legal opinion of the CLS has already been submitted. In any event, AT takes the view that the MS should be granted comprehensive rights of co- |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | determination and of consent. In this regard, AT notes that the adoption of implementing acts requires consultation of a committee composed of representatives of all MS; AT would therefore favour the use of implementing acts over delegated acts.<br><br>BE<br>(Drafting suggestions):<br>2. The Commission shall adopt ~~delegated~~ **implementing** acts in accordance with Article 30 to exclude, in whole or in part, a third country from the scope of paragraph 1 based on any of the following criteria:<br>BE<br>(Comments):<br>BE is of the opinion that more involvement of MS is necessary especially given the potential impact of the exclusion of partners on MS.<br>CZ<br>(Drafting suggestions):<br>2. ~~T~~The Commission shall adopt **implementing acts in accordance with the examination procedure referred to in Article 31(3)** ~~**delegated acts in accordance with Article 30**~~ to exclude, in whole or in part, a third country from the scope of paragraph 1 based on any of the following criteria: **The Commission shall base such exclusion on objective and verifiable evidence, shall provide a reasoned justification, and shall ensure appropriate consultation of Member States prior to adoption.**<br>CZ<br>(Comments):<br>Exclude the Commission's power to exclude third countries from equivalent origin treatment by delegated act. |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | **Justification:**<br>Decisions on exclusion of third countries have significant trade and political implications, which requires bigger MS involvement. Therefore committee control is warranted<br><br>EE<br>(Comments):<br><br>As in the comments provided for Chapter IV, Estonia is concerned about the extent of delegation of powers in this article. We prefer implementing acts to delegated acts to ensure stronger involvement of Member States.<br>We support the request of several other Member States for an opinion of the Council Legal Service on whether the scope of the delegation in the proposal goes further than what is permitted under Article 290 TFEU.<br>The exceptions in subparagraphs (a)-(c) should be framed more clearly, including what methodology will be used to assess dependencies.<br><br>DE<br>(Drafting suggestions):<br><br>The Commission ~~shall~~ may adopt ~~delegated~~ implementing acts in accordance with Article ~~30~~ 31.3 to exclude, in whole or in part with regard to the technological scope, a third country from the scope of paragraph 1 based on any of the following criteria<br><br>DE<br>(Comments):<br><br>Member States need to be better involved as this provision empowers COM to deviate from FTA obligations where MS have been involved by qualified majorty according to Art. 207 TFEU.<br><br>EL<br>(Comments): |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | As for article 8 para 2, we have a scrutiny reservation. The exclusion of a third country from the scope of Union origin in public procurement is an important change in the scope of the regulation that can have significant direct and indirect impacts. We should discuss about the role of the Member States in the decision making process. We would like to thank the Council Legal Service for their contribution.<br><br>FR<br>(Drafting suggestions):<br><br>2. The Commission shall ~~adopt delegated acts in accordance with Article 30 to exclude, in whole or in part, a third country from the scope of paragraph 1 based on any of the following criteria:~~ **identify such third countries that are parties to agreements establishing a free trade area and including reciprocal access to public procurement markets, or that are parties to the Agreement on Government Procurement, where relevant obligations of the Union exist under that agreement, provided, that the following conditions are fulfilled:**<br><br>MT<br>(Comments):<br><br>In addition, Article 8(2) lists the conditions to apply the exclusion in part or in whole from Procurement Procedures. It is understood that unless the CION adopts Delegated Acts, no Third-Country with which the EU has concluded an agreement establishing a free trade area or a customs union, or that are parties to the GPA, (where relevant obligations of the EU exist under that agreement) may be excluded.<br><br>A clear workflow of communication between the CION and the MS is deemed necessary to ascertain that the adjacent provision (and any applicable measures) is in full compliance and alignment with Article 8(1) |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | It is also to be clarified if the Delegated Acts shall also include Third-Country with which the EU has not concluded an agreement establishing a free trade area or a customs union, or are not part of the GPA.<br><br>It is also opined that, if possible, a Simplified Guidance Document which includes a List of all Third Countries which are to be excluded (in whole or in part) from Procurement Procedures, specifying any relevant obligations to be undertaken by Member States/Contracting Authorities, especially in instances when exclusion is 'partially'. It is understood that the Guidance Document would also specify which of the adjacent criteria was not met by the relevant Third Country, as well as substantiate and justify their conclusions.<br><br>NL<br>(Drafting suggestions):<br><br>~~The Commission shall adopt delegated acts in accordance with Article 30 to exclude, in whole or in part, a third country from the scope of paragraph 1 based on any of the following criteria:~~<br>**2. The Council is empowerd to adopt an implementing act to exclude, in whole or in part, a third country from the scope of paragraph 1 in accordnce with the following procedure:**<br><br>**The Commission may, on its own initiative or upon a duly substantiated request, examine trade relations with a third country with which the Union has concluded an agreement establishing a free trade area or a customs union, or that are parties to the Agreement on Government Procurement, where relevant obligations of the Union exist under that agreement.**<br><br>**Where the Commission examines such third-country trade relations, it shall act expediently. The examination shall normally not exceed 4 months. The Commission shall carry out the examination based on** |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | **substantiated information and ensure confidentiality when necessary, seeking information about the impact of third-country measures where necessary and inform Member States in a timely manner of the start of examinations and relevant developments.**<br><br>**In case the Commission concludes, on the basis of its examination, a third country should be excluded from the scope of paragraph 1, it shall submit a proposal to the Council for an implementing act excluding that third country.**<br><br>**The Council shall adopt the implementing act, acting by a qualified majority. The Council may amend a Commission proposal, acting by qualified majority. The Council shall act expediently.**<br><br>**In conducting its examination, the Commission shall propose exclusion of a third country from the scope of paragraph 1, if it finds any of the following criteria are met:**<br><br>NL<br>(Comments):<br><br>Trade relations with trusted partners are essential to the EU and its relations with those partners. Any enquiry thus bears significant diplomatic weight and economic and geopolitical impact. This precludes exclusion of trading partners by a Commission act. Seeing as such meaures are tied to individual monitoring of trade relations and enforcement of trade rules, exclusion by the EU should be established on the basis of an implementing act. As such, adoption of a Council implementing act is the only legally and politically viable way to give heed to these diplomatic, economic and geopolitical implications. Furthermnore, such a procedure safeguards sufficient involvement of Member States and their varying economic and diplomatic third-party trade relations, as well as diligence on the Union's part |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Therefore, the Netherlands deems it imperative to align this provision with the procedure enshrined in the similar context of Regulation 2023/2675 (articles 4 and 5).<br><br>PL<br>(Drafting suggestions):<br><br>**Without prejudice to international commitments of the Union,** the Commission shall adopt delegated acts in accordance with Article 30 to exclude, in whole or in part, a third country from the scope of paragraph 1 based on any of the following criteria:<br><br>PL<br>(Comments):<br><br>The provision on delegation of powers lacks specific reference to the provisions of concluded international EU agreements on rules for suspention of their obligations. As such, the provision might appear as inconsistent with the EU's international obligations.<br><br>PT<br>(Comments):<br><br>**The absence of a published list of third countries covered creates legal uncertainty for contracting authorities and economic operators.**<br><br>RO<br>(Drafting suggestions):<br><br>~~2.~~**3.** The Commission shall adopt delegated acts in accordance with Article 30 to exclude, in whole or in part, a third country from the scope of paragraph 1 based on any of the following criteria: |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | SI<br>(Comments):<br><br>Is the market sufficiently prepared to allow public procurement procedures to be successfully carried out?<br>A lack of preparedness could lead to a large number of failed procurement procedures if there are not enough companies on the market able to prove the required share of "Union origin."<br><br>SK<br>(Drafting suggestions):<br><br>The Slovak Republic fundamentally objects to empowering the European Commission to adopt delegated acts regarding the setting of Union origin requirements- We request the **deletion of point 2 from Article 8(2)**. We demand that the criteria for Union origin i**n public procurement** requirements be exhaustively and comprehensively defined directly within the primary legislative text rather than being deferred to secondary legislation.<br><br>SK<br>(Comments):<br><br>Setting rules of origin and environmental compliance criteria constitutes a core strategic, economic, and political decision with a direct and profound impact on industrial competitiveness, the resilience of supply chains, and the public budgets of Member States. These regulations possess the potential to fundamentally reorder long-standing trade and investment relationships with key international partners. The legal framework governing origin criteria and decarbonization standards undeniably constitutes an essential element of this Regulation. In order to guarantee legal certainty, predictability for industrial stakeholders, and to safeguard the institutional balance, these conditions must be fully debated and approved by the Council and the European Parliament |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | through the ordinary legislative procedure, rather than through delegated acts of the European Commission. |
| | |
| (a) that third country has failed to provide national treatment related to Union products or entities under the agreements referred to in paragraph 1 in relation to any of the sectors listed in Annex I; | AT<br>(Comments):<br><br>As regards para 2(a), AT raises the question whether reciprocal retaliatory measures or "cross-retaliation" would be permissible where the relevant agreements provide for dedicated dispute settlement mechanisms or where cross-retaliation is explicitly forbidden under international Union obligations (see Art. XX.3 of the Government Procurement Agreement – GPA). It remains unclear from the text whether COM would be entitled to adopt a delegated act without first having recourse to the dispute settlement mechanism as established under the respective agreement. COM elaborated in CWG 11./12.6. that they would work "in parallel" but didn't reply if COM would enact measures befor this dispute settlement procedure has been "concluded". AT takes the view that the adoption of delegated/implementing acts pursuant to para 2(a), without prior recourse to such mechanisms (or waiting of the outcome of such procedures), would risk breaching the Union's international obligations. AT would therefore ask to seek an opinion from the CLS in this regard.<br><br>DE<br>(Drafting suggestions):<br><br>… [addition in the end:] and does not comply with a respective decision under the relevant dispute settlement mechanism.<br><br>DE<br>(Comments): |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Under FTAs an GPA, the legal remedy against a breach [of the principle of national treatment] is the use of the respective dispute settlement mechanisms. The IAA must not violate this legally binding principle.<br><br>FR<br>(Drafting suggestions):<br><br>(a) that third country ~~has failed to provide national treatment related to Union products or entities under the agreements referred to in paragraph 1 in relation to any of the sectors listed in Annex I;~~ **grants, in law and in practice, reciprocal national treatment to Union products and economic operators under the relevant agreement;**<br><br>SE<br>(Comments):<br><br>SE is still analysing wheter article 8.2 a is appropriate and will soon come back with comments on this matter. |
| | |
| (b) such exclusion is justified to avoid dependencies or any other developments that may threaten the security of supply in the Union of the products in question; | AT<br>(Comments):<br><br>Regarding para 2(b), AT notes a potential incompatibility with the GPA, in particular Art. III(1) of the GPA. This provision provides for exceptions relating to essential security interests relating to the procurement of arms, ammunition or war materials, or to procurement indispensable for national security or for national defence purposes ("security reasons"), thus relating to public security and order. By contrast, para 2(b) relies on economic considerations. In AT's view, considerations of economic security (such as dependencies or potential security of supply issues) do not fall within the scope of Art. III(1) of the GPA. AT would therefore consider it necessary to obtain a legal opinion from the CLS on the compatibility of this provision. Furthermore, AT questions what criteria would trigger a determination of |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | "*dependencies or any other developments that may threaten the security of supply*". The text does not set out any clear assessment criteria for concepts such as "dependency" or "security of supply" or in which cases the SoS is "threatened". It also remains unclear whether, and on what basis, COM would conduct an assessment or investigation prior to adopting a delegated act, as no procedural framework is provided in the IAA. Consequently, the basis on which COM would establish the existence of such dependencies or risks remains unclear. AT takes the view that the process and the criteria should be established in the basic act itself (= IAA).<br><br>DE<br>(Drafting suggestions):<br>such exclusion is justified to avoid critical dependencies or any other developments that may threaten the security of supply in the Union of the products in question.<br>DE<br>(Comments):<br>Scrutiney reservation. See need to define critical dependecies. Ask COM to provide a clear definition.<br>FR<br>(Drafting suggestions):<br>(b) ~~such exclusion is justified to avoid dependencies or any other developments that may threaten the security of supply in the Union of the products in question~~ **the inclusion of the third country does not risk aggravating dependencies or otherwise threatening the security of supply in the Union of the products concerned;**<br>PT<br>(Comments): |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | The absence of a deadline for exclusion measures (once adopted, they last as long as the underlying reasons persist) may create uncertainty for third-country operators. A periodic review mechanism for delegated acts under this paragraph should be provided.<br><br>PT<br>(Comments):<br><br>The absence of a deadline for exclusion measures (once adopted, they last as long as the underlying reasons persist) may create uncertainty for third-country operators. A periodic review mechanism for delegated acts under this paragraph should be provided.<br><br>RO<br>(Drafting suggestions):<br><br>(b) such exclusion is justified to avoid dependencies or any other developments that may threaten the security of supply in the Union of the products in question, **based on an objective, transparent and verifiable analysis of the availability of alternative sources of supply and the impact on costs, delivery times and the implementation of relevant industrial projects**."<br><br>RO<br>(Comments):<br><br>Justification: this ammendament aims to base the exclusion of a third country not only on the existence of a general risk of dependency, but also on the concrete effects on the market and on industrial projects. Such an analysis is relevant to the extent that public procurement may concern equipment, components or technologies used in projects involving mineral resources, oil or the geological storage of $CO_2$. In the absence of alternatives available within a reasonable time, exclusion may lead to delays or additional costs. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | |
| © such exclusion is justified under any other exception under the applicable agreement. | FR<br>(Drafting suggestions):<br>(c) ~~such exclusion is justified under any other exception under the applicable agreement.~~ **the inclusion of the third country is consistent with any other applicable conditions or exceptions laid down in the relevant agreement.**<br>SI<br>(Comments):<br>With the aim of reducing the administrative burden on contracting authorities, we propose that the European Commission establish a list of eligible countries that meet the criteria set out in the Act. |
| | BE<br>(Drafting suggestions):<br>**3. The Commission shall develop and make available a clear and user-friendly tool to assist contracting authorities, contracting entities and economic operators in determining the scope of application of Article 8(1) and, where relevant, Article 8(2).**<br>BE<br>(Comments):<br>BE: A clear and practical tool developed by the Commission would enhance legal certainty and ensure a more consistent application of Article 8 across the Union. Contracting authorities, contracting entities and economic operators need accessible guidance to correctly determine whether specific procurements fall within the scope of the relevant provisions. Such a tool would help reduce administrative burdens, avoid divergent interpretations between Member States, facilitate implementation in practice and lower the risk of legal disputes or delays in procurement procedures. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | EE<br>(Drafting suggestions):<br><br>**3. No later than at the time of entry into force of this Regulation, the Commission will compose and make digitally available to Member States contracting authorities a compilation of data related to public procurement procedures set out in Article 11. This data will include a list of third countries covered by paragraph 1 as well as current and forecasted production capacity of Union origin materials and components relevant to this Regulation. This compilation of data will be accompanied by guidance for contracting authorities on the application of the criteria provided in Articles 8(1), 9(1), 11(3), 12(3). The data and guidance will be updated at least once per year, or more often if necessitated by a change in relevant baseline data, such as the list of third countries deemed equivalent to Union origin.**<br><br>EE<br>(Comments):<br><br>Each procuring authority in each Member State should not have compile their own data on which to base the application of EU origin rules and other relevant parts of the IAA in procurements and other forms of public intervention. Rather, this data should be provided centrally to ensure consistency in the EU's public procurement procedures. Therefore, together with setting the rules for procurement, the Commission should provide the necessary data and guidance for applying these rules consistently across the EU and for procurement authorities to make informed decisions which would not be immediately challenged by companies participating in public procurements. This would provide more legal clarity, prevent uneven application of Union origin rules across Member States and therefore provide a more level playing field for procurements within the Single Market. This |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | comment is in line with and in addition to the EE comment on Article 28(b) provided on 3 June.<br><br>DE<br>(Drafting suggestions):<br><br>The exclusion of a country may be revised or renewed at least every three years by the Commisison or earlier upon justified request by the Member State.<br><br>DE<br>(Comments):<br><br>To ensure that there is a mechanism where the exclusion is revised so that developments in FTA or trade relations can be reflected. Member States need to be involved.<br><br>EL<br>(Drafting suggestions):<br><br>**2bis. Due to specific concerns, one or more Member States may request the Commission to adopt a delegated act in accordance with paragraph 2. The Commission shall examine this request in a timely manner. If the Commission does not respond positively to such a request, it shall inform the Member State(s) concerned in a timely manner of its reasons.**<br><br>IT<br>(Drafting suggestions):<br><br>**3. The Commission shall establish, maintain, and publish, by means of implementing acts, a list of the countries referred to in paragraph 1 . The list shall be reviewed and updated annually monitoring and assessing trade flows and market developments to identify:**<br>• **a significant increase in imports suggests circumvention;** |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | • **distortions identified by trade defense or anti-subsidy investigations;**<br>• **discrepancies between trade flows and production capacity indicating transshipment.**<br><br>**Where such circumstances are identified, the Commission shall take appropriate measures, including the suspension or limitation of equivalence under paragraph 1, and is empowered to adopt delegated acts in accordance with Article 30 to exclude, in whole or in part, a third country from the scope of paragraph 1.**<br><br>IT<br>(Comments):<br><br>The introduction of a monitoring and corrective mechanism based on evidence-based safeguards is necessary to ensure that the Regulation operate in a way that preserve a level playing field. Furthermore, in order to avoid trade flows being diverted to third countries with which the Union has concluded an agreement establishing a free trade area or a customs union, or that are parties to the Agreement on Government Procurement, the Commission shall continuously monitor and assess, on at least an annual basis, trade flows and market developments.<br><br>In the absence of a centralised and regularly updated reference, contracting authorities are unable to rely on a clear and consistent identification of the relevant countries, thereby giving rise to divergent interpretations, increased administrative burden and a heightened risk of litigation.<br><br>By providing a single, authoritative and periodically updated list at Union level, the amendment would:<br>- facilitate the practical implementation of the Regulation by contracting authorities; |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | - reduce the need for case-by-case legal and factual assessments;<br>- ensure consistency and equal treatment across the internal market;<br>- improve transparency and predictability for economic operators.<br><br>The proposed update ensures that the list remains aligned with the evolution of the Union's international commitments while maintaining proportionality in administrative efforts.<br>Moreover, the adoption of the list by means of implementing acts guarantees that it is legally binding, uniformly applicable across Member States and published in the Official Journal of the European Union.<br>At the same time, the list should be made available in an easily accessible manner, including through a dedicated website of the Commission. This ensures that contracting authorities and economic operators can readily identify the relevant countries in their day-to-day activities.<br>The amendment further clarifies that the Commission, when reviewing and updating the list, shall take into account delegated acts adopted pursuant to paragraph 2. This ensures coherence between different types of Union acts and avoids inconsistencies in the identification of relevant third countries.<br><br>IT<br>(Drafting suggestions):<br><br>**3. The Commission shall establish, maintain, and publish, by means of implementing acts, a list of the countries referred to in paragraph 1 . The list shall be reviewed and updated annually monitoring and assessing trade flows and market developments to identify:**<br>• **a significant increase in imports suggests circumvention;**<br>• **distortions identified by trade defense or anti-subsidy investigations;**<br>• **discrepancies between trade flows and production capacity indicating transshipment.** |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | **Where such circumstances are identified, the Commission shall take appropriate measures, including the suspension or limitation of equivalence under paragraph 1, and is empowered to adopt delegated acts in accordance with Article 30 to exclude, in whole or in part, a third country from the scope of paragraph 1.**<br><br>IT<br>(Comments):<br><br>The introduction of a monitoring and corrective mechanism based on evidence-based safeguards is necessary to ensure that the Regulation operate in a way that preserve a level playing field. Furthermore, in order to avoid trade flows being diverted to third countries with which the Union has concluded an agreement establishing a free trade area or a customs union, or that are parties to the Agreement on Government Procurement, the Commission shall continuously monitor and assess, on at least an annual basis, trade flows and market developments.<br><br>In the absence of a centralised and regularly updated reference, contracting authorities are unable to rely on a clear and consistent identification of the relevant countries, thereby giving rise to divergent interpretations, increased administrative burden and a heightened risk of litigation.<br><br>By providing a single, authoritative and periodically updated list at Union level, the amendment would:<br>- facilitate the practical implementation of the Regulation by contracting authorities;<br>- reduce the need for case-by-case legal and factual assessments;<br>- ensure consistency and equal treatment across the internal market;<br>- improve transparency and predictability for economic operators. |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | The proposed update ensures that the list remains aligned with the evolution of the Union's international commitments while maintaining proportionality in administrative efforts.<br>Moreover, the adoption of the list by means of implementing acts guarantees that it is legally binding, uniformly applicable across Member States and published in the Official Journal of the European Union.<br>At the same time, the list should be made available in an easily accessible manner, including through a dedicated website of the Commission. This ensures that contracting authorities and economic operators can readily identify the relevant countries in their day-to-day activities.<br>The amendment further clarifies that the Commission, when reviewing and updating the list, shall take into account delegated acts adopted pursuant to paragraph 2. This ensures coherence between different types of Union acts and avoids inconsistencies in the identification of relevant third countries. |
| *Article 9* | PT<br>(Drafting suggestions):<br><br>.<br><br>PT<br>(Drafting suggestions):<br><br>. |
| | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| **Content equivalent to Union origin in other forms of public intervention** | BE<br>(Comments):<br>EU equivalent is key for BE in order to minmize price impact and as to allow for a broad array of critical raw material suppliers. BE therefore welcomes this approach.<br>FI<br>(Comments):<br>Finland considers that, in the further preparation of the proposal, the content of the proposed criteria and their practical feasibility should be specified in greater detail. |
| | |
| 1. With respect to the Union origin requirements set out in Article 12, content originating in third countries with which the Union has concluded an agreement establishing a free trade area or a customs union shall be deemed to be of Union origin. | BE<br>(Comments):<br>BE is in favour of a 'Made with EU' approach and we underline the need to respect free trade agreements and trusted partners while guaranteeing respect for the principle of reciprocity.<br><br>We are concerned about the price impact it has on ongoing and future (offshore) auctions and availability of critical raw materials, which might hamper the energy objectives of the Union.<br>DK<br>(Comments):<br><br>EL<br>(Drafting suggestions):<br>With respect to the Union origin requirements set out in Article 12, content originating in third countries with which the Union has concluded an |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | agreement establishing a free trade area or a customs union **which are listed in Annex [XX]** shall be deemed to be of Union origin. **Annex [XX] shall be updated as appropriate by means of delegated acts in accordance with Article 30**.<br><br>EL<br>(Comments):<br><br>With regard to article 9, on Content equivalent to Union origin in other forms of public intervention, we have the same comments as for article 8.<br><br>FI<br>(Comments):<br><br>We support the request for list of countries clarifying the scope of the IAA. We understand the list is not valid indefinitely and that the scope can change, but we request a list depicting the Commission's current understanding of the scope. We also consider the Commission must uphold a list of partner countries on which the contracting authorities can rely on when making their assessments under the IAA. Otherwise the contracting authorities will not be able to fulfill the obligations set herein.<br><br>FR<br>(Drafting suggestions):<br><br>With respect to the Union origin requirements set out in Article 12, content originating in ~~third countries with which the Union has concluded an agreement establishing a free trade area or a customs union~~ **the States which are Contracting Parties to the Agreement on the European Economic Area (EEA)** shall be deemed to be of Union origin.<br><br>FR<br>(Comments):<br><br>Restricting the default geographic scope to the EEA is the only way to ensure that the substantial public resources mobilised by Member States effectively |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | benefit manufacturing activities physically located within that base, in line with the objectives of competitiveness, resilience and economic security pursued by this Regulation. It is also essential, from a political standpoint, that European citizens and taxpayers can identify a clear and visible link between the public support they finance and the industrial activity, jobs and value creation generated on European territory, a link that would be substantially weakened by the Commission's proposal, under which several dozens of third countries would be automatically treated as equivalent to the Union.<br><br>IT<br>(Drafting suggestions):<br><br>With respect to the Union origin requirements set out in Article 12, content originating in third countries with which the Union has concluded an agreement establishing a free trade area or a customs union shall be deemed to be of Union origin **only where the Commission has determined, by means of an implementing act, that such third country ensures effective reciprocity, regulatory alignment, comparable sustainability requirements, fair competition conditions and does not create risks of circumvention or strategic dependency.**<br><br>IT<br>(Comments):<br><br>Union-origin treatment should be restricted to steel melted and poured in the EU, rather than extended to steel from third countries covered by FTAs and customs unions. The current equivalence clause would allow a large share of non-EU steel imports to qualify as “Made in EU”, undermining the objective of prioritising EU steel production.<br><br>IT<br>(Drafting suggestions): |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | With respect to the Union origin requirements set out in Article 12, content originating in third countries with which the Union has concluded an agreement establishing a free trade area or a customs union shall be deemed to be of Union origin **only where the Commission has determined, by means of an implementing act, that such third country ensures effective reciprocity, regulatory alignment, comparable sustainability requirements, fair competition conditions and does not create risks of circumvention or strategic dependency.**<br><br>IT<br>(Comments):<br><br>Union-origin treatment should be restricted to steel melted and poured in the EU, rather than extended to steel from third countries covered by FTAs and customs unions. The current equivalence clause would allow a large share of non-EU steel imports to qualify as "Made in EU", undermining the objective of prioritising EU steel production.<br><br>PT<br>(Comments):<br><br>**While coherence with Article 8 is ensured, similar concerns arise regarding predictability and consistency in the application of equivalence and exclusions. Clear guidelines are needed to prevent fragmentation across national support schemes.**<br><br>RO<br>(Comments):<br><br>We support the strengthening of European value chains; however, the European nuclear sector operates structurally through technological and industrial partnerships with allied states, including nations with a nuclear tradition, high nuclear safety standards, and consolidated |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | cooperation with the European Union/EURATOM. From this perspective, an overly strict limitation to Union origin may reduce the real implementation options, especially in technologies where European industrial capacity is not yet sufficient.<br>In this context, Romania could support the extension or clarification of mechanisms for equivalating content originating from third countries, so that strategic partner states in the nuclear field can also be considered, based on nuclear cooperation agreements, strategic partnerships, security of supply commitments, or other relevant instruments at the Union/Euratom level. This approach would maintain the EU's resilience objective without blocking access to qualified and reliable suppliers.<br><br>SE<br>(Drafting suggestions):<br><br>1. With respect to the Union origin requirements set out in Article**s** 12**, 13 and 14**, content originating in third countries with which the Union has concluded an agreement establishing a free trade area or a customs union shall be deemed to be of Union origin.<br><br>SE<br>(Comments):<br><br>This amendment broadens the definition of Union origin under Articles 13 and 14 (concerning corporate fleets and super credits for small zero-emission vehicles) to include partner countries, as is the case for all other public support schemes in Article 12. It is important to have alignment in the definition of Union origin between different types of support/incentive schemes to minimise complexity and administrative burdens – it would be unnecessary, costly and burdensome to introduce multiple different sourcing and verification requirements for different types of public support schemes.<br><br>SI |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Drafting suggestions):<br><br>By way of derogation from Article 7 with respect to the Union origin requirements set out in Article 12, content originating in third countries with which the Union has concluded an agreement establishing a free trade area or a customs union shall be deemed to be of Union origin.<br><br>SI<br>(Comments):<br><br>Article 9 derogates from Article 7 and this has to be specified. |
| | DE<br>(Drafting suggestions):<br><br>By [entry of force of IAA] the Commission shall publish a list with all countries that fall under the provision of Article 9. The list shall be publicly available and will be updated with every implementating act that is adopted following Art 9.2.<br><br>SE<br>(Drafting suggestions):<br><br>**The Commission shall maintain an updated list of countries that are covered by paragraph 1, including exclusions made in accordance with paragraph 2.**<br><br>SE<br>(Comments):<br><br>Information about which countries are deemed to be of Union origin should be clear and easily accessible in order to reduce complexity for public authorities and companies, especially SMEs. |
| 2. The Commission shall adopt delegated acts in accordance with Article 30 to exclude, in whole or in part, a third country from the scope of paragraph 1 based on any of the following criteria: | BE<br>(Drafting suggestions): |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | 2. The Commission shall adopt ~~delegated~~ **implementing** acts in accordance with Article 30 to exclude, in whole or in part, a third country from the scope of paragraph 1 based on any of the following criteria:<br><br>BE<br>(Comments):<br><br>BE is of the opinion that more involvement of MS is necessary especially given the potential impact of the exclusion of partners on MS.<br><br>BE is concerned about differentiated impacts on prices and availability of components for tenders with a negative impact on the pace of the roll-out of clean energy technologies. Given this impact will differ between member states and technologies, it is important that member states are involved in this decision to exclude some third countries[<br><br>CZ<br>(Drafting suggestions):<br><br>~~T~~he Commission shall adopt **implementing acts in accordance with the examination procedure referred to in Article 31(3)** ~~**delegated acts in accordance with Article 30**~~ to exclude, in whole or in part, a third country from the scope of paragraph 1 based on any of the following criteria: **The Commission shall base such exclusion on objective and verifiable evidence, shall provide a reasoned justification, and shall ensure appropriate consultation of Member States prior to adoption.**<br><br>CZ<br>(Comments):<br><br>**Justification:**<br>Decisions on exclusion of third countries have significant trade and political |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | implications, which requires bigger MS involvement. Therefore committee control is warranted<br><br>EE<br>(Comments):<br><br>As in the comments provided for Chapter IV, Estonia is concerned about the extent of delegation of powers in this article. We prefer implementing acts to delegated acts to ensure stronger involvement of Member States.<br>We support the request of several other Member States for an opinion of the Council Legal Service on whether the scope of the delegation in the proposal goes further than what is permitted under Article 290 TFEU.<br>The exceptions in subparagraphs (a)-(c) should be framed more clearly, including what methodology will be used to assess dependencies.<br><br>DE<br>(Drafting suggestions):<br><br>The Commission ~~shall~~ may adopt ~~delegated~~ implementing acts in accordance with Article ~~30~~ 31.3 to exclude, in whole or in part with regard to the technological scope, a third country from the scope of paragraph 1 based on any of the following criteria<br><br>DE<br>(Comments):<br><br>Member States need to be better involved as this provision empowers COM to derive from FTA obligations where MS have been involved by qualified majorty according to Art. 207 TFEU.<br><br>EL<br>(Comments):<br><br>We have a scrutiny reservation on para 2.<br><br>FI |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Comments):<br><br>Finland takes a cautious view of conferring broad powers on the Commission to amend and supplement provisions concerning the scope of the IAA by means of delegated acts.<br><br>FR<br>(Drafting suggestions):<br><br>~~The Commission shall adopt delegated acts in accordance with Article 30 to exclude, in whole or in part, a third country from the scope of paragraph 1 based on any of the following criteria:~~<br><br>NL<br>(Drafting suggestions):<br><br>~~. The Commission shall adopt delegated acts in accordance with Article 30 to exclude, in whole or in part, a third country from the scope of paragraph 1 based on any of the following criteria:~~<br><br>**2. The Council is empowerd to adopt an implementing act to exclude, in whole or in part, a third country from the scope of paragraph 1 in accordance with the following procedure:**<br><br>**The Commission may, on its own initiative or upon a duly substantiated request, examine trade relations with a third country with which the Union has concluded an agreement establishing a free trade area or a customs union.**<br><br>**Where the Commission examines such third-country trade relations, it shall act expediently. The examination shall normally not exceed 4 months. The Commission shall carry out the examination based on substantiated information and ensure confidentiality when necessary, seeking information about the impact of third-country measures where** |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | **necessary and inform Member States in a timely manner of the start of examinations and relevant developments.**<br><br>**In case the Commission concludes, on the basis of its examination, a third country should be excluded from the scope of paragraph 1, it shall submit a proposal to the Council for an implementing act excluding that third country.**<br><br>**The Council shall adopt the implementing act, acting by a qualified majority. The Council may amend a Commission proposal, acting by qualified majority. The Council shall act expediently.**<br><br>**In conducting its examination, the Commission shall propose exclusion of a third country from the scope of paragraph 1, if it finds any of the following criteria are met:**<br><br>NL<br>(Comments):<br><br>Trade relations with trusted partners are essential to the EU and its relations with those partners. Any enquiry thus bears significant diplomatic weight and economic and geopolitical impact. This precludes exclusion of trading partners by a Commission act. Seeing as such meaures are tied to individual monitoring of trade relations and enforcement of trade rules, exclusion by the EU should be established on the basis of an implementing act. As such, adoption of a Council implementing act is the only legally and politically viable way to give heed to these diplomatic, economic and geopolitical implications. Furthermnore, such a procedure safeguards sufficient involvement of Member States and their varying economic and diplomatic third-party trade relations, as well as diligence on the Union's part |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Therefore, the Netherlands deems it imperative to align this provision with the procedure enshrined in the similar context of Regulation 2023/2675 (articles 4 and 5).<br><br>PL<br>(Drafting suggestions):<br><br>**Without prejudice to international commitments of the Union,** the Commission shall adopt delegated acts in accordance with Article 30 to exclude, in whole or in part, a third country from the scope of paragraph 1 based on any of the following criteria:<br><br>PL<br>(Comments):<br><br>The provision on delegation of powers lacks specific reference to the provisions of concluded international EU agreements on rules for suspention of their obligations. As such, the provision might appear as inconsistent with the EU's international obligations.<br><br>SK<br>(Drafting suggestions):<br><br>The Slovak Republic fundamentally objects to empowering the European Commission to adopt delegated acts regarding the setting of Union origin requirements- We request the **deletion of point 2 from Article 9(2)**. We demand that the criteria for Union origin **in other forms of public intervention** requirements be exhaustively and comprehensively defined directly within the primary legislative text rather than being deferred to secondary legislation.<br><br>SK<br>(Comments):<br><br>Setting rules of origin and environmental compliance criteria constitutes a core strategic, economic, and political decision with a direct and profound impact |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | on industrial competitiveness, the resilience of supply chains, and the public budgets of Member States. These regulations possess the potential to fundamentally reorder long-standing trade and investment relationships with key international partners. The legal framework governing origin criteria and decarbonization standards undeniably constitutes an essential element of this Regulation. In order to guarantee legal certainty, predictability for industrial stakeholders, and to safeguard the institutional balance, these conditions must be fully debated and approved by the Council and the European Parliament through the ordinary legislative procedure, rather than through delegated acts of the European Commission. |
| | |
| (a) that third country has failed to provide national treatment related to Union products or entities under the agreements referred to in paragraph 1 in relation to any of the sectors listed in Annex I; | DE<br>(Drafting suggestions):<br>… [addition in the end:] and does not comply with a respective decision under the relevant dispute settlement mechanism.<br>DE<br>(Comments):<br>Under FTAs, the legal remedy against a breach [of the principle of national treatment] is the use of the respective dispute settlement mechanisms. The IAA must not violate this legally binding principle.<br>FR<br>(Drafting suggestions):<br>~~that third country has failed to provide national treatment related to Union products or entities under the agreements referred to in paragraph 1 in relation to any of the sectors listed in Annex I;~~<br>SE |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Comments):<br><br>SE is still analysing wheter article 9.2 a is appropriate and will soon come back with comments on this matter. |
| | |
| (b) such exclusion is justified to avoid dependencies or any other developments that may threaten the security of supply in the Union of the products in question; | DE<br>(Drafting suggestions):<br><br>, such exclusion is justified to avoid critical dependencies or any other developments that may threaten the security of supply in the Union of the products in question;<br><br>DE<br>(Comments):<br><br>Scrutiney reservation. See need to define critical dependecies. Ask COM to provide a clear definition.<br><br>FR<br>(Drafting suggestions):<br><br>~~such exclusion is justified to avoid dependencies or any other developments that may threaten the security of supply in the Union of the products in question;~~<br><br>RO<br>(Drafting suggestions):<br><br>(b) such exclusion is justified to avoid dependencies or any other developments that may threaten the security of supply in the Union of the products in question, **based on an objective, transparent and verifiable analysis of the availability of alternative sources of supply and the impact on costs, delivery times and implementation of relevant industrial projects**<br><br>RO |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Comments):<br>Justification: Public support schemes may target projects that depend on complex supply chains. An exclusion that is not correlated with the effective availability of alternative sources may lead to delays, additional costs or difficulties in implementing industrial projects relevant for decarbonisation and strengthening European value chains. |
| | |
| © such exclusion is justified under any other exception under the applicable agreement. | FR<br>(Drafting suggestions):<br>~~such exclusion is justified under any other exception under the applicable agreement.~~ |
| | EE<br>(Drafting suggestions):<br>**3. No later than at the time of entry into force of this Regulation, the Commission will compose and make digitally available to Member State contracting authorities a compilation of data related to the procedures of other forms of public intervention set out in Article 12. This data will include a list of third countries covered by paragraph 1 as well as current and forecasted production capacity of Union origin materials and components relevant to this Regulation. This compilation of data will be accompanied by guidance for contracting authorities on the application of the criteria provided in Articles 8(1), 9(1), 11(2)(3), 12(2)(3). The data and guidance will be updated at least once per year, or more often if necessitated by a change in relevant baseline data, such as the list of third countries deemed equivalent to Union origin.**<br>EE<br>(Comments): |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Each procuring authority in each Member State should not have compile their own data on which to base the application of EU origin rules and other relevant parts of the IAA in procurements and other forms of public intervention. Rather, this data should be provided centrally to ensure consistency in the EU's public procurement procedures. Therefore, together with setting the rules for procurement, the Commission should provide the necessary data and guidance for applying these rules consistently across the EU and for procurement authorities to make informed decisions which would not be immediately challenged by companies participating in public procurements. This would provide more legal clarity, prevent uneven application of Union origin rules across Member States and therefore provide a more level playing field for procurements within the Single Market. This comment is in line with and in addition to the EE comment on Article 28(b) provided on 3 June.<br><br>DE<br>(Drafting suggestions):<br><br>The exclusion of a country may be revised or renewed at least every three years by the Commisison or earlier upon justified request by the Member State.<br><br>DE<br>(Comments):<br><br>To ensure that there is a mechanism where the exclusion is revised so that developments in FTA or trade relations can be reflected. Member States need to be involved .<br><br>EL<br>(Drafting suggestions):<br><br>**2bis. Due to specific concerns, one or more Member States may request the Commission to adopt a delegated act in accordance with paragraph** |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | **2. The Commission shall examine this request in a timely manner. If the Commission does not respond positively to such a request, it shall inform the Member State(s) concerned in a timely manner of its reasons.**<br><br>IT<br>(Drafting suggestions):<br><br>**3. The Commission shall establish, maintain, and publish, by means of implementing acts, a list of the countries referred to in paragraph 1 . The list shall be reviewed and updated annually monitoring and assessing trade flows and market developments to identify:**<br>• **a significant increase in imports suggests circumvention;**<br>• **distortions identified by trade defense or anti-subsidy investigations;**<br>• **discrepancies between trade flows and production capacity indicating transshipment.**<br><br>**Where such circumstances are identified, the Commission shall take appropriate measures, including the suspension or limitation of equivalence under paragraph 1, and is empowered to adopt delegated acts in accordance with Article 30 to exclude, in whole or in part, a third country from the scope of paragraph 1.**<br><br>IT<br>(Comments):<br><br>The introduction of a monitoring and corrective mechanism based on evidence-based safeguards is necessary to ensure that the Regulation operate in a way that preserve a level playing field. Furthermore, in order to avoid trade flows being diverted to third countries with which the Union has concluded an agreement establishing a free trade area or a customs union, or that are parties to the Agreement on Government Procurement, the |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Commission shall continuously monitor and assess, on at least an annual basis, trade flows and market developments.<br><br>In the absence of a centralised and regularly updated reference, contracting authorities are unable to rely on a clear and consistent identification of the relevant countries, thereby giving rise to divergent interpretations, increased administrative burden and a heightened risk of litigation.<br><br>By providing a single, authoritative and periodically updated list at Union level, the amendment would:<br>- facilitate the practical implementation of the Regulation by contracting authorities;<br>- reduce the need for case-by-case legal and factual assessments;<br>- ensure consistency and equal treatment across the internal market;<br>- improve transparency and predictability for economic operators.<br><br>The proposed update ensures that the list remains aligned with the evolution of the Union's international commitments while maintaining proportionality in administrative efforts.<br>Moreover, the adoption of the list by means of implementing acts guarantees that it is legally binding, uniformly applicable across Member States and published in the Official Journal of the European Union.<br>At the same time, the list should be made available in an easily accessible manner, including through a dedicated website of the Commission. This ensures that contracting authorities and economic operators can readily identify the relevant countries in their day-to-day activities.<br>The amendment further clarifies that the Commission, when reviewing and updating the list, shall take into account delegated acts adopted pursuant to paragraph 2. This ensures coherence between different types of Union acts and avoids inconsistencies in the identification of relevant third countries.<br><br>IT |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Drafting suggestions):<br><br>**3. The Commission shall establish, maintain, and publish, by means of implementing acts, a list of the countries referred to in paragraph 1 . The list shall be reviewed and updated annually monitoring and assessing trade flows and market developments to identify:**<br>• **a significant increase in imports suggests circumvention;**<br>• **distortions identified by trade defense or anti-subsidy investigations;**<br>• **discrepancies between trade flows and production capacity indicating transshipment.**<br><br>**Where such circumstances are identified, the Commission shall take appropriate measures, including the suspension or limitation of equivalence under paragraph 1, and is empowered to adopt delegated acts in accordance with Article 30 to exclude, in whole or in part, a third country from the scope of paragraph 1.**<br><br>IT<br>(Comments):<br><br>The introduction of a monitoring and corrective mechanism based on evidence-based safeguards is necessary to ensure that the Regulation operate in a way that preserve a level playing field. Furthermore, in order to avoid trade flows being diverted to third countries with which the Union has concluded an agreement establishing a free trade area or a customs union, or that are parties to the Agreement on Government Procurement, the Commission shall continuously monitor and assess, on at least an annual basis, trade flows and market developments.<br><br>In the absence of a centralised and regularly updated reference, contracting authorities are unable to rely on a clear and consistent identification of the |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | relevant countries, thereby giving rise to divergent interpretations, increased administrative burden and a heightened risk of litigation.<br><br>By providing a single, authoritative and periodically updated list at Union level, the amendment would:<br>- facilitate the practical implementation of the Regulation by contracting authorities;<br>- reduce the need for case-by-case legal and factual assessments;<br>- ensure consistency and equal treatment across the internal market;<br>- improve transparency and predictability for economic operators.<br><br>The proposed update ensures that the list remains aligned with the evolution of the Union's international commitments while maintaining proportionality in administrative efforts.<br>Moreover, the adoption of the list by means of implementing acts guarantees that it is legally binding, uniformly applicable across Member States and published in the Official Journal of the European Union.<br>At the same time, the list should be made available in an easily accessible manner, including through a dedicated website of the Commission. This ensures that contracting authorities and economic operators can readily identify the relevant countries in their day-to-day activities.<br>The amendment further clarifies that the Commission, when reviewing and updating the list, shall take into account delegated acts adopted pursuant to paragraph 2. This ensures coherence between different types of Union acts and avoids inconsistencies in the identification of relevant third countries.<br><br>NL<br>(Drafting suggestions):<br><br>***Article XX***<br>**'To support the creation of lead markets and stimulate investments in clean production, the Commission has the possibility develop sector** |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | **<u>specific demand creation measures for sectors stated in Annex I. To make sure these measures are effective and feasible, the Commission shall take advice from private-public partnerships in which the industry, expert groups and governments are represented</u>**<br><br>NL<br>(Comments):<br><br>To stimulate long term certainty and perspective, the IAA should make clear that all sectors in Annex I can be subject to specific demand creation measures. |

| | |
|---|---|
| *Article 10*<br>**Low-carbon products** | AT<br>(Comments):<br><br>AT would welcome clarification as to whether Art. 10 is primarily addressed to manufacturers (and not to contracting authorities / contracting entities).<br><br>CZ<br>(Drafting suggestions):<br><br>The methodology for calculating greenhouse gas intensity shall be based on existing ISO standards (ISO 14064, ISO 14067) and shall be consistent with the EU ETS monitoring and reporting methodology established by Commission Implementing Regulation (EU) 2018/2066 and Commission Delegated Regulation (EU) 2019/33<br><br>FR<br>(Comments):<br><br>We welcome very positively the provision to delegate the definition of low-carbon products to the relevant sector-specific regulations (ESPR and CPR), on which discussions are well underway. This will ensure that definitions are consistent across regulations. We strongly encourage rapid progress on these workstreams (ESPR and CPR) in order to be able to assess the effectiveness of requirements set out in Annex II and III.<br><br>PL<br>(Comments):<br><br>The application of low-carbon criteria under this Article shall not constitute the sole or predominant condition for access to support schemes or demand-side instruments. Such instruments shall be based on a multi-criteria approach, taking into account, where relevant, cost-efficiency, security of supply, technological maturity and contribution to industrial resilience.<br><br>SE<br>(Comments): |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | SE can support this article on the condition that the definitions of "low carbon" include all releveant emissions, including from the electricity used. Fossil fuels should not be replaced meerly by electicity from fossil sources. Furthermore the definitions must reflect a high ambition and reward frontrunners The exact definitions of "low carbon" must either be written directly into the text of the IAA itself, or completely finalized before the agreement is officially adopted. |
| | NL<br>(Drafting suggestions):<br>1. **For the purpose of standardizing the measurement of low carbon, a common low carbon measure methodology shall be developed with a common;**<br>a. **Quantitative threshold relating to the amount of greenhouse gasses reduced;**<br>b. **Reference for standardized fossil comparator;**<br>c. **A legal definition of what emissions are measured across the value chain.**<br>d. **Methodology to determine the life cycle of products to take into account circularity.** |
| 1. For the purposes of this Chapter, a product covered by Annex II shall be considered low-carbon when it complies with the requirements set out in delegated acts, as follows: | AT<br>(Comments):<br>Regarding the reference to Annex II in para 1, AT notes, that the scope of Annex II is not clear (c.f. the comments on Annex II). Therefore, it remains unclear, what kind of products are covered by Art. 10(1).<br><br>BE<br>(Drafting suggestions): |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | 1. For the purposes of this Chapter, a product covered by Annex II shall be considered low-carbon when it complies with the requirements set out in ~~delegated acts, as follows:~~ **annex V. The defintion of low-carbon shall be established in a technology-neutral manner.**<br><br>BE<br>(Comments):<br><br>BE is of the opinion that investment certainty is important and therefore wants to include the methodology in the annex of the IAA. BE is also concerned about potential delays in the drafting and adoption of delegated acts if this is dealt with in the context of ecodesign regulation and CPR.<br><br>For Belgium, it is important that different production methods are taken into account in a balanced and technology-neutral manner when defining "low-carbon".<br><br>EL<br>(Comments):<br><br>Concerning article 10, on Low-carbon products, we have a scrutiny reservation. We should discuss the possibility of adding the provisions of Annex II in the operative part.<br>It would be necessary to specify the products from energy intensive industries that fall into scope, naming the exact classification codes of the products.<br>On the same line, we should specify the products the performance of which depends mainly on steel/concrete and mortar/aluminium accordingly.<br><br>MT<br>(Comments): |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | It is opined that the practical implementation of Article 10 is rather difficult, especially in view of the multiple cross-referencing to other legislation that needs to be adhered to be in conformity to Article 10 of IAA.<br><br>The above is being highlighted in view that if applicable, within a Public Procurment procedure context, it is presumed that Contracting Authorities might encounter difficulties when formulating Procurement Documents that relate to Low-Carbon Products.<br><br>NL<br>(Drafting suggestions):<br><br>2. For the purposes of this Chapter, a product ~~covered by Annex II shall~~ be considered low-carbon when it complies with the requirements set out **in dedicated delegated act, while product specific requirements should be used from existing directives, like:** ~~s, as follows:~~<br><br>NL<br>(Comments):<br><br>To stimulate a level playing field, we would like to see a more dedicated definition of what will count as low carbon, basics:<br>- Quantitative threshold, for example: 70% reduction in GHG is necessary (same as Directive (EU) 2024/1788).<br>- Reference to standardized fossil comparator, for example the one used in the RED.<br>- Life cycle assessment;<br>- Methodology specified in delegated acts.<br><br>RO<br>(Comments):<br><br>Concerning low-carbon products, we consider it appropriate to clarify that nuclear energy, as a low-carbon energy source, must be |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | recognized in emission intensity calculation methodologies for industrial products. This clarification is important for energy-intensive industries that are decarbonizing through the consumption of low-carbon electricity (including through bilateral contracts, PPAs, CfDs, or other verifiable instruments).<br>Among the elements considered for establishing methodologies on greenhouse gas intensity, an explicit reference should be introduced to low-carbon electricity and heat, including nuclear energy, used on the basis of verifiable contractual or traceability instruments.<br>RO: Certification, reporting and verification requirements may create disproportionate compliance costs for SMEs. The availability of simplified methodologies, standardised reporting templates and digital tools would facilitate participation in low-carbon industrial markets without undermining environmental objectives.<br><br>SI<br>(Comments):<br><br>The current wording of the provisions, by referring to other regulations or multiple regulations (chain references), is unclear, difficult for contracting authorities to manage, and requires in-depth knowledge of sector-specific legislation, which can be time-consuming in public procurement procedures. Provison needs to be drafted in a manner that makes is easier to read, understand, and apply in practise.<br><br>SK<br>(Drafting suggestions):<br><br>The Slovak Republic requests an amendment to Annex II, Part I, point (a) to be supplemented as follows: |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | *"Steel, and any product the performance of which depends mainly on steel, intended for use in buildings, infrastructure and motor vehicles for civil purposes: at least 25% of the total volume of steel used shall be low-carbon **and of Union origin**;"*<br><br>SK<br>(Comments):<br><br>The Slovak Republic underscores that for the successful transformation and long-term sustainability of Europe's strategic heavy industry, it is vital to structurally link environmental performance with the promotion of domestic manufacturing. The current safeguard mechanisms protecting the EU steel market represent merely a temporary crisis-response tool with a limited lifespan. To guarantee long-term stability and to de-risk high-capital investments in the decarbonization of the European steel sector, the EU must foster a permanent and resilient domestic demand.<br>Introducing a cumulative requirement—mandating that procured steel must be both low-carbon and concurrently compliant with Union origin criteria—will effectively capture green public demand to support internal EU capacities. This framework will prevent scenarios where European decarbonization initiatives and public budgets inadvertently subsidize imported, state-supported low-carbon steel from third countries, which would fundamentally disadvantage EU-based producers bearing strict regulatory and transformation costs. This amendment directly serves the core objective of the Industrial Accelerator Act (IAA) to fortify the Union's industrial resilience and open strategic autonomy. |
| | DK<br>(Drafting suggestions):<br><br>New criteria: |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | For all products, including those listed in Annex II, criteria for circularity and use of recycled materials shall be incorporated and weighted where feasible in their low-carbon classification.<br><br>DK<br>(Comments):<br><br>DK and MS stressed the need for clarity on circularity and recycled content, addressing industry concerns over market effects and rewarding early investment. |
| (a) for construction products referred to in Regulation (EU) 2024/3110 and covered by a harmonised technical specification or a European Technical Assessment, the delegated acts adopted pursuant to Article 5(5) or Article 22(9) of Regulation (EU) 2024/3110; | AT<br>(Comments):<br><br>Regarding para 1(a), AT seeks clarification as to where a comprehensive list of construction products covered by "harmonised technical specifications" can be found (necessary for easy and uniform application), and whether the requirements are to be understood cumulatively (which appears to be the case). It is also unclear whether delegated acts adopted pursuant to Art. 83 of Regulation (EU) 2024/3110 (Construction Products Regulation – CPR) are intentionally not covered. AT would welcome clarification as to why no reference is made, for example, to Art. 3 CPR.<br><br>BE<br>(Drafting suggestions):<br><br>~~(a) for construction products referred to in Regulation (EU) 2024/3110 and covered by a harmonised technical specification or a European Technical Assessment, the delegated acts adopted pursuant to Article 5(5) or Article 22(9) of Regulation (EU) 2024/3110;~~<br><br>DE<br>(Drafting suggestions): |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (a) for construction products referred to in Regulation (EU) 2024/3110 ~~and covered by a harmonised technical specification or a European Technical Assessment~~, the delegated acts adopted pursuant to Article 5(5) or Article 22(9) of Regulation (EU) 2024/3110;<br><br>FI<br>(Drafting suggestions):<br><br>**~~(a) for construction products referred to in Regulation (EU) 2024/3110 and covered by a harmonised technical specification or a European Technical Assessment, the delegated acts adopted pursuant to Article 5(5) or Article 22(9) of Regulation (EU) 2024/3110;~~**<br><br>FI<br>(Comments):<br><br>Article 22 of the CPR has to be kep as it is. Delete reference to the CPR.<br><br>PT<br>(Comments):<br><br>The definition of 'low carbon' depends entirely on delegated acts under CPR (Reg. 2024/3110) and ESPR (Reg. 2024/1781), whose adoption timelines are uncertain. A risk of operational void at the time of application exists. A transitional mechanism should be considered.<br><br>PT<br>(Comments):<br><br>The definition of 'low carbon' depends entirely on delegated acts under CPR (Reg. 2024/3110) and ESPR (Reg. 2024/1781), whose adoption timelines are uncertain. A risk of operational void at the time of application exists. A transitional mechanism should be considered. |
| | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| (b) for all other products, delegated acts adopted pursuant to Article 4 of Regulation (EU) 2024/1781, as applicable. | AT<br>(Comments):<br><br>As regards para 1(b), the provision refers exclusively to delegated acts adopted pursuant to Art. 4 of Regulation (EU) 2024/1781 (Ecodesign Regulation). AT wonders why implementing acts pursuant to Art. 65 Ecodesign Regulation are not mentioned. Would contracting authorities / contracting entities need to apply such implementing acts in parallel ("on top")? AT's preliminary understanding is that Art. 10—also in light of the fact that it is not limited to public procurement—sets out a general definition of "low carbon" and therefore refers only to the basic delegated acts under the Ecodesign Regulation, while additional requirements under the CPR and the Ecodesign Regulation would apply "on top" in public procurement procedures. AT asks for confirmation as to whether this understanding is correct, noting that such an approach would entail considerable complexity.<br><br>BE<br>(Drafting suggestions):<br><br>~~(b) for all other products, delegated acts adopted pursuant to Article 4 of Regulation (EU) 2024/1781, as applicable.~~<br><br>RO<br>(Drafting suggestions):<br><br>"**For aluminium and products whose performance mainly depends on aluminium, the low-carbon requirements shall apply only after a product-specific methodology for aluminium has been adopted and entered into force under the relevant delegated acts**<br><br>RO<br>(Comments): |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | The main problem is the lack of a dedicated methodology for "low-carbon aluminium". Without it, producers cannot realistically assess their compliance capacity, the necessary investments or their eligibility for public procurement and support schemes.<br><br>SE<br>(Drafting suggestions):<br><br>(b) for all other products, delegated acts adopted pursuant to Article 4 of Regulation (EU) 2024/1781, as applicable **and conditional to the inclusion of performance classes in line with Article 5.1 (o) and the product's compliance with the highest two significantly populated classes. The requirements shall be laid down so that no products are expected to fall into performance classes A and B at the moment of the adoption of the delegated act. The carbon footprint of the consumption of electricity shall be that of the national average electricity consumption mix.**<br><br>SE<br>(Comments):<br><br>To drive the necessary transition of the relevant energy-intensive industries, lead markets are required that can incentivize early investments in new technologies and promote production with lower carbon footprints. The ESPR methodology therefore needs to reflect a high ambition and reward frontrunners. Emissions from electricity needs to be included in the scope. This is in line with the Clean Industrial Deal p.8: "Product labelling for industrial products, accompanied by the right incentives, is a powerful tool to speed-up the transition to decarbonised manufacturing and ensure that the manufacturers can reap the "green premium" and generate a return on their decarbonisation investments." The delegated acts under ESPR will not necessarily regulate products' climate impact or influence their performance. This article needs to be conditional to performance classes being introduced in the delegated acts in line with Article 5.1. (o) "environmental impacts, |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | including carbon footprint and environmental footprint". The national electricity mix should be used in the methodology used for the performance classes, as is the case in Ares(2024)3131389 Draft COMMISSION DELEGATED REGULATION supplementing Regulation (EU) 2023/1542 establishing the methodology for the calculation and verification of the carbon footprint of electric vehicle batteries, Annex: Methodology for calculation and verification of the carbon footprint of electric vehicle batteries art. 2.4. |
| | SE<br>(Comments): |
| 2. To support the creation of lead markets by informing investment decisions towards products granted a lower greenhouse gas intensity performance class, the Commission is empowered to adopt delegated acts in accordance with Article 30 in order to supplement this Regulation by establishing voluntary classification systems based on the greenhouse gas intensity for products manufactured through activities listed in Annex I of Directive 2003/87/EC ('industrial products') when they are placed on the Union market, to the extent that these products are not already regulated by a Delegated Act under Regulation (EU) 2024/1781 or included in the working plans adopted in accordance with that Regulation. | AT<br>(Comments):<br><br>Regarding para 2, AT invites COM to further explain the mechanism provided for therein, in particular what specific measures COM may adopt and how these would operate in practice. AT would also welcome clarification as to the implications of the empowerment under Art. 10(2) for public procurement procedures and the corresponding practical consequences. In this context, AT asks COM to indicate where precisely these consequences are reflected in the impact assessment (which exceeds 300 pages). AT further queries whether the measures envisaged under Art. 10(2) may have the effect of restricting market access which might lead to problems with international obligations of the EU.<br><br>More generally with regard to para 2, AT notes that the multiple cross-references render the provision particularly difficult to understand in practice (especially as the referenced legal acts themselves contain further cross- |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | references). While AT appreciates the objective of avoiding duplication, the provision is not user-friendly for practitioners.<br><br>AT wonders whether the "working plans" referred to at the end of para 2 subpara 1 adopted in accordance with the Ecodesign Regulation will be published.<br><br>CZ<br>(Drafting suggestions):<br><br>2. To support the creation of lead markets by informing investment decisions towards products granted a lower greenhouse gas intensity performance class, the Commission is empowered to adopt delegated acts in accordance with Article 30 in order to supplement this Regulation by establishing voluntary classification systems based on the greenhouse gas intensity for products manufactured through activities listed in Annex I of Directive 2003/87/EC ('industrial products') when they are placed on the Union market, to the extent that these products are not already regulated by a Delegated Act under Regulation (EU) 2024/1781 or included in the working plans adopted in accordance with that Regulation. **Such delegated acts shall not define essential elements of the low-carbon concept, including binding performance thresholds that would effectively create market-access conditions.**<br><br>CZ<br>(Comments):<br><br>The Czech Republic supports the objective of creating lead markets for low-carbon industrial products. However, the proposed provision should not result in the establishment of parallel classification, verification and labelling schemes where equivalent harmonised Union frameworks already exist. |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | For construction products, Regulation (EU) 2024/3110 (CPR) already establishes a comprehensive framework for environmental information, including harmonised methodologies, environmental characteristics, delegated acts and the Digital Product Passport. The introduction of additional classification systems based solely on greenhouse gas intensity risks creating overlapping reporting obligations, inconsistent environmental assessments and unnecessary administrative burden for manufacturers. Furthermore, for construction products, environmental performance cannot be assessed solely on the basis of manufacturing greenhouse gas intensity. Construction products fulfil their function only when incorporated into construction works, and their overall environmental contribution depends on factors such as durability, service life, maintenance requirements, recyclability, adaptability and contribution to the operational performance of buildings. A product-level greenhouse gas intensity classification may therefore provide an incomplete or potentially misleading indication of environmental performance when considered outside the context of the building or infrastructure asset.<br>The Czech Republic therefore considers it essential that:<br>• no additional classification or labelling systems are established for construction products where equivalent harmonised mechanisms already exist under Regulation (EU) 2024/3110;<br>• methodologies, environmental information, performance classes and verification requirements used under this Regulation fully rely on the CPR framework and related harmonised standards;<br>• any future classification system remains technologically and materially neutral and does not directly or indirectly favour specific materials or production routes;<br>• existing verified data from CPR, EPDs, EU ETS and CBAM are used wherever possible in order to avoid duplication of reporting and verification requirements. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Clarification that delegated acts cannot define essential market access criteria. We would like to stress that according to the CJEU case law essential elements must remain in the basic act itself.<br><br>For construction products covered by Regulation (EU) 2024/3110, methodologies, environmental information, performance classes and verification requirements used for the purposes of this Regulation shall rely on data, methodologies and delegated acts established under Regulation (EU) 2024/3110 and harmonised standards developed thereunder.<br><br>Voluntary classification systems and environmental labels shall only be introduced where no equivalent harmonised Union framework already exists. Such voluntary classification systems shall not constitute mandatory market access requirements nor mandatory eligibility criteria for public procurement, public support schemes or other regulatory measures unless established through a separate legislative act adopted under the ordinary legislative procedure.<br><br>DE<br>(Drafting suggestions):<br><br>2. To support the creation of lead markets by informing investment and purchasing decisions towards products granted a lower greenhouse gas intensity performance class, the Commission is empowered to adopt delegated acts in accordance with Article 30 in order to supplement this Regulation by establishing voluntary classification systems based on the greenhouse gas intensity for products manufactured through activities listed in Annex I of Directive 2003/87/EC ('industrial products') when they are placed on the Union market, to the extent that these products are not already regulated by a Delegated Act under Regulation (EU) 2024/1781 or included in the working plans adopted in accordance with that Regulation. Already |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | operational voluntary and private classification and labelling systems that are compatible with and building upon the current EU methodological framework (e.g. EU ETS) shall be used as well.<br><br>For public procurement procedures referred to in Article 11.2, contracting entities shall verify compliance with the requirements of this Article 10 by using also voluntary and private classification and / or labelling systems or an equivalent approach. Contracting authorities shall verify the requirements of this Article 10 only to the extent, that certification or other type of verification accounting for the $CO_2$-performance of the product in question is provided.<br>The requirements of Art. 10 become effective once the Commission has determined by a Delegated Act, which classification and / or labelling systems shall be used for which product for the purpose of verifying the requirements of Art. 10.<br><br>DE<br>(Comments):<br><br>Already available solutions on the market such as the Low Emission Steel Standard and the Cement Carbon Class should be used as well, so there is a timely signal to the industry in respect to current and expected investment decsions espceially the short and midterm. Further, both expamles are internationally applicable and established.<br><br>A verification of compliance with the requirements of Art. 10 by contracting authorities does not seem to be practicable. In order to facilitate a practial and unbureaucatic implementation, classification systems shall be mandatory for proving the compliance with Art. 10. The requirements of Art. 10 should, thus, only apply in a mandatory manner, if such a classification system regarding the respective product exists.<br><br>DK |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Drafting suggestions):<br><br>2. To support the creation of lead markets by informing investment decisions towards products granted a lower greenhouse gas intensity performance class, the Commission is empowered to adopt delegated acts in accordance with Article 30 in order to supplement this Regulation by establishing voluntary classification systems based on the greenhouse gas intensity for products manufactured through activities listed in Annex I of Directive 2003/87/EC ('industrial products') when they are placed on the Union market, to the extent that these products are not already regulated by a Delegated Act under Regulation (EU) 2024/1781 or included in the working plans adopted in accordance with that Regulation. **When developing voluntary classification systems, the Commission shall ensure that early investments in innovative low-emission technologies are positively weighted and that national energy mix differences are considered where relevant**<br><br>DK<br>(Comments):<br><br>We propose this addition to ensure that the voluntary classification system for low-carbon products both rewards companies that have made early investments in innovative technologies and fairly accounts for national differences in energy mix. This will provide a more equitable and market-neutral assessment across Member States, strengthen incentives for innovation, and thereby support technological progress and the broader green transition in line with the EU's climate and industrial policy objectives.<br><br>EL<br>(Comments):<br><br>As for article 10, para 2, we have a scrutiny reservation on the provision that empowers the Commission to supplement the regulation by establishing voluntary classification systems. Reading recital 22 we understand the |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | complexity, and we see the challenges in the implementation of the proposed provisions.<br><br>Do the EU ETS and CBAM methodologies cover all products in scope of this article?<br><br>We should discuss about the role of the Member States in the decision making process.<br><br>NL<br>(Drafting suggestions):<br><br>2. To support the creation of lead markets by informing investment decisions towards products granted a lower greenhouse gas intensity performance class, the Commission is empowered to adopt delegated acts in accordance with Article 30 in order to supplement this Regulation by establishing ~~**voluntary**~~ classification systems based on the greenhouse gas intensity for products manufactured through activities listed in Annex I of Directive 2003/87/EC ('industrial products') when they are placed on the Union market, to the extent that these products are not already regulated by a Delegated Act under Regulation (EU) 2024/1781 or included in the working plans adopted in accordance with that Regulation.<br><br>NL<br>(Comments):<br><br>The Commission has the possibility to adopt delegated acts on voluntary classification systems on greenhouse gas intensity for products listed in Annex I. The Netherlands underlines the importance of informing consumers through labels on greenhouse gas intensity. Still, in the current form the effect will limited, because there is no clear advantage nor incentive to implement these labels. Therefore the Netherlands proposes to make these labels on greenhouse gas intensity obligatory for products from sectors in |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Annex I, when sufficient data is available. Unnecessary regulatory burdens should be prevented and therefore the classification and the application for these labels should be simplified and be aligned with other regulations such as ESPR DPP, CPR and ELVR. Clear pathways should be developed by sector to remove barriers and improve data availability and transparency.<br><br>PL<br>(Comments):<br><br>The low-carbon criteria must neither lead to fragmentation of the internal market nor to a situation where companies from certain Member States may be at a disadvantage, due to<br>circumstances related to the energy mix, over which companies have no influence.<br>Letting low-carbon criteria to be established in delegated acts, could lead to legal and economic uncertainties, also in terms of their impact on industry across the EU.<br>For this reason, the IAA should at the very least specify the methodology to calculate the low-carbon criteria, in a way to ensure that it does not adversely affect the competitiveness of the UE as a whole or of individual Member States.<br>Low-carbon criteria need to be defined in a way that is technologically neutral, allowing EU businesses to use different technologies to reduce or offset their emissions.<br>For this reason, PL proposes that IAA specifically indicates the average European mix as a basis for the methodology to calculate carbon footprint for the purpose of this article.<br><br>SK<br>(Drafting suggestions):<br><br>The Slovak Republic fundamentally objects to empowering the European Commission to adopt delegated acts regarding the setting of Union origin |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | requirements, low-carbon requirements, or greenhouse gas emissions.<br>We request the **deletion of point 2 from Article 10(2)**. We demand that the criteria for low-carbon requirements be exhaustively and comprehensively defined directly within the primary legislative text rather than being deferred to secondary legislation.<br><br>SK<br>(Comments):<br><br>Setting rules of origin and environmental compliance criteria constitutes a core strategic, economic, and political decision with a direct and profound impact on industrial competitiveness, the resilience of supply chains, and the public budgets of Member States. These regulations possess the potential to fundamentally reorder long-standing trade and investment relationships with key international partners. The legal framework governing origin criteria and decarbonization standards undeniably constitutes an essential element of this Regulation. In order to guarantee legal certainty, predictability for industrial stakeholders, and to safeguard the institutional balance, these conditions must be fully debated and approved by the Council and the European Parliament through the ordinary legislative procedure, rather than through delegated acts of the European Commission. |
| | |
| Emissions and all other relevant data used for the calculation of the greenhouse gas intensity shall be verified by verifiers accredited under Commission Implementing Regulation (EU) 2018/2067 of the European Parliament and of the Council[42] or verifiers accredited under the delegated acts adopted pursuant to Article 18 of Regulation (EU) 2023/956, as appropriate. Emissions shall be | AT<br>(Comments):<br><br>As regards data monitoring (para 2 subpara 2), AT would welcome clarification as to what constitutes emission monitoring systems capable of |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| monitored in accordance with the rules laid down in Chapter III of Commission Implementing Regulation (EU) 2018/2066 and the data monitoring methods and quality requirements set out in Annex VII to Delegated Regulation (EU) 2019/331. For imported products, emissions may be monitored in accordance with Annex IV to Regulation (EU) 2023/956 and the data monitoring methods and quality requirements established by implementing acts adopted pursuant to Article 7(7), point (a), of Regulation (EU) 2023/956, where it provides for an equivalent dataset.<br><br>42 Commission Implementing Regulation (EU) 2018/2067 of 19 December 2018 on the verification of data and on the accreditation of verifiers pursuant to Directive 2003/87/EC of the European Parliament and of the Council (OJ L 334, 31.12.2018, pp. 94, ELI: http://data.europa.eu/eli/reg_impl/2018/2067/oj). | providing an "equivalent dataset" for imported goods. COM elaborated in CWG 11./12.6. that data from CBAM might be such a dataset. Are there any other examples COM could provide?<br><br>CZ<br>(Drafting suggestions):<br><br>**3.** Emissions and all other relevant data used for the calculation of the greenhouse gas intensity shall be verified by verifiers accredited under Commission Implementing Regulation (EU) 2018/2067 of the European Parliament and of the Council[42] or verifiers accredited under the delegated acts adopted pursuant to Article 18 of Regulation (EU) 2023/956, as appropriate. Emissions shall be monitored in accordance with the rules laid down in Chapter III of Commission Implementing Regulation (EU) 2018/2066 and the data monitoring methods and quality requirements set out in Annex VII to Delegated Regulation (EU) 2019/331. For imported products, emissions may be monitored in accordance with Annex IV to Regulation (EU) 2023/956 and the data monitoring methods and quality requirements established by implementing acts adopted pursuant to Article 7(7), point (a), of Regulation (EU) 2023/956, where it provides for an equivalent dataset. **Where equivalent verified datasets are already available under Union law (including EU ETS and CBAM), manufacturers shall be allowed to reuse such datasets for the purposes of this Article.**<br><br>42 Commission Implementing Regulation (EU) 2018/2067 of 19 December 2018 on the verification of data and on the accreditation of verifiers pursuant to Directive 2003/87/EC of the European Parliament and of the Council (OJ L 334, 31.12.2018, pp. 94, ELI: http://data.europa.eu/eli/reg_impl/2018/2067/oj |
| | DK<br>(Drafting suggestions): |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | New 3:<br>**3. The Commission shall carry out impact assessments to ensure that measures under this Article do not disproportionately reduce supply or innovation, including for electric vehicles or other key green transition products.**<br>DK<br>(Comments):<br>Impact assessment obligations ensure the measures do not disproportionate hamper key green transition sectors or innovation |
| Such delegated acts shall specify, as appropriate, the following elements: | DE<br>(Drafting suggestions):<br>~~Such~~ Potential future delegated acts adressing classification and labelling systems shall specify, as appropriate, the following elements: |
| | |
| (a) the identification of the product for which a manufacturer may apply for a label on greenhouse gas intensity; | DE<br>(Drafting suggestions):<br>(a) the identification of the product or an intermediary one for which a manufacturer may apply for a label on greenhouse gas intensity; |
| | |
| (b) the relevant system boundaries, covering emissions from the industrial manufacturing process, emissions from relevant precursors and emissions from electricity consumption. These emissions are considered independently of whether these emissions occur in the manufacturer's facility or in other facilities, recognising that certain precursors might be acquired from other installations; | DE<br>(Drafting suggestions):<br>(b) the relevant system boundaries, covering the total emissions from the industrial manufacturing process, emissions from ~~relevant~~ precursors and emissions from electricity consumption. These emissions are considered independently of whether these emissions occur in the manufacturer's facility or in other facilities, recognising that certain precursors might be acquired from other installations; |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | DE<br>(Comments):<br><br>To avoid distortion and potential circumvention on the market all scope 1 and 2 emissions should be considered.<br><br>PL<br>(Drafting suggestions):<br><br>(b) the relevant system boundaries, covering emissions from the industrial manufacturing process, ~~emissions from relevant precursors~~ and emissions from electricity consumption. These emissions are considered independently of whether these emissions occur in the manufacturer's facility or in other facilities, recognising that certain precursors might be acquired from other installations;<br><br>PL<br>(Comments):<br><br>Deleting "emissions from relevant precursors" simplifies the system boundaries and focuses on the main sources of emissions, improving clarity and regulatory predictability. The proposal also ensures technology neutrality and a level playing field, so that producers in Member States with higher-carbon electricity mixes are not unfairly disadvantaged.<br><br>RO<br>(Comments):<br><br>The methodology for aluminium shall, to the greatest extent possible, be based on data already available under the EU ETS, CBAM and existing monitoring, reporting and verification systems and shall distinguish between primary aluminium, secondary aluminium and recycled aluminium.<br><br>SE |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Drafting suggestions):<br><br>the relevant system boundaries, covering emissions from the industrial manufacturing process, emissions from relevant precursors, **emissions from use** and emissions from electricity consumption. These emissions are considered independently of whether these emissions occur in the manufacturer's facility or in other facilities, recognising that certain precursors might be acquired from other installations; emissions during use, for example from vehicles with internal combustion engines.<br><br>SE<br>(Comments):<br><br>To ensure that the benefiting products have a low impact over their life cycle, the system boundaries should be broadened. |
| | |
| © the methodology for the calculation of the greenhouse gas intensity of the product | PL<br>(Drafting suggestions):<br><br>c) the methodology for the calculation of the greenhouse gas intensity of the **product which should be based on average European mix, to avoid discrimination arising from differences in national energy mixes.**<br><br>PT<br>(Comments):<br><br>**The establishment of harmonised criteria and potential labelling systems for low-carbon products represents a significant step toward creating lead markets. However, the effectiveness of this approach depends on the clarity, robustness and comparability of methodologies for calculating greenhouse gas intensity. Particular attention should be given to ensuring manageable compliance costs, especially for SMEs and public administrations, and to preventing excessive administrative burden.** |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | RO<br>(Comments):<br>The methodology for aluminium shall, to the greatest extent possible, be based on data already available under the EU ETS, CBAM and existing monitoring, reporting and verification systems and shall distinguish between primary aluminium, secondary aluminium and recycled aluminium. |
| | |
| (d) a classification with performance classes; | DE<br>(Drafting suggestions):<br>(d) a classification with performance classes together with recognition that voluntary and private classification and labelling systems shall be used as an alternative;<br>DE<br>(Comments):<br>Already available solutions on the market such as the Low Emission Steel Standard and the Cement Carbon Class should be used as well, so there is a timely signal to the industry in respect to current and expected investment decsions espceially the short and midterm. Further, both expamles are internationally applicable and established.<br>PT<br>(Drafting suggestions):<br>a classification with performance classes**, including circularity criteria**;<br>PT<br>(Comments): |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | The establishment of classification systems with performance classes based on greenhouse gas emissions intensity, shall necessarily consider circularity criteria.<br><br>PT<br>(Drafting suggestions):<br><br>a classification with performance classes**, including circularity criteria**;<br><br>PT<br>(Comments):<br><br>The establishment of classification systems with performance classes based on greenhouse gas emissions intensity, shall necessarily consider circularity criteria. |
| | |
| (e) complementary rules concerning the governance of the label, including competent entities; and | DE<br>(Drafting suggestions):<br><br>(e) complementary rules concerning the governance of the label and compatibility with other voluntary and private labels, including competent entities; and<br><br>DE<br>(Comments):<br><br>Already available solutions on the market such as the Low Emission Steel Standard and the Cement Carbon Class should be used as well, so there is a timely signal to the industry in respect to current and expected investment decsions espceially the short and midterm. Further, both expamles are internationally applicable and established.<br><br>RO<br>(Comments): |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | The methodology for aluminium shall, to the greatest extent possible, be based on data already available under the EU ETS, CBAM and existing monitoring, reporting and verification systems and shall distinguish between primary aluminium, secondary aluminium and recycled aluminium. |
| | |
| (f) complementary rules on accreditation, monitoring and verification, | |
| | DE<br>(Drafting suggestions):<br>(g) determination which classification and or labelling systems can be used to confirm the requirements of Art. 10.2. sentence 3.<br>DE<br>(Comments):<br>See above under Art. 10.2. |
| In developing those rules, the Commission shall at least take into account: | |
| | |
| (a) the latest applicable product benchmark values as defined under Directive 2003/87/EC; | |
| | |
| (b) data already available under the EU ETS and CBAM; | |
| | |
| © new Union rules concerning accounting for emissions, including from electricity consumption, low-carbon fuels and renewable fuels of non-biological origin; | |
| | |
| (d) emerging low-carbon production technologies, as well as the estimated emissions' reduction potential of emerging technologies; | DE<br>(Drafting suggestions): |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (d) emerging low-carbon production technologies and their climate neutrality potential and compatiblity with the climate neutrality goals of the EU, as well as the estimated emissions' reduction potential of emerging technologies;<br><br>DE<br>(Comments):<br><br>To avoid a "lock-in" in a low carbon technology.<br>Based on the methodological approach of LESS and CCC, we should not remain at the current status quo. |
| | |
| (e) the need to incentivise the uptake of recycled materials in all production routes; and | BE<br>(Comments):<br><br>BE: Belgium underlines that the Industrial Accelerator Act should be aligned with the principles of circularity and material efficiency. This chapter should therefore not only promote the use of low-carbon materials, but also support strategies such as material reduction, reuse and the preservation of existing structures, which can significantly reduce $CO_2$ emissions. Although reused materials may not always fit within a traditional Union-content approach, they similarly reduce dependence on primary raw materials and imports from third countries, thereby strengthening the Union's strategic autonomy. Projects promoting efficient material use and reuse should therefore be recognised and supported as contributing fully to the objectives of the Regulation.<br><br>PT<br>(Drafting suggestions):<br><br>the need to incentivise the **use** ~~uptake~~ of ~~recycled~~ **circular** materials **and processes across** ~~in~~ all production routes; and<br><br>PT |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Comments):<br><br>According to our opinion, this Article would benefit by broadening the scope of item (e), to "*circular materials and processes*", not only on the uptake of recycled materials. The use of circular materials and processes are of utmost importance, as they extend products lifecycles, promote reuse and recycling, reduce dependence on carbon-intensive inputs, and ultimately lower emissions throughout production, use, and end-of-life stages.<br><br>PT<br>(Drafting suggestions):<br><br>the need to incentivise the **use** ~~uptake~~ of ~~recycled~~ **circular** materials **and processes across** ~~in~~ all production routes; and<br><br>PT<br>(Comments):<br><br>According to our opinion, this Article would benefit by broadening the scope of item (e), to "*circular materials and processes*", not only on the uptake of recycled materials. The use of circular materials and processes are of utmost importance, as they extend products lifecycles, promote reuse and recycling, reduce dependence on carbon-intensive inputs, and ultimately lower emissions throughout production, use, and end-of-life stages. |
| | |
| (f) the alignment with climate neutrality objectives, as laid down in Regulation (EU) 2021/1119 of the European Parliament and of the Council[43].<br><br>43 Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law') (OJ L 243, 9.7.2021, p. 1, ELI: http://data.europa.eu/eli/reg/2021/1119/oj). | |
| | IT |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Drafting suggestions):<br><br>***Art. 10 bis. Recycled products***<br>**In conformity with the Directive 2008/98 and Reg. n. 40/2025 the EU and in order to strengthen the Union's circular value chains, reduce strategic dependencies, and enhance the environmental, economic, and social benefits generated within the internal market,, contracting authorities and contracting entities shall include, where appropriate and proportionate to the subject matter of the contract, technical specifications, award criteria, or contract performance conditions aimed at promoting the use of recycled products originating in the Union or containing recycled materials processed, transformed, or recovered within the territory of the Union.**<br><br>**The Commission may adopt implementing acts establishing common methodologies for assessing recycled content, the proximity of recycling and recovery processes, and the related reductions in greenhouse gas emissions.**<br><br>IT<br>(Comments):<br><br>European Union and Member Stated should adopt a system emission performance standard credits in the public procurement to incentive proximity recycling reducing C02 emissions and increasing economic and social benefits in the European Union. The goal is to reward recycled product made in Europe<br>To create effective demand for recycled materials, it should establish for specific sectors binding minimum recycled content targets "made in Europe". For example, for plastics linking recycled content requirements to European sourcing is essential to strengthen industrial resilience and reduce |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | dependency on non European resources, while fully valorising Europe's waste management, sorting and recycling capacities.<br><br>This amendment introduces a standalone provision consistent with the overall logic of the Regulation. The wording avoids a rigid and indiscriminate obligation, as it links the promotion of recycled products made in the Union to criteria of appropriateness, proportionality, and connection with the subject matter of the contract. In this way, the provision is more defensible under EU public procurement law and, at the same time, strengthens the protection of European recycling value chains.<br><br>IT<br>(Drafting suggestions):<br>***Art. 10 bis. Recycled products***<br>**In conformity with the Directive 2008/98 and Reg. n. 40/2025 the EU promote the recycled products "Made in Europe" with the aim to increase the environmental, economic and social benefits in the European Union.**<br>**European Union and Member States must adopt in the public procurement priority criteria for the recycled product "Made in Europe".**<br><br>IT<br>(Comments):<br>European Union and Member Stated should adopt a system emission performance standard credits in the public procurement to incentive proximity recycling reducing C02 emissions and increasing economic and social benefits in the European Union. The goal is to reward recycled product made in Europe |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | To create effective demand for recycled materials, it should establish for specific sectors binding minimum recycled content targets “made in Europe”. For example, for plastics linking recycled content requirements to European sourcing is essential to strengthen industrial resilience and reduce dependency on non European resources, while fully valorising Europe’s waste management, sorting and recycling capacities.<br><br>NL<br>(Drafting suggestions):<br><br>**Article 11**<br>**To stimulate the demand for clean products, the Commission shall introduce gradual growing low-carbon product norms for products specified in Annex II.** |

| | |
|---|---|
| *Article 11*<br>**Public procurement** | EL<br>(Comments):<br><br>As a general remark on the article, we note that, we strongly advocate against the fragmentation of the institutional framework for public procurement, as this would create practical difficulties and additional administrative burdens for contracting authorities. Consequently, we express our reservations about the suitability of incorporating the procedural and substantive requirements of the core elements of public procurement into a regulatory text outside the scope of the traditional PP Directives, as this could have unintended consequences that would go against the intended results regarding their smooth transposition and ultimate implementation. To address these issues, it is proposed that the relevant provisions be incorporated into the PP Directives, as these comprehensively regulate matters of exclusion, technical specifications, exceptions and proof.<br><br>FI<br>(Comments):<br><br>The relationship of the new requirements and contracting authorities' role in applying them to general public procurement law should be clarified.<br><br>MT<br>(Comments):<br><br>Public Procurement preferences will be given to tenders predominantly composed of European-made products. This Article requires economic operators owned or controlled by an entity established in third countries which have not concluded an international agreement with the Union guaranteeing such access to be excluded<br><br>This constitutes a red line for MT manufacturers and producers - this requirement disproportionately restricts local producers from falling within scope. Such provisions will undermine efforts to attract foreign direct investment and weaken the competitiveness of European initiatives. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Therefore, we call for a more balanced and proportionate approach; one that safeguards the strategic interests of European markets while avoiding unintended barriers that could negatively affect industrial development.<br><br>This could pose a challenge for local companies, particularly given that Malta's import base is also reliant on non-EU sources. With Made in Europe, MT government and private sector may end up paying a higher price. It is to be ensured that "Made in Europe" concept is close to fair global prices.<br><br>"Made with Europe" concept would be the most favorable principle to apply not to limit sources of suppliers, higher costs and avoid potential trade disruptions with key non-EU countries with whom Member States maintain long-standing relations. This would be preferred as 1) Existing and long-standing trade agreements between EU and non-EU countries would not be affected and exploring new trade agreements with 3rd countries would not be deterred 2) Since EU manufacturing is experiencing a significant slowdown, limiting sources emanating from better-resourced 3rd countries would further exacerbate supply chain vulnerabilities for European-based manufacturers.<br><br>"Made in Europe" criteria will also impact the Maltese construction industry. Certainly, this will affect industry whereby the proposed criteria could inflate costs. This industry that has already seen costs increase will be potentially impacted both through cement and steel prices. This might lead to further increases in the price to purchase property in Malta. Governmental Infrastructure projects might also become more costly to implement.<br><br>Further more it is important to allow for a transition period for local industry to adjust and be in a position to procure goods and materials "Made in Europe".<br><br>PL |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Comments):<br><br>The provisions in this area should be consistently aligned with the EU's public procurement framework, including taking into account the planned reform of that framework.<br><br>PT<br>(Comments):<br><br>No definition of 'owned' or 'controlled' is provided. This creates practical difficulties for contracting authorities. The regulation applies only to main contractors, not subcontractors. T this should be made explicit in the text. Harmonised Commission guidance is needed to ensure uniform application. PT warns of the disproportionate impact on SMEs, which constitute the overwhelming majority of national companies and have fewer resources to demonstrate the origin of products.<br>PT points out that article 11 only includes 'low carbon' criteria, omitting circularity and efficient use of resources criteria that are equally relevant to green public procurement. This omission collides with the objectives of the future Circular Economy Law mentioned in the proposal.<br><br>PT<br>(Comments):<br><br>No definition of 'owned' or 'controlled' is provided. This creates practical difficulties for contracting authorities. The regulation applies only to main contractors, not subcontractors. T this should be made explicit in the text. Harmonised Commission guidance is needed to ensure uniform application. PT warns of the disproportionate impact on SMEs, which constitute the overwhelming majority of national companies and have fewer resources to demonstrate the origin of products.<br>PT points out that article 11 only includes 'low carbon' criteria, omitting circularity and efficient use of resources criteria that are equally relevant to |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | green public procurement. This omission collides with the objectives of the future Circular Economy Law mentioned in the proposal.<br>**The strict exclusion rules and mandatory requirements may reduce competition and increase costs. The exemption thresholds (e.g., 25% cost increase) are appropriate but may require further clarification to ensure consistent application and avoid divergent interpretations across Member States.**<br><br>SI<br>(Comments):<br><br>Are the provisions of the Act aligned with the upcoming revision of the public procurement directives? Will the Act incorporate any revisions to the public procurement directives prior to its adoption? |
| | |
| 1. Contracting authorities and contracting entities shall exclude from access to procurement procedures referred to in Part I of Annex II and Part I of Annex III tenders submitted by economic operators owned or controlled by an entity established in third countries which have not concluded an international agreement with the Union guaranteeing such access. | AT<br>(Drafting suggestions):<br><br>Align with concept of Chips Act 2.0:<br>Def of "domestic undertaking" as defined in Art. 2 (31), Def of ownership/control as defined in Art. 2 (32) and (33)<br>EU preference scheme amended accordingly<br><br>AT<br>(Comments):<br><br>Para 1 refers to the "beneficial owner". AT asks for clarification as to how this concept is intended to operate in practice and how contracting authorities and contracting entities are expected to obtain reliable information (possibly on a global level) in this regard. So far COM could not provide information, how this information can be easily obtained. Particular difficulties may arise in cases involving complex ownership structures, including (potentially: multiple) letter box companies, designed to obscure effective control by |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | entities from third countries. AT notes, that contracting authorities and contracting entities will not be in a position to apply the obligation if no tool for an easy application is provided on EU level.<br><br>Para 1 refers to "tenders submitted by economic operators owned or controlled by". During the meeting of the CWP on 27 April COM clarified that subcontractors do not fall within the scope of this provision. AT wonders, however, how this provision applies to consortia. Is it sufficient that only one party of a consortium is owned or controlled by an entity established in a third country without an international agreement guaranteeing access to procurement procedures in order for the consortium to fall within the scope of para 1?<br><br>AT would also welcome clarification as to how situations should be handled where ownership or control changes during the procurement procedure or during contract performance.<br><br>AT underlines that the clarity and legal certainty of para 1 are of particular importance, given that para 1 establishes an exclusion ground and that, in practice, the risk of legal challenges in this context is considered to be very high. It is to be expected that economic operators will argue in remedy procedures that the contracting authority or contracting entity failed to comply with para 1. In such cases, the contracting authority or entity will need to demonstrate compliance with the provision; failing this, the respective decision may be declared null and void by the competent court. AT points out again, that the self-declaration according to para 4 is not sufficient for PP procedures since such a declaration is only the first step in the verification process.<br><br>In the light of the above comments AT proposes to align the concept of the IAA to the concept of the Chips Act 2.0 (COM(2026) 504). AT is well aware |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | of the possible shortcomings of this concept but takes the view, that this concept is preferable due to its better practical applicability.<br><br>BE<br>(Drafting suggestions):<br><br>Contracting authorities and contracting entities shall exclude tenders from access to procurement procedures referred to in Part I of Annex II and Part I of Annex III**, where, on the basis of information reasonably available to the contracting authorities and contracting entities and without requiring a disproportionate investigation, it can be established that the** tender~~s~~ **is** submitted by **an** economic operator~~s~~ owned or controlled by an entity established in **a** third countr~~ies~~**y** which have not concluded an international agreement with the Union guaranteeing such access.<br><br>BE<br>(Comments):<br><br>BE: Reducing administrative burdens and limiting unnecessary complexity, particularly with regard to compliance and verification requirements, is a point of attention for BE. This amendment is consistent with Belgium's proposed amendments to recitals 23 and 26, promoting a proportionate and practical approach to controls, while ensuring that the objectives of the Regulation remain fully safeguarded. In addition, compliance verification by contracting authorities and contracting entities should remain practically feasible and should not impose disproportionate administrative on procurers.<br><br>How does this provision interact with the provisions of the FSR?<br><br>CZ<br>(Drafting suggestions): |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | 1. Contracting authorities and contracting entities shall exclude from access to procurement procedures referred to in Part I of Annex II and Part I of Annex III tenders submitted by economic operators ~~owned or controlled by an entity established~~ **originating** in third countries which have not concluded an international agreement with the Union ~~guaranteeing such access.~~ **under which the works, supplies, services and economic operators of that third country are entitled, within the scope of that agreement, to treatment no less favourable than that accorded to the works, supplies, services and economic operators of the Union.**<br><br>CZ<br>(Comments):<br><br>CZ comment:<br><br>Ownership or control → *originating*: aligning with the approach under the International Procurement Instrument (IPI).<br><br>Further, the rules for determining origin could be taken over from **Article 3 IPI.** This would ensure consistency and legal certainty in application across instruments, while preventing circumvention of the rules through the establishment of purpose built entities.<br><br>*Such access* lacks a reference point (it differs from Union origin in Art 7/Content equivalent in Art 8). It should be replaced by an explicit notion of reciprocal market access in public procurement, inspired by the wording of Art 25 of classical PP directive. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | DE<br>(Drafting suggestions):<br>~~1. Contracting authorities and contracting entities shall exclude from access to procurement procedures referred to in Part I of Annex II and Part I of Annex III tenders submitted by economic operators owned or controlled by an entity established in third countries which have not concluded an international agreement with the Union guaranteeing such access.~~<br>DE<br>(Comments):<br>Examining complex ownership and controlling structures is too burdensome for public entities. Furthermore, focusing on "Union origin" requirements appears to be sufficient for establishing lead markets.<br><br>DK<br>(Drafting suggestions):<br>1. Contracting authorities and contracting entities shall exclude from access to procurement procedures referred to in Part I of Annex II and Part I of Annex III tenders submitted by economic operators owned or controlled by an entity established in third countries which have not concluded an international agreement with the Union guaranteeing such access.<br>DK<br>(Comments):<br>Clarification is needed. See below, new subpara. 11.5 |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | EL<br>(Comments):<br><br>As to article 11 on Public procurement we have a general scrutiny reservation. A horizontal issue that we have to discuss is the fragmentation of public procurement legislation in sectoral acts.<br><br>FI<br>(Comments):<br><br>Finland considers that further information should be had on the amount of competition in sectors covered be the proposal's restrictions. The additional requirements for public procurement in this paragraph and paragraph 2 may significantly restrict the amount of competition in covered public procurement procedures in the EU.<br><br>FR<br>(Drafting suggestions):<br><br>Contracting authorities and contracting entities shall exclude from access to procurement procedures referred to in Part I of Annex II and Part I of Annex III tenders submitted by economic operators owned or controlled by an entity established in third countries which have not concluded an international agreement with the Union guaranteeing such access, **as well as tenders comprising products or components referred to in Part I of Annex II and Part I of Annex III that originate in such a country**. **This exclusion shall not apply where the tender complies with the Union origin requirements laid down in Part I of Annex II and Part I of Annex III.**<br><br>FR<br>(Comments):<br><br>The amendment pursues two complementary objectives.<br>First, it complements the ownership- and control-based exclusion with an origin-based one. An exclusion resting solely on the structure of the operator |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | is readily circumvented and largely deprived of effect: an economic operator established in the Union could comply while sourcing the products and components covered by Annexes II and III from third countries which do not grant reciprocal access, thereby supplying public contracts with such goods. Anchoring the exclusion in the origin of the products and components, and not only in the nationality or control of the operator, is therefore necessary to give the provision its purpose.<br>Second, the carve-out is intended to reward economic operators that genuinely manufacture within the Union, irrespective of the nationality of their owners. An operator owned or controlled by an entity established in a non-covered third country, but which supplies goods meeting the Union origin requirements of Annexes II and III, should be allowed to compete, since the European production and content sought by the Regulation are in fact delivered. The contrary solution would produce incoherent outcomes: an undertaking from a non-covered country whose investment in the Union has been authorised under Chapter IV would see the very goods produced through that investment barred from public procurement — penalising European production on account of the investor's nationality alone.<br><br>IT<br>(Drafting suggestions):<br><br>Contracting authorities and contracting entities shall exclude from access to procurement procedures referred to in Part I of Annex II and Part I of Annex III tenders submitted by economic operators ~~owned or controlled by an entity established in third countries which have not concluded an international agreement with the Union guaranteeing such access.~~ **that:**<br><br>**(a) are established in a third country that has not concluded an international agreement with the European Union; or**<br>**(b) are established within the Union but are majority-owned, within the meaning of Article 3 of Regulation (EU) 2022/1031 of 23 June 2022, by** |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | **natural or legal persons established in a third country referred to in point (a), taking into account the beneficial ownership requirements laid down in Directive (EU) 2024/1640, in order to ensure transparency and prevent fraud.** |

PUBLIC

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | IT<br>(Comments):<br><br>The amendment seeks to address the uncertainties arising from Article 11(1), which refers to economic operators "owned or controlled" by entities established in third countries without defining the notions of ownership and control.<br>It therefore proposes to clarify the provision by referring to the criteria set out in Article 3 of Regulation (EU) 2022/1031, concerning the determination |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | of the origin of economic operators and the exercise of dominant influence. It also proposes to take into account the beneficial ownership requirements laid down in Directive (EU) 2024/1640, in order to require tender participants to declare their beneficial owners and to provide contracting authorities and contracting entities with adequate verification tools.<br><br>IT<br>(Drafting suggestions):<br><br>Contracting authorities and contracting entities shall exclude from access to procurement procedures referred to in Part I of Annex II and Part I of Annex III tenders submitted by economic operators ~~owned or controlled by an entity established in third countries which have not concluded an international agreement with the Union guaranteeing such access.~~ **that:**<br><br>**(a) are established in a third country that has not concluded an international agreement with the European Union; or**<br>**(b) are established within the Union but are majority-owned, within the meaning of Article 3 of Regulation (EU) 2022/1031 of 23 June 2022, by natural or legal persons established in a third country referred to in point (a), taking into account the beneficial ownership requirements laid down in Directive (EU) 2024/1640, in order to ensure transparency and prevent fraud.** |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | IT<br>(Comments):<br><br>The amendment seeks to address the uncertainties arising from Article 11(1), which refers to economic operators "owned or controlled" by entities established in third countries without defining the notions of ownership and control.<br>It therefore proposes to clarify the provision by referring to the criteria set out in Article 3 of Regulation (EU) 2022/1031, concerning the determination of the origin of economic operators and the exercise of dominant influence. It also proposes to take into account the beneficial ownership requirements laid down in Directive (EU) 2024/1640, in order to require tender participants to declare their beneficial owners and to provide contracting authorities and contracting entities with adequate verification tools.<br><br>LT<br>(Comments):<br><br>It is difficult in practice to assess the existence and extent of control over an economic operator, particularly in complex corporate structures. To avoid divergent interpretations across Member States — where the concept of "control" may be defined differently in national legislation — it would be |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | appropriate to consider establishing common criteria or minimum harmonised elements for determining control for the purposes of this Regulation.<br>Further clarification is also needed as to whether these provisions apply to subcontractors and to members of joint ventures or consortia. Given their frequent and significant role in procurement procedures, legal certainty on the scope of application is essential.<br><br>MT<br>(Comments):<br><br>It is is observed that Article 8 of the IAA specifies GPA as well as Free Trade and Custonms Union Agreements (rather than International Agreements).<br><br>To ascertain legal certainty and unequivocal interpretation, it is recommended that Article 8 and Article 11 are reflective of each other. Accordingly, both articles should incorporate and reference all the applicable Agreements.<br><br>From a practical administrative standpoint, it is believed that Contracting Authorities (CAs) will face challenges to determine *'owned or controlled by an entity'*, in view that it is presumed that this requirement necessitates an assessment of company ownership structures, including the Ultimate Beneficial Owner/s (UBO) that may spill over to multiple channels beyond the capacity of the CAs.<br><br>Exclusions linked to Third-Country access may have cost implications for Member States such as Malta, whose enterprises and public authorities rely heavily on global supply chains for intermediate and final products.<br><br>Implementation should therefore remain flexible and recognise global value chains, allowing cooperation with trusted third-country partners while safeguarding EU strategic interests.<br><br>NL |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Drafting suggestions):<br><br>1. Contracting authorities and contracting entities shall exclude from access to procurement procedures referred to in Part I of Annex II and Part I of Annex III tenders submitted by economic operators owned or controlled by an entity established in third countries which have not concluded an international agreement with the Union guaranteeing such access. **Operators may rebut presumed ownership or control by an entity established in such a third country, in accordance with Article 7(2) above.**<br><br>PT<br>(Comments):<br><br>The criteria for determining whether an economic operator is 'owned or controlled by' a third-country entity are undefined. Practical difficulties in identifying ownership and control structures are significant, particularly in complex corporate groups.<br><br>PT<br>(Comments):<br><br>The criteria for determining whether an economic operator is 'owned or controlled by' a third-country entity are undefined. Practical difficulties in identifying ownership and control structures are significant, particularly in complex corporate groups.<br><br>RO<br>(Drafting suggestions):<br><br>**Proposal**: a clear mechanism is needed to verify chains of ownership or control by entities established in third countries without agreements with the EU (similar to the one described in the IPI Regulation); explicit definition of control, reference to a register/list of applicable countries and agreements, plus the obligation of the authority to justify the exclusion based on the concrete scope of the agreement. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | RO<br>(Comments):<br><br>We see that a mandatory exclusion from access to procedures is established:<br><br>- the terms “owned or controlled” are not defined in Chapter III. The ownership threshold, direct/indirect control, special rights, control through shareholders, chains of ownership or beneficial ownership are not specified.<br><br>- the phrase "entity established in third countries" can be confusing for the complex structures of economic operators, including multinationals; What happens to a subsidiary established in the EU but controlled by a parent company in a country without an access agreement?<br><br>- the phrase "international agreement with the Union guaranteeing such access" is very imprecise. It is not clear whether access should be guaranteed for that type of contract, that product, that authority or just in general.<br><br>These aspects generate the risk of uneven application of exclusions between Member States and challenges on grounds of discriminatory treatment, lack of predictability, violation of the principle of proportionality or incorrect application of international agreements.<br>“tenders submitted by economic operators owned or controlled by…”, phrase “tenders submitted by economic operators owned or controlled by an entity…”.<br><br>The text refers to the tenderer submitting the tender. The tenderer may be an association of economic operators, the tenderer may have subcontractors, third party supporters and main suppliers. It is not clear whether the exclusion applies to the tenderer in general, regardless of its form, or also refers to a |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | member of the association, subcontractors or a supplier of the product in question.<br><br>An economic operator may submit the tender, but the product or critical component may come from an entity controlled in a third country without an agreement. Art. 11 para. (1) does not sufficiently/explicitly clarify this situation.<br><br>SE<br>(Drafting suggestions):<br><br>1. ~~Contracting authorities and contracting entities shall exclude from access to procurement procedures referred to in Part I of Annex II and Part I of Annex III tenders submitted by economic operators owned or controlled by an entity established in third countries which have not concluded an international agreement with the Union guaranteeing such access.~~<br><br>SE<br>(Comments):<br><br>This paragraph is disproportionate, not in line with the purpose of the IAA, easy to circumvent, and should therefore be deleted. It would: 1. Create considerable administrative burden for contracting authorities and entities since review of control/ownership is required, something that may be highly complex; 2. Exclude companies that meet the Union origin requirements and thus contribute to the objective of strengthening European manufacturing capacity; 3. Have negligible impact in countering unfair competition from third countries since it only applies to the economic operator that submits the tender, meaning that a competitor from a third country need only sell their vehicles via an EU-based wholesaler to circumvent the rule entirely.<br><br>SI |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Comments):<br><br>This paragraph stipulates that contracting authorities will have to exclude economic operators that are owned or controlled by an entity established in a third country that has not concluded an international agreement with the EU ensuring access to public procurement procedures. To avoid an excessive administrative burden on contracting authorities, we raise the following questions:<br>- How and under which rules will contracting authorities determine the actual ownership of economic operators from third countries?<br>- Will contracting authorities be required to obtain the relevant data themselves, and what happens if they do not have access to it?<br>- Can self-declaration from economic operators be considered sufficient proof, and do these need to be verified?<br>- Is there a plan to establish a harmonized tool to facilitate the determination of beneficial ownership?<br>- How will cases be handled where an economic operator from a third country (without an agreement ensuring reciprocal access to the procurement market)—established or controlled by such entities—has production facilities within the EU and its products are labelled as "Union origin"?<br><br>SK<br>(Drafting suggestions):<br><br>The Slovak Republic proposes to reconsider the wording of Article 11(1) and to introduce a more flexible or simplified mechanism for verifying ownership structures, or alternatively, to shift the burden of proof entirely onto economic operators through self-declarations combined with ex-post audits. Furthermore, we request the European Commission to issue clear guidelines and establish a centralized EU-level registry of relevant entities or third countries with guaranteed procurement access.<br><br>SK |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Comments):<br><br>While the Slovak Republic fully shares and supports the objective of strengthening the economic security and protecting the strategic interests of the European Union, we firmly believe that the proposed measure in its current form places an disproportionate administrative and technical burden on contracting authorities and contracting entities.<br>As a rule, contracting authorities do not possess the necessary human, financial, or specialized legal resources to conduct complex cross-border due diligence regarding the ultimate ownership and control structures of tendering economic operators. The requirement to independently verify and vet ownership links to third countries lacking reciprocal international agreements with the Union would inherently lead to significant delays in procurement procedures and heighten the risk of legal challenges. In order to safeguard the efficiency and continuity of public procurement, it is vital to streamline these administrative verifications and provide national authorities with centralized, structured support at the EU level. |
| | IT<br>(Drafting suggestions):<br><br>**1-bis. Economic operators shall not subcontract, within the meaning of Article 71 of Directive 2014/24/EU, to third-country economic operators referred to in paragraph 1.**<br><br>IT<br>(Comments):<br><br>This amendment aims to ensure the effectiveness of the rules set out in Article 11 by extending their application to subcontracting situations.<br>Without such a provision, the restrictions applicable to economic operators at the stage of participation in procurement procedures could be circumvented |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | through the use of subcontractors established in third countries that do not grant reciprocal access to Union operators. This would undermine the objective of ensuring fair and balanced access to public procurement markets.<br>The measure contributes to:<br>- preventing circumvention of the Regulation through indirect participation;<br>- safeguarding a level playing field for Union economic operators;<br>- ensuring coherence with the Union's international procurement policy;<br>- strengthening the effectiveness and credibility of the instrument.<br><br>IT<br>(Drafting suggestions):<br><br>**1-bis. Economic operators shall not subcontract, within the meaning of Article 71 of Directive 2014/24/EU, to third-country economic operators referred to in paragraph 1.**<br><br>IT<br>(Comments):<br><br>This amendment aims to ensure the effectiveness of the rules set out in Article 11 by extending their application to subcontracting situations. Without such a provision, the restrictions applicable to economic operators at the stage of participation in procurement procedures could be circumvented through the use of subcontractors established in third countries that do not grant reciprocal access to Union operators. This would undermine the objective of ensuring fair and balanced access to public procurement markets.<br>The measure contributes to:<br>- preventing circumvention of the Regulation through indirect participation;<br>- safeguarding a level playing field for Union economic operators;<br>- ensuring coherence with the Union's international procurement policy; |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | - strengthening the effectiveness and credibility of the instrument.<br><br>RO<br>(Drafting suggestions):<br><br>**2. For the purposes of applying this exclusion, contracting authorities / entities shall verify ownership and control structures with reference to an official list of third countries and applicable international agreements establishing procurement access rights.** |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | **3. For the purposes of this article, in the situation of economic operators that are participating in a public procurement procedure as consortia or groups of economic operators, the exclusion applies accordingly to every tender.**<br><br>RO<br>(Comments):<br><br>2.The notion of "entity established in third countries" may create interpretative difficulties in the context of complex corporate structures, including multinational groups. It is unclear how the provision would apply, for example, in situations where a subsidiary is established within the EU but |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | is controlled by a parent company located in a third country that has not concluded an agreement guaranteeing access.<br><br>In addition, the reference to an "international agreement with the Union guaranteeing such access" lacks sufficient precision. It is not clear whether such access must be guaranteed for a specific type of contract, a specific product, a specific contracting authority/entity, or only at a general level.<br><br>These ambiguities may lead to inconsistent application across Member States and give rise to legal challenges based on unequal treatment, lack of legal certainty, breach of the principle of proportionality, and incorrect interpretation or application of relevant international trade commitments.<br><br>A clear mechanism is required to verify the chains of ownership or control by entities established in third countries without agreements with the EU (similar to the one described in the IPI Regulation); an explicit definition of control, a reference to a register/list of applicable countries and agreements, plus the authority's obligation to justify the exclusion based on the specific coverage of the agreement.<br><br>3.The provision refers to "tenders submitted by economic operators owned or controlled…", focusing on the tenderer as the submitting entity. However, it is not sufficiently clear how this exclusion applies in cases where the tenderer is a consortium, or where the tender involves subcontractors, third-party entities, or key suppliers. |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | In particular, the provision does not clarify whether the exclusion applies strictly at the level of the tendering economic operator as a whole, or whether it also extends to individual members of a consortium, subcontractors, or upstream suppliers providing critical goods or components |
| 2. For public procurement procedures referred to in Part I of Annex II and Part I of Annex III, contracting authorities and contracting entities shall apply the Union origin requirements and low-carbon requirements laid down therein in accordance with Articles 8 and 10. | AT<br>(Comments):<br><br>Para 2 applies to procurement procedures falling within the scope of international agreements concluded by the Union. In such procedures, "low-carbon" requirements pursuant to Art. 10 IAA and Union origin requirements in accordance with Art. 8 are to apply. AT considers that both mechanisms may raise compatibility issues with international trade law, including WTO law and bilateral agreements. As regards the GPA, said requirements seem to be in contradiction to the non-discrimination principle as enshrined in Art. IV(1) of the GPA and seem to contradict other provisions of the GPA as well (for instance Art. VIII[1] and Art. X[1] of the GPA). As regards tenderers having access to the Union market according to Art. 11(1) and offering goods from third countries that are parties to the GATT, the provisions appear difficult to reconcile with the principle laid down in Art. III:4 of the GATT, according to which imported products must not be treated less favorably than domestic products. Furthermore, the provisions may also affect obligations arising under several bilateral agreements, including agreements with Turkey, Canada, the United Kingdom, the Mercosur States and Switzerland. AT considers the risk of disputes under bilateral or WTO dispute settlement mechanisms to be realistic. AT therefore has asked to obtain an opinion from the CLS on the compatibility of these provisions with international law.<br><br>AT notes that the scope is unclear due to the reference to Part I of Annex II and Part I of Annex III (c.f. comments on Annex II and Annex III). Further clarification is needed. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | BE<br>(Comments):<br><br>BE: Belgium underlines that the Industrial Accelerator Act should be aligned with the principles of circularity and material efficiency. This chapter should therefore not only promote the use of low-carbon materials, but also support strategies such as material reduction, reuse and the preservation of existing structures, which can significantly reduce $CO_2$ emissions. Although reused materials may not always fit within a traditional Union-content approach, they similarly reduce dependence on primary raw materials and imports from third countries, thereby strengthening the Union's strategic autonomy. Projects promoting efficient material use and reuse should therefore be recognised and supported as contributing fully to the objectives of the Regulation.<br><br>CZ<br>(Drafting suggestions):<br><br>2. For public procurement procedures referred to in Part I of Annex II and Part I of Annex III, contracting authorities and contracting entities shall ~~apply~~ **include in public procurement documents** the Union origin requirements and low-carbon requirements laid down therein in accordance with Articles 8 and 10 **on successful tenderers for the duration of the contract**.<br><br>CZ<br>(Comments):<br><br>Q&As, p6: „*This approach ensures consistency with applicable public procurement systems in that only economic operators which have been awarded a contract have to undergo scrutiny*“ |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Its unclear whether the self-declaration is sufficient „for life“, or needs to be **in any case** srutinized<br>- before the award of the contract<br>- during fulfillment of the contract (depends what was meant by „have been awarded a contract“).<br>The setting can be drawn from art 8 IPI: „…*contracting authorities and contracting entities shall also include in public procurement documents the following obligations on successful tenderers:*“<br><br>DE<br>(Comments):<br>Scrutiny reservation.<br>DK<br>(Drafting suggestions):<br><br>DK<br>(Comments):<br>We would like to point out, that it is essential to clarify. See below, new subpara. 11.5<br><br>FI<br>(Comments):<br>Finland considers that the EU origin and low carbon requirements should be sufficiently clear and they should not burden contracting authorities excessively. Finland also considers that the new requirements should not complicate the aquisition of clean vehicles more than necessary.<br>FR |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Drafting suggestions):<br><br>For public procurement procedures referred to in Part I of Annex II and Part I of Annex III, contracting authorities and contracting entities shall apply the Union **and Partner** origin requirements**,** and low-carbon requirements laid down therein in accordance with Articles 8 and 10.<br><br>FR<br>(Comments):<br><br>See amendments to Article 8.<br><br>IT<br>(Drafting suggestions):<br><br>2. For public procurement procedures referred to in Part I of Annex II and Part I of Annex III, contracting authorities and contracting entities shall apply the Union origin requirements and low-carbon requirements laid down therein in accordance with Articles 8**,** ~~and~~ 10 **and 10 bis in applying such requirements in conjunction with the requirement for the economic operator and the manufacturer of the products referred to in Annex II to have a fixed establishment within the European Union territory, contracting authorities and contracting entities may take into account, where relevant and proportionate to the subject matter of the contract, the substantial contribution of the economic operator, the manufacturer, or the relevant supply chain to the Union's production capacity, the resilience of European value chains, security of supply, product traceability, and the continuity of maintenance, servicing, and supply services within the territory of the Union.**<br><br>**Contracting authorities and contracting entities shall determine the estimated value of the contract and the base tender amount taking into account market conditions relating to products of Union origin,** |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | **including life-cycle costs, security of supply, resilience of the relevant value chain, and compliance with the Union's environmental, social, and climate standards.**<br><br>IT<br>(Comments):<br><br>The amendment raises public procurement standards by imposing, in addition to EU origin requirements and low carbon criteria, a stable organization within the European territory for operators and producers, with reference to the sectors listed in Annex II.<br>The aim is to strengthen strategic autonomy, understood as the European Union's capacity to control critical supply chain nodes, reduce excessive dependencies, and protect European companies from the pressure of a globalized market with fewer constraints.<br><br>The amendment to Article 11 does not alter the underlying structure of paragraph 2, but rather supplements it. The first change is a coordination amendment, as it adds a reference to the new Article 10 bis. The second introduces a clause for assessing the substantial contribution to Union production capacity, the resilience of value chains, traceability, and supply continuity. The third aims to prevent the tender base price from being set on the implicit assumption of prices of non-EU products manufactured in regulatory, environmental, or social contexts that are not comparable.<br><br>IT<br>(Drafting suggestions):<br><br>2. For public procurement procedures referred to in Part I of Annex II and Part I of Annex III, contracting authorities and ~~contracting~~ **awarding** entities shall apply the Union origin requirements ~~and low-carbon requirements laid~~ |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | ~~down therein in accordance with Articles 8 and 10.~~ **in conjunction with the requirement for the economic operator and the manufacturer of the products referred to in Annex II to have a fixed establishment within the European Union territory, and the low-carbon requirements laid down therein in accordance with Articles 8, 10 and 10-bis.**<br>**The base tender price is determined by taking market prices for products of Union origin as a reference parameter.**<br><br>IT<br>(Comments):<br><br>The amendment raises public procurement standards by imposing, in addition to EU origin requirements and low carbon criteria, a stable organization within the European territory for operators and producers, with reference to the sectors listed in Annex II.<br>The aim is to strengthen strategic autonomy, understood as the European Union's capacity to control critical supply chain nodes, reduce excessive dependencies, and protect European companies from the pressure of a globalized market with fewer constraints.<br>Setting the tender base price on market prices of products of European origin ('Union origin') ensures fair competition, enhancing quality and sustainability over the lowest price alone.<br><br>MT<br>(Comments):<br><br>It is acknowledged that the EU Origin Requirements have the scope of protecting strategic industries as well as to entice reciprocal access from Third Countries. However, specifying minimum percentage shares vis-a-vis the procurement of products from energy intensive industries and the adoption of EU origin requirements when procuring certain Vehicles may narrow the |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | availability of Economic Operators that would bid for a Procurement Procedure as well as limits supply per se.<br><br>The requirements of Annexes II and III of the IAA within the context of Public Procurement Procedures are deemed as rather restrictive, especially for a small MS, like Malta, because they may limit access to a sufficiently broad and competitive pool of bidders, thereby increasing the risk of reduced competition, higher bid prices, and, in some cases, unsuccessful procedures due to a lack of compliant tenders.<br><br>Procurement preferences linked to Made in Europe may have cost implications for small Member States such as Malta, whose enterprises and public authorities rely heavily on global supply chains for intermediate and final products. Reduced supplier pools and sourcing constraints risk driving procurement prices away from fair global market levels, with consequent impacts on public finances and project delivery.<br><br>RO<br>(Drafting suggestions):<br><br>~~2~~**3.** For public procurement procedures referred to in Part I of Annex II and Part I of Annex III, contracting authorities and contracting entities shall apply the Union origin requirements and or low-carbon requirements**, as applicable,** laid down therein in accordance with Articles 8 and 10.<br><br>RO:Add a paragraph:<br>"**The implementation of Union origin and low-carbon requirements in public procurement procedures shall take into account the need to** |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | **preserve effective access for SMEs and shall avoid disproportionate documentation requirements."**<br><br>RO<br>(Comments):<br><br>The wording may be interpreted as cumulatively imposing both EU-origin and low-carbon requirements for all products covered by Annex II and Annex III. However, Part I of Annex II does not impose an EU-origin requirement for steel, but only a 25% low-carbon requirement. The EU-origin requirement applies to concrete/mortar and aluminium.<br><br>RO:SMEs often face difficulties in public procurement procedures due to limited administrative resources. Additional documentation requirements concerning origin and carbon footprint could further restrict participation. Measures supporting proportionality and standardisation would facilitate access while preserving competition<br><br>SK<br>(Drafting suggestions):<br><br>"Public procurement procedures for electric vehicles" and Part 2 "Other forms of public intervention and financial support for corporate vehicles". Specifically, we propose:<br>1. **To reduce the minimum percentage thresholds** for Union origin requirements stipulated in points (b), (e), and (f) of Annex III, Part 1 and Part 2, concerning pure electric vehicles (PEV), off-vehicle chargeable hybrid electric vehicles (OVC-HEV), and fuel cell vehicles (FCV) purchased, leased, rented, or hire-purchased under procurement procedures falling within the scope of Directive 2014/24/EU or Directive 2014/25/EU. |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | 2. **To revise the calculation methodology** in the aforementioned points (b), (e), and (f) to ensure that the percentage calculation accounts not only for the ex-works production price of components but also explicitly incorporates **Research and Development (R&D) costs** incurred within the Union, as well as **European labor costs** (including wages and social security contributions).<br>**To defer the application of these requirements**, as modified, by establishing a **5-year transitional period** from the date of entry into force of this Regulation for points (b), (e), and (f), and postponing the application for points (c) and (d) until **2035**<br><br>SK<br>(Comments):<br><br>strictly on the production price of physical components does not reflect the economic reality and cost structure of the modern automotive industry, particularly in the e-mobility sector. For European automotive manufacturers, investments in R&D, advanced software engineering, and sensory or battery system development represent the core value added generated directly within the single market. Excluding these substantial intellectual and labor inputs from the local content ratios artificially disadvantages European producers who bear higher operational and regulatory costs compared to third-country competitors.<br>Incorporating R&D and local labor costs into the valuation of components and electronic systems will safeguard European know-how, incentivize high-value domestic investments, and preserve quality employment in line with the strategic goals of the Industrial Accelerator Act (IAA).<br>Furthermore, the supply chains for critical automotive components, especially advanced electronics and battery cells, require significant structural adjustments to meet the ambitious thresholds proposed in the Regulation. Imposing rigid targets prematurely would jeopardize the stability of public procurement procedures and restrict the availability of compliant |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | low-emission corporate fleets. A 5-year transitional period for points (b), (e), and (f), combined with a realistic timeline up to 2035 for points (c) and (d), is strictly necessary to provide the industry with the required predictability, allow for the localization of critical supply lines, and prevent market distortions or unintended project delays across Member States. |
| | BE<br>(Drafting suggestions):<br><br>**2.a The Commission shall establish and maintain a dedicated helpdesk to support economic operators, contracting authorities and contracting entities in the interpretation and application of Articles 11.1 and 11.2, including by providing practical guidance, responding to implementation-related questions, and assisting in the verification of the required evidence, declarations and supporting documentation.**<br><br>BE<br>(Comments):<br><br>BE: A dedicated helpdesk would facilitate the effective and uniform implementation of this chapter across the Union. Given the technical and administrative complexity of the requirements, economic operators and contracting authorities may face practical difficulties in interpreting the rules and assessing compliance. Centralised support from the Commission would enhance legal certainty, reduce administrative burdens and promote consistent application among Member States.<br><br>SE<br>(Drafting suggestions):<br><br>2a. For public procurement procedures referred to in Part I of Annex II, procurement subject to GWP limit value requirements for buildings in accordance with Article 7(5) of Directive (EU) 2024/1275 shall be deemed to fulfill the low-carbon requirements referred to in this Regulation. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | SE<br>(Comments):<br>The introduction of limit values for the global warming potential (GWP) of buildings, as required by Directive (EU) 2024/1275 (EPBD), is expected to create lead markets for low-carbon construction materials as envisaged under this Regulation. The effects stemming from the EPBD will likely be broader, given that it covers both the private and public sectors.<br><br>In order to comply with the EPBD requirements, contracting authorities will need to include low-carbon criteria in their procurement procedures, thereby effectively meeting the corresponding low-carbon requirements set out in this Regulation.<br><br>This amendment would therefore reduce the administrative burden for contracting authorities and contracting entities, as it avoids duplication of requirements and allows compliance with a single coherent set of rules in this area |
| 3. Contracting authorities and contracting entities may decide not to apply the requirements set out in Annexes II and III where any of the following conditions are fulfilled: | AT<br>(Comments):<br>AT notes that the exceptions under para 3 apply only to the requirements laid down in the Annexes, but not on paras 1 and 2. AT asks for clarification as to the rationale for this approach and as to how contracting authorities and entities should proceed where only one economic operator is capable of performing the contract but would have to be excluded pursuant to para 1.<br><br>Given that para 3 establishes exceptions which, according to the settled case law of the ECJ (e.g. C-275/08, *Commission v. Germany*, para 55), must be interpreted strictly, and given that the burden of proof that the conditions for |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | relying on the exception are fulfilled rests with the contracting authority or contracting entity (e.g. C-394/02, *Commission v. Greece*, para 35; C-275/08, *Commission v. Germany*, para 56), AT considers it essential that para 3 establishes clear and legally certain rules.<br><br>BE<br>(Comments):<br><br>BE: As regards the exceptions, there is support for ensuring that these are not approached in an overly restrictive manner. At the same time, the exceptions should remain reasonable, should not allow for arbitrary application, and should neither undermine the objectives of the Regulation nor create additional complexity.<br><br>CZ<br>(Drafting suggestions):<br><br>Contracting authorities and contracting entities may decide not to apply the requirements set out in **this Article** ~~Annexes II and III~~ **where the contract is awarded in a negotiated procedure without prior publication provided by Article 32 of Directive 2014/24/EU and Article 50 of Directive 2014/25/EU, or** where any of the following conditions are fulfilled:<br><br>CZ<br>(Comments):<br><br>CZ comment:<br><br>the exlcusion of the tenderer according to par 1 shall be facultative in those cases as well. |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | But most importantly – the wording of the derogations will be extremely confusing in practice.<br>The proposed derogation appears to transplant elements from the PP directive on the use of the negotiated procedure without prior publication, which pursue a different regulatory purpose - justifying the absence of competition.<br><br>Furthermore, the proposal uses the PP directives imprecisely (p.e. what is a suitable tender ? see Art 32(2)(a) of the PP Dir). This will most likely create interpretative and application difficulties in practice.<br><br>A more coherent solution would be to provide that this Article does not apply where the contract is awarded in a negotiated procedure without prior publication, besides alowing the proposed derogations.<br><br>EE<br>(Comments):<br><br>Estonia strongly supports the exceptions provided in this paragraph, especially subparagraphs (b) and (c). These are essential for providing flexibility for procurements where production capacity of Union origin products may not have responded in a timely manner to the increase in demand or where increased demand has resulted in unreasonably elevated prices for Union origin products. We do not support changes in this paragraph that would limit the exceptions further, for example increasing the cost differences level in sub-paragraph (c), where any changes should be strictly evidence-based.<br><br>DE<br>(Comments):<br><br>Scrutiny reservation.<br><br>MT |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Comments):<br><br>Article 11(3) provides conditions whereby CAs may decide not to apply the requirements set out in Annexes II (Low-carbon and Union origin requirements for energy intensive industries) and III (Union origin requirements for vehicles).<br><br>Whilst such safeguards are deemed necessary, implementing them might not be so straightforward and can significantly delay project timelines. Contracting Authorities might not have the necessary skills and knowledge to conclude that the required products/services can only be supplied by one specific Economic Operator, and no reasonable alternative or substitute exists. Although Market Research and Preliminary Market Consultation are helpful tools, it is opined that the outcomes of such are not exhaustive.<br><br>RO<br>(Drafting suggestions):<br><br>~~3~~ **4.** Contracting authorities and contracting entities may decide not to apply the requirements set out in Annexes II and III where any of the following conditions are fulfilled: |
| | |
| (a) the required products or services can only be supplied by one specific economic operator, and no reasonable alternative or substitute exists, and the absence of competition is not the result of an artificial narrowing down of the parameters of the public procurement procedure; | CZ<br>(Drafting suggestions):<br><br>(a) the required products or services can only be supplied by ~~one~~ specific economic operator **or operators from uncovered third coutries**, and no reasonable alternative or substitute exists, and the absence of competition is not the result of an artificial narrowing down of the parameters of the public procurement procedure;<br><br>CZ<br>(Comments): |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Requirement that only one supplier exists is misplaced. The relevant question here is not whether there is only one supplier, but whether some suppliers offer EU content.<br><br>SI<br>(Comments):<br><br>How will the contracting authority obtain information confirming that only one economic operator provides the specific goods or services and that there are no suitable alternatives or substitutes exist on the market |
| | |
| (b) no suitable tenders or no suitable requests to participate were submitted, including in response to a similar former public procurement procedure launched by the same contracting authority or contracting entity in the two years preceding the start of the planned new procurement procedure; | AT<br>(Comments):<br><br>Regarding point (b), AT asks for clarification of the notion "*similar former public procurement procedure*". In particular, it still remains unclear whether this requires the same CPV code or according to which criteria "similarity" is to be assessed.<br><br>BE<br>(Drafting suggestions):<br><br>(b) no suitable tenders or no suitable requests to participate were submitted, including in response to a similar former public procurement procedure launched by the same contracting authority or contracting entity in the two years preceding the start of the planned new procurement procedure~~;~~**.**<br>**In the event of a first unsuccessful procedure, contracting authorities shall be permitted to immediately resort to a negotiated procedure without prior publication, without the removal of the Union-origin or resilience requirement being considered a substantial modification of the initial procurement documents;**<br><br>BE |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Comments):<br><br>BE: More flexibility is needed so that, following an unsuccessful procedure, it is possible to immediately switch to a negotiated procedure without prior publication.<br><br>CZ<br>(Drafting suggestions):<br><br>(b) no suitable tenders or no suitable requests to participate were submitted, including in response to a similar former public procurement procedure launched by the same contracting authority or contracting entity in the two years preceding the ~~start~~ **commencement** of the planned new **public** procurement procedure;<br><br>CZ<br>(Comments):<br><br>Shall the provision stay, it needs to be redrafted:<br>"start" of the procedure is not used and may be indeed confusing<br>Public procurement procedure: in line with definition in Art 3(10)<br>Suitable tender shall be defined.<br><br>PL<br>(Drafting suggestions):<br><br>(b) no suitable tenders or no suitable requests to participate were submitted**,** including **in previous public procurement that has been annulled for that reason or** in response to a similar former public procurement procedure launched by the same contracting authority or contracting entity in the two years preceding the start of the planned new procurement procedure; |
| | |
| © their application would require a contracting authority or contracting entity to acquire goods, services or works having disproportionate costs or | AT |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| would result in technical incompatibility in their operation and maintenance. Estimated cost differences exceeding 25%, based on objective and transparent data, may be presumed by contracting authorities and contracting entities to be disproportionate. | (Comments):<br><br>Regarding point (c), AT notes that an estimated cost difference of 25% appears very high. During the meeting of the CWP on 11 May, COM explained regarding the essentially identical provision in Art. 25a(3) NZIA that the threshold had been set in light of the existing price differences between products manufactured in China and products manufactured in the Union. According to COM, the threshold should not be set at a level that would automatically be reached in practice, as this would render the exception effectively applicable in almost all cases. AT thanks COM for these clarifications, but would nevertheless welcome further clarification regarding the basis for the 25% threshold, in particular in comparison with Art. 25(10) NZIA (20%) and Art. 12 IAA (30%).<br><br>AT further asks how contracting authorities and entities are expected to assess ex ante whether the 25% threshold is met. If this assessment is to be based on estimates by the contracting authority or entity, AT would welcome clarification as to the permissible margin of estimation, particularly in the context of remedy procedures. In practice, such an assessment may prove highly difficult at the outset of a procurement procedure. For example, in infrastructure projects such as bridges or tunnels, the proportion of relevant materials may depend on highly technical construction details that are not readily apparent at first sight or are dependent on circumstances which cannot be known by the contracting authority or entity from the outset of a procurement procedure. In the case of tunnel construction, for instance, the quantity of concrete or other covered materials may vary significantly depending on the geological structure of the mountain and the necessary technical design dependent on the quality of rock. AT therefore questions how contracting authorities and entities are expected to determine, already at the beginning of the procedure, whether the threshold is triggered. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | BE<br>(Drafting suggestions):<br><br>(c ) their application would require a contracting authority or contracting entity to acquire goods, services or works having disproportionate costs or would result in technical incompatibility in their operation and maintenance. Estimated cost differences exceeding 25%, based on objective and transparent data, may be presumed by contracting authorities and contracting entities to be disproportionate.<br><br>BE<br>(Comments):<br><br>Belgium has a scrutiny reservation on the percentage applicable to the cost-difference threshold.<br><br>DE<br>(Drafting suggestions):<br><br>© their application would require a contracting authority or contracting entity to acquire goods, services or works having disproportionate costs or would result in technical incompatibility in their operation and maintenance. Estimated cost differences exceeding 25% of the project cost (contract), based on objective and transparent data, may be presumed by contracting authorities and contracting entities to be disproportionate.<br><br>DE<br>(Comments):<br><br>Costs and potential price increases should be assessed on a project level (contract), since in the planing phase the higher cost for some materials /steps could be substitute by using less materials or in a more efficnet manner.<br><br>DK<br>(Drafting suggestions): |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | © their application would require a contracting authority or contracting entity to acquire goods, services or works having disproportionate costs or would result in technical incompatibility in their operation and maintenance. Estimated cost differences exceeding 25%, based on objective and transparent data~~,~~ **as well as equivalent tenders made by the contracting authority within the recent [5] years** may be presumed by contracting authorities and contracting entities to be disproportionate.<br><br>DK<br>(Comments):<br><br>It can be difficult for the contracting authorities to assess and document cost differences exceeding 25 pct. However it could be eased, if they are allowed to draw upon recent equivalent procurement processes. This way, unneccesrary procurements with the accompanying burdens for economic operators as well af public contractors can be avoided while still accounting for the development in the market.<br><br>And, clarification is needed to help contracting authorities, see 11.5 below.<br><br>EL<br>(Comments):<br><br>The current wording could allow for varying interpretations; supplementary guidance may be helpful to promote uniform application.<br><br>FI<br>(Comments):<br><br>Finland is reserved towards increases of the administrative burden and the costs of contracting authorities, especially in relation to the new requirements for vehicles and transport services. The requirement to accept cost differences up to 25 % for EU-origin products risks increasing the costs of the public sector to an unreasonable amount. It should further be clear what is |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | considered as objective and transparent data in the meaning of art 11(3)c. It is also not clear whether this threshold is relevant for all the sectors covered by this Chapter, or whether more sector specific approach would be needed.<br><br>FR<br>(Drafting suggestions):<br><br>their application would require a contracting authority or contracting entity to acquire goods, services or works having disproportionate costs or would result in technical incompatibility in their operation and maintenance. Estimated cost differences exceeding ~~25%~~ **40%**, based on objective and transparent data, may be presumed by contracting authorities and contracting entities to be disproportionate.<br><br>FR<br>(Comments):<br><br>The 25% threshold proposed by the Commission as a presumption of disproportionate cost is insufficiently dissuasive to ensure the effectiveness of the Union content requirements established by this Chapter, given the structural cost differentials currently observed between Union production and that of certain non-covered third countries, notably China. In several strategic sectors targeted by the Regulation, Chinese producers benefit from production cost advantages frequently estimated up to 40%, driven by a combination of large-scale industrial subsidies, lower energy and labour costs, and structural overcapacity.<br><br>IT<br>(Drafting suggestions):<br><br>© their application would require a contracting authority or contracting entity to acquire goods, services or works having disproportionate costs or would result in technical incompatibility in their operation and maintenance. Estimated cost differences exceeding **35**~~25~~%, based on objective and |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | transparent data, may be presumed by contracting authorities and contracting entities to be disproportionate.<br>**For the purposes of this point, cost differences shall be assessed only between products, services or works that are technically comparable, including with regard to technical specifications, performance, delivery conditions, contractual duration, certification requirements, environmental characteristics and compliance costs related to Union origin, traceability and low-carbon requirements.**<br><br>IT<br>(Comments):<br><br>The proposed IAA Regulation provides that contracting authorities and contracting entities may decide not to apply the requirements set out in Annexes II and III where their application would entail disproportionate costs, which are deemed to be such where the cost differences exceed 25%. It is considered appropriate to raise this threshold to 35%, providing, inter alia, that cost differences are assessed only between technically comparable products, services or works, including with regard to technical specifications, performance, delivery conditions, contract duration, certification requirements, environmental characteristics and compliance costs relating to EU origin, traceability and low-carbon requirements.<br><br>IT<br>(Drafting suggestions):<br><br>© their application would require a contracting authority or contracting entity to acquire goods, services or works having disproportionate costs or would result in technical incompatibility in their operation and maintenance. Estimated cost differences exceeding **35**~~25~~%, based on objective and |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | transparent data, may be presumed by contracting authorities and contracting entities to be disproportionate.<br>**For the purposes of this point, cost differences shall be assessed only between products, services or works that are technically comparable, including with regard to technical specifications, performance, delivery conditions, contractual duration, certification requirements, environmental characteristics and compliance costs related to Union origin, traceability and low-carbon requirements.**<br><br>IT<br>(Comments):<br><br>The proposed IAA Regulation provides that contracting authorities and contracting entities may decide not to apply the requirements set out in Annexes II and III where their application would entail disproportionate costs, which are deemed to be such where the cost differences exceed 25%. It is considered appropriate to raise this threshold to 35%, providing, inter alia, that cost differences are assessed only between technically comparable products, services or works, including with regard to technical specifications, performance, delivery conditions, contract duration, certification requirements, environmental characteristics and compliance costs relating to EU origin, traceability and low-carbon requirements.<br><br>LT<br>(Comments):<br><br>Article 11(3)(c) of the Regulation currently sets a threshold of only 25 percent, but it is unclear how 'disproportionate costs' should be assessed in practice. There is no definition of the price against which the comparison should be made, nor of what data is considered objective and transparent, which creates |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | a risk that Member States and contracting authorities themselves will apply this provision inconsistently. Given that this provision will directly affect public procurement practices and may frequently be invoked as an exception, it is advisable to provide that the Commission develop guidelines to ensure its uniform, transparent, and clear application. In addition, we would propose adding an exception for cases of extreme circumstances to the list of exceptions set forth in Article 11(3) of the Regulation.<br>A clear and uniform definition of 'made in the EU' is necessary, specifying whether the criterion of the origin of goods or the control of economic operators is being assessed, as well as the development of a standardized assessment template. Excessive flexibility for contracting authorities to interpret these criteria on their own may increase legal uncertainty, administrative burdens, and the risk of disputes; therefore, it is important to ensure that the guidelines are as clear and practical as possible, as well as to establish control mechanisms and clear consequences for providing misleading information.<br>For reasons of legal clarity, we consider that all exemptions should be consolidated within a single legal instrument. It would be appropriate to explicitly include exemptions applicable in situations of urgency or emergency. Centralising all derogations in one place would help ensure consistent interpretation and uniform application across Member States, particularly in cases where rapid decision-making is required.<br><br>MT<br>(Drafting suggestions):<br><br>their application would require a contracting authority or contracting entity to acquire goods, services or works having disproportionate costs or would result in technical incompatibility in their operation and maintenance. Estimated cost differences exceeding ~~25%~~ **10%**, based on objective and transparent data, may be presumed by contracting authorities and contracting entities to be disproportionate. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | MT<br>(Comments):<br><br>It is opined that 25% is quite on the high end, particularly within the Public Procurement framework, where CAs are already bound by the overarching principles of value for money, proportionality, and effective competition. In the Maltese context, where market size is limited also when compared to the budgets, such a percentage threshold is deemed to represent a significant financial burden (particularly for high-value tenders such as infrastructure, energy, or transport projects) and accordingly risks undermining cost-efficiency.<br><br>While a fixed alternative threshold may not be appropriate at this juncture, a lower indicative benchmark such as perhaps around 10%, could be seen and perceived as more proportionate, as it would possibly capture genuinely material cost differences while limiting adverse effects on competition and value for money, suggesting scope for further policy or guidance-level consideration.<br><br>Moreover, it is also believed that divergent application of *'objective and transparent data'* across different Member States may create disparities and inconsistencies, thus, raising concerns regarding legal certaint<br><br>PL<br>(Comments):<br><br>RO<br>(Drafting suggestions):<br><br>(c) their application would require a contracting authority or contracting entity to acquire goods, services or works having disproportionate costs or |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | would result in technical incompatibility in their operation and maintenance, **or would lead to significant delays in their procurement or delivery due to market unavailability**.<br>Estimated cost differences exceeding 25%, based on objective and transparent data, may be presumed by contracting authorities and contracting entities to be disproportionate. **Estimated delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed by contracting authorities and contracting entities to be significant;**<br><br>RO<br>(Comments):<br><br>The provision does not include a derogation for significant delays, unlike art. 12 para. (3) let. (a), which expressly allows a derogation where the unavailability of relevant components or final products would result in delays exceeding seven months.<br><br>Art. 11 provides for derogations in cases of uniqueness, absence of suitable tenders, disproportionate costs, and technical incompatibility. By contrast, art. 12 also recognizes significant delays caused by the unavailability of components or final products as a valid ground for derogation. This difference may create practical difficulties, as supply chain disruptions and shortages of critical components can have a substantial impact on the timely execution of public contracts.<br><br>Within Chapter III, the strengthening of the Union's strategic industrial value chains is pursued through two complementary mechanisms: Union-origin requirements applicable to public procurement (art. 11) and public support schemes and other forms of public intervention (art. 12). However, the derogation regime is not fully coherent. The same unavailability of components or products may justify a derogation under a public support |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | scheme, while not being expressly recognised as a ground for derogation in the context of public procurement under Chapter III.<br><br>For reasons of consistency, legal certainty and effective implementation, consideration should be given to aligning the derogation grounds under art. 11 and 12 with respect to significant delays resulting from the unavailability of relevant components or final products.<br><br>The 25% threshold may be too high for public projects and industrial chains with low margins. In practice, much lower cost increases may affect competitiveness, especially in the case of large infrastructure projects or fixed price contracts. Compliance costs include not only the product, but also certification, traceability, verification and documentation.<br><br>**RO's proposal is: Lower the threshold or clarify: "Estimated cost differences exceeding 15%, including compliance, verification and traceability costs, may be considered disproportionate for energy-intensive products."**<br><br>SE<br>(Comments):<br><br>Sweden requests more information and analysis on the choice of 25% as the threshold.<br><br>SI<br>(Comments):<br><br>How should a 25% increase in cost be justified<br><br>In this context, the use of an exception imposes an additional responsibility on contracting authorities to conduct market research; specifically, we question |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | what constitutes satisfactory, objective, and transparent data that justify a 25% difference in costs. |
| | AT<br>(Drafting suggestions):<br><br>**(d) their application would lead to significant delays to the delivery of the project due to the unavailability of the required components or final products. Estimated delays in excess of [to be discussed] months, based on objective, transparent and verifiable data, may be presumed to be significant**.<br><br>**(e) in cases of extreme urgency brought about by events unforeseeable by the contracting authority or contracting entity. The circumstances invoked to justify extreme urgency shall not in any event be attributable to the contracting authority or contracting entity.**<br><br>AT<br>(Comments):<br><br>AT notes that the proposed amendment to the NZIA (Art. 25a[3]) provides for a fourth exception relating to "significant delays". Why is a corresponding exception not included in Art. 11(3)?<br><br>AT notes that, during the meeting of the CWP on 27 April, COM stated—in response to requests from several Member States for a specific exception covering situations of extreme urgency—that existing exceptions under the public procurement directives would apply in emergency situations and would therefore allow for derogations in such cases. AT points out that this is not the case, as Art. 11(3)(a) and (b) IAA merely mirror Art. 32(2)(a) and (b) of Directive 2014/24/EU and do not contain a provision corresponding to |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | situations of extreme urgency pursuant to Article 32(2)(c) of Directive 2014/24/EU. Therefore, an explicit exception covering situations of extreme urgency needs to be expressly included in para 3.<br><br>BE<br>(Drafting suggestions):<br>**(d) their application would lead to significant delays to the delivery of the project due to the unavailability of the required components or final products. Estimated delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant**<br><br>**(e) in duly justified cases of imperative urgency, including situations arising from unforeseeable events or crisis circumstances, where immediate action is strictly necessary to ensure continuity, safety, or the effective functioning of essential services.**<br><br>BE<br>(Comments):<br>BE: When implementing these requirements, availability and market maturity, etc., must be taken into account. We also advocate for necessary safeguards to avoid price spikes and bottlenecks.<br><br>BE: there is a need for clear exceptions for situations of extreme urgency and for purchases made during times of crisis, so that a swift response is possible.<br>DK |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Drafting suggestions):<br><br>**New**<br>**11.3**<br>**(d) it is strictly necessary due to reasons of extreme urgency brought about by events unforeseeable by the contracting authority and the circumstances invoked to justify extreme urgency are not attributable to the contracting authority**<br><br>DK<br>(Comments):<br><br>DK propose to included a further exepmetion – similar to the council mandate on the Critical Medicines Act. In cases of urgency, contracting authorities should be allowed to derrogate from the requirements in Annex II and III. That could included sitautions where a need for re-house arise after a natual disarters sush as severe storms or floods, or following unforeseen and sudden increased in influx of refugees.<br><br>FR<br>(Drafting suggestions):<br><br>**By six months after the date of entry into force of this Regulation, the Commission shall adopt guidelines specifying the modalities of application of the derogations laid down in points (a) to (c), in particular the methodology for the calculation of the "disproportionate costs" referred to therein.**<br><br>FR<br>(Comments):<br><br>Such guidelines are necessary to ensure a harmonised application of the derogations across Member States and to prevent their use as a means of |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | circumventing the Union content requirements established by this Article. France considers in particular that the Commission should provide specific clarifications concerning the application of this derogation to vehicle purchases, in view of the numerous factors unrelated to the Made in EU requirements that may affect the price of a vehicle, such as trim level, size, and other equipment specifications.<br><br>IT<br>(Drafting suggestions):<br><br>**(d) their application would lead to significant estimated delays to the delivery of the project related to the procurement due to the unavailability of the required components or final products. Estimated delays exceeding seven months, based on objective, transparent and verifiable data, shall be presumed as significant. The Commission is empowered to adopt delegated acts in accordance with Article 30 of this Regulation, to supplement this Regulation by specifying the conditions and methodological principles under which contracting authorities and contracting entities may rely on the derogation grounds set out in paragraph 3 of this Article. On that basis, the Commission shall publish guidance to support consistent implementation across Member States, including guidance on how the presumption referred to in paragraph 3, applies to specialised high - voltage equipment, to the extent that such procurement falls within the scope of this Article**.<br><br>IT<br>(Comments):<br><br>Article 11(3) currently contains no derogation for project delays caused by component unavailability. By contrast, Article 12(3)(a) of the IAA for public support schemes and the newly inserted Article 25a(3)(d) of the amended NZIA for net-zero technology procurement both provide a 'significant delay' |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | derogation with a seven-month presumption. The absence of an equivalent ground in Article 11(3) creates an internal inconsistency in the IAA framework and risks delaying delivery of critical grid infrastructure, given the long production lead times characterising high-voltage equipment markets (transformers, HV/DC cables, GIS). A delay-based derogation aligned with the existing IAA and NZIA precedents would ensure coherent treatment across procurement, support schemes and auctions, without weakening the Union-origin and low-carbon framework.<br><br>IT<br>(Drafting suggestions):<br><br>**(d) their application would lead to significant estimated delays to the delivery of the project related to the procurement due to the unavailability of the required components or final products. Estimated delays exceeding seven months, based on objective, transparent and verifiable data, shall be presumed as significant. The Commission is empowered to adopt delegated acts in accordance with Article 30 of this Regulation, to supplement this Regulation by specifying the conditions and methodological principles under which contracting authorities and contracting entities may rely on the derogation grounds set out in paragraph 3 of this Article. On that basis, the Commission shall publish guidance to support consistent implementation across Member States, including guidance on how the presumption referred to in paragraph 3, applies to specialised high - voltage equipment, to the extent that such procurement falls within the scope of this Article**.<br><br>IT<br>(Comments):<br><br>Article 11(3) currently contains no derogation for project delays caused by component unavailability. By contrast, Article 12(3)(a) of the IAA for public |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | support schemes and the newly inserted Article 25a(3)(d) of the amended NZIA for net-zero technology procurement both provide a 'significant delay' derogation with a seven-month presumption. The absence of an equivalent ground in Article 11(3) creates an internal inconsistency in the IAA framework and risks delaying delivery of critical grid infrastructure, given the long production lead times characterising high-voltage equipment markets (transformers, HV/DC cables, GIS). A delay-based derogation aligned with the existing IAA and NZIA precedents would ensure coherent treatment across procurement, support schemes and auctions, without weakening the Union-origin and low-carbon framework.<br><br>PL<br>(Drafting suggestions):<br><br>SI<br>(Comments):<br><br>In connection with Article 32 of the Act, we question the extent of the contracting authority's liability and the potential consequences if a self-declaration later proves to be incorrect or untruthful, despite the authority having accepted it in good faith?<br>- Also, in connection with Article 32, what is the liability of the economic operator if they provide a false or misleading self-declaration? |
| 4. Contracting authorities and contracting entities shall require economic operators supplying products or services to submit a self-declaration, or an equivalent document, demonstrating compliance with the requirements set out in this Article. | AT<br>(Comments):<br><br>Art. 11(4) allows contracting authorities and contracting entities to rely on self-declarations submitted by economic operators as proof of compliance with the Union-origin and low-carbon requirements. At the same time, Art. 32 of the proposal provides for penalties applicable to infringements of the IAA which must be effective, proportionate and dissuasive. AT considers the |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | relationship between these provisions to be unclear. In particular, AT would welcome clarification as to whether contracting authorities and entities may rely on self-declarations without further verification, whether they may request additional supporting evidence and, if so, which types of evidence may be required. Clarification would also be welcome regarding the appropriate course of action in cases of justified doubts or manifestly incorrect self-declarations. Are contracting authorities and entities liable under Art. 32 in case a self-declaration proofs to be incorrect?<br><br>During the meeting of the CWP on 27 April, COM stated that, in such situations, the existing public procurement rules and sanction mechanisms would continue to apply and that Art. 32 does not require the establishment of an additional sanctions framework. AT would welcome further clarification as to which existing sanction mechanisms COM was referring to in this context (e.g. exclusion from procurement procedures).<br><br>As regards the "regular public procurement regime" which should be applicable: the ESPD (European Single Procurement Document) is a "*self-declaration as preliminary evidence in replacement of certificates issued by public authorities or third parties*" confirming that the relevant economic operator fulfils certain conditions for a procurement (see Art. 59[1] of Directive 2014/24/EU). According to Art. 59(4) of Directive 2014/24/EU a contracting authority may (or: has to) ask tenderers and candidates at any moment during the procedure to submit all or part of the supporting documents where this is necessary to ensure the proper conduct of the procedure. Before awarding the contract, the contracting authority "*shall require the tenderer to which it has decided to award the contract to submit up-to-date supporting documents in accordance with Article 60*" (see Art. 59(4) 2nd subpara of Directive 2014/24/EU). Since no specific means of proof for the "IAA requirements" are foreseen neither in the IAA nor in the Public Procurement Directives, the contracting authority needs to check if the |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | potential contractor fulfills the IAA requirements – which raises the questions as set out above! This has been confirmed by the Court of First Instance in T-661/18, Securitec, at no 105, where the Court stated that "*the contracting authority has the obligation to verify, at the latest when the contract is awarded, whether the tenderer which submitted the best tender actually satisfies the conditions laid down in the tender specifications. That obligation is not fulfilled where … the tender specifications allow the contract to be awarded on the basis of a declaration provided by a tenderer and containing a commitment to fulfil, after the contract has been signed, a condition relating to technical and professional capacity, where that condition is a 'minimum' requirement for the performance of the contract*." Therefore, the self-declaration can only be a first step, but verification – specifically if doubts as to the veracity of the self-declaration exist – is needed and left to the contracting authority or entity. AT notes, that during the meeting of COREPER on 13 May, COM elaborated that contracting authorities and entities must verify at least in respect to the successful bidder, if he/she fulfils the requirements of Art. 11 IAA. Therefore, COM confirms the AT analysis. The above-mentioned (practical/legal) problems might be focused, but do exist nevertheless.<br><br>AT notes that para 4 refers to "economic operators supplying products or services" rather than bidders or participants, and would welcome clarification as to the rationale for this wording.<br><br>Finally, AT would welcome clarification as to how para 4 is intended to operate in the context of review proceedings under the Remedies Directives.<br><br><br>BE<br>(Drafting suggestions): |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | 4. Contracting authorities and contracting entities shall require ~~economic operators~~ **the succesful tenderers** supplying products or services to submit a self-declaration, or an equivalent document, demonstrating compliance with the requirements set out in this Article. **The Commission shall provide a clear, user-friendly and standardised template or equivalent guidance document that may be used for this purpose across the Union. The Commission may also make available a practical checklist or similar guidance tool to assist contracting authorities and contracting entities in identifying and verifying the relevant requirements and supporting documentation**<br><br>BE<br>(Comments):<br><br>BE: Companies must be able to provide adequate and verifiable evidence in their tender to demonstrate that they meet the specified requirements or criteria regarding low-carbon status or origin.<br><br>Similarly a checklist-style document (in addition to the helpdesk) could be provided to the contracting authorities so that they know what to check.<br><br>Only those operators who have been awarded the public contract and who supply goods or services are required to demonstrate compliance with the rules of origin (and other requirements). Suggestion to allign the wording with the IPI Regulation: “Obligations upon the successful tenderer”.<br><br>CZ<br>(Drafting suggestions):<br><br>4. ~~Contracting authorities and contracting entities shall require economic operators supplying products or services to submit a~~ **A** self-declaration, or an equivalent document **shall be considered sufficient** |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | **evidence** demonstrating compliance with the requirements set out in this Article.<br><br>CZ<br>(Comments):<br><br>CZ comment:<br>The current wording imposes a prescriptive obligation to request a specific type of evidence (self-declaration), which is problematic in a directly effective Regulation.<br><br>EE<br>(Drafting suggestions):<br><br>Contracting authorities and contracting entities shall require economic operators supplying products or services to submit a self-declaration, or an equivalent document, demonstrating compliance with the requirements set out in this Article. **For construction products covered by Regulation (EU) 2024/3110, such equivalent document may include evidence established under that Regulation.**<br><br>EE<br>(Comments):<br><br>This clarification is necessary to avoid duplicate documentation requirements for construction products. Where evidence for low-carbon construction products is established under Regulation (EU) 2024/3110, contracting authorities should be able to rely on such evidence for the purposes of Article 11(4).<br><br>DE<br>(Drafting suggestions): |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | 4. Contracting authorities and contracting entities shall require economic operators supplying products or services to submit a self-declaration, or an equivalent document, demonstrating compliance with the requirements set out in this Article.<br><br>Legal remedies against the award decision of a third party shall have no suspensive effect within the meaning of Art. 2.1 lit. a and Art. 3.3 of Directive 89/665/EWG as far as the compliance with the requirements of this Article 11 covered by the self-declaration, or an equivalent document is concerned.<br><br>DE<br>(Comments):<br><br>Legal remedies filed by unsuccessful bidders regarding the provisions of the IAA should not have suspensive effect. Otherwise, the review of these complex requirements would be shifted to court proceedings. During this time, no contract could be awarded. This would result in significant delays to investments.<br><br>Explanation of the Commission regarding the legal consequences for the submission of a false self-declaration is still unclear and needs to be further discussed.<br><br>We need to discuss how information can be verified and made availabale to public authorieties at EU-Level. We ask the Commisison to analyse different options, including digital portals.<br><br>DK<br>(Comments): |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | It is still unclear as to how the public contracting authorities shall verify the information in the self-declaration, should they choose to do so later on in the process. This is especially the case with products with complex supply chains.<br><br>EL<br>(Comments):<br><br>Does the self-declaration or the equivalent document will ensure that the Union criteria are dully applied and are by no means circumvented? To the extent that the relevant evidence is to be submitted to a tenders evaluation committee, proof should be clear and straightforward and it should not create an additional administrative burden. Attention is drawn to potential circumvention of the proposed system, which would allow for the procurement of products that do not meet the Union origin requirements.<br><br>FI<br>(Comments):<br><br>It should be clarified how the Union origin is to be verified by contracting authorities. What is the relationship of the self-declaration to the certification of compliance in art. 15? Finland considers that information on the Union origin of vehicles should be made available to contracting authorities and public authorities in a manner that is easy to apply, by making use of existing structures and procedures, such as the certificate of conformity for vehicles.<br><br>FR<br>(Drafting suggestions):<br><br>~~Contracting authorities and contracting entities shall require economic operators supplying products or services to submit a self-declaration, or an equivalent document, demonstrating compliance with the requirements set out in this Article.~~ **Member States shall establish the admissible means of proof, such as self-declaration, required from economic operators** |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | **supplying products or services to demonstrate their compliance with the requirements set out in this Article.**<br><br>FR<br>(Comments):<br><br>The admissible means of proof should be determined by the Member States rather than prescribed in a uniform manner at Union level, in accordance with the principle of subsidiarity and with the existing distribution of competences in public procurement law. This approach would allow each Member State to calibrate its verification arrangements to the value and strategic significance of the contracts concerned and to the documentary standards already in use at national level.<br><br>IT<br>(Drafting suggestions):<br><br>~~4. Contracting authorities and contracting entities shall require economic operators supplying products or services to submit a self-declaration, or an equivalent document, demonstrating compliance with the requirements set out in this Article.~~<br><br>**4. At the time of submission of requests to partecipate or of tenders or at the time of comunication of subcontracts, contracting authorities and contracting entities shall require economic operators and subcontractor to submit a self-declaration, demonstrating compliance with the requirements set out in paragraphs 1 and 2 of this Article. The self-declaration shall be drawn up on the basis of a standard form. The Commission shall establish that standard form by means of implementing acts.**<br><br>IT<br>(Comments): |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | This amendment clarifies the scope of the obligation laid down in Article 11(4) by specifying that the reference concerns paragraph 1 and 2 of the Article, rather than Article 11 as a whole. The amendment further clarifies that the obligation to submit a self-declaration also applies to subcontractors involved in the procurement procedure. In the absence of such a provision, there would be a significant risk of circumvention of the Regulation.<br>The previous wording could give rise to ambiguity as to the content of the self-declaration, potentially leading economic operators to provide information regarding procedures and evaluation of contracting authorities. By introducing an explicit reference to paragraph 1, the amendment ensures that the self-declaration requirement is clearly limited to the specific conditions and criteria set out therein. This enhances legal clarity, facilitates correct implementation by economic operators and contracting authorities, and reduces the risk of inconsistent or incomplete declarations<br><br>Moreover this amendment pursues two closely linked further objectives: (i) the introduction of a standardised self-declaration form, and (ii) the deletion of the reference to “equivalent documents”.<br><br>Firstly, the establishment of a standardised form at Union level is necessary in order to ensure a common and uniform approach across all Member States and contracting authorities. In the absence of such a standard, economic operators may submit declarations that are incomplete, inadequate or not comparable, while contracting authorities may apply divergent practices in their assessment.<br>This situation would inevitably lead to increased administrative burden, as contracting authorities would be required to request clarifications, complete missing information or remedy irregularities. As a consequence, procurement procedures would be lengthened and their efficiency undermined. The introduction of a harmonised model form would therefore facilitate the submission of clear, complete and comparable information, improving the |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | efficiency and timeliness of procurement procedures and reducing the risk of errors and disputes.<br><br>Secondly, the amendment proposes to delete the reference to "equivalent documents". That notion is inherently indeterminate and may give rise to significant legal uncertainty for both economic operators and contracting authorities. In practice, it may be difficult to identify which documents could validly substitute or be considered equivalent to the required declaration, leading to inconsistent interpretations and practices across Member States. Such uncertainty would, in turn, increase the risk of incomplete or inappropriate documentation, generate additional verification burdens for contracting authorities, and potentially result in delays or litigation.<br>By removing this reference and relying instead on a standardised self-declaration form, the amendment aims to strengthen legal certainty, ensure equal treatment, and preserve the effectiveness and timeliness of administrative action.<br><br>IT<br>(Drafting suggestions):<br><br>~~4. Contracting authorities and contracting entities shall require economic operators supplying products or services to submit a self-declaration, or an equivalent document, demonstrating compliance with the requirements set out in this Article.~~<br><br>**4. At the time of submission of requests to partecipate or of tenders or at the time of comunication of subcontracts, contracting authorities and contracting entities shall require economic operators and subcontractor to submit a self-declaration, demonstrating compliance with the requirements set out in paragraphs 1 and 2 of this Article. The self-declaration shall be drawn up on the basis of a standard form. The** |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | **Commission shall establish that standard form by means of implementing acts.**<br><br>IT<br>(Comments):<br><br>This amendment clarifies the scope of the obligation laid down in Article 11(4) by specifying that the reference concerns paragraph 1 and 2 of the Article, rather than Article 11 as a whole. The amendment further clarifies that the obligation to submit a self-declaration also applies to subcontractors involved in the procurement procedure. In the absence of such a provision, there would be a significant risk of circumvention of the Regulation.<br>The previous wording could give rise to ambiguity as to the content of the self-declaration, potentially leading economic operators to provide information regarding procedures and evaluation of contracting authorities. By introducing an explicit reference to paragraph 1, the amendment ensures that the self-declaration requirement is clearly limited to the specific conditions and criteria set out therein. This enhances legal clarity, facilitates correct implementation by economic operators and contracting authorities, and reduces the risk of inconsistent or incomplete declarations<br><br>Moreover this amendment pursues two closely linked further objectives: (i) the introduction of a standardised self-declaration form, and (ii) the deletion of the reference to “equivalent documents”.<br><br>Firstly, the establishment of a standardised form at Union level is necessary in order to ensure a common and uniform approach across all Member States and contracting authorities. In the absence of such a standard, economic operators may submit declarations that are incomplete, inadequate or not comparable, while contracting authorities may apply divergent practices in their assessment. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | This situation would inevitably lead to increased administrative burden, as contracting authorities would be required to request clarifications, complete missing information or remedy irregularities. As a consequence, procurement procedures would be lengthened and their efficiency undermined. The introduction of a harmonised model form would therefore facilitate the submission of clear, complete and comparable information, improving the efficiency and timeliness of procurement procedures and reducing the risk of errors and disputes.<br><br>Secondly, the amendment proposes to delete the reference to "equivalent documents". That notion is inherently indeterminate and may give rise to significant legal uncertainty for both economic operators and contracting authorities. In practice, it may be difficult to identify which documents could validly substitute or be considered equivalent to the required declaration, leading to inconsistent interpretations and practices across Member States. Such uncertainty would, in turn, increase the risk of incomplete or inappropriate documentation, generate additional verification burdens for contracting authorities, and potentially result in delays or litigation.<br>By removing this reference and relying instead on a standardised self-declaration form, the amendment aims to strengthen legal certainty, ensure equal treatment, and preserve the effectiveness and timeliness of administrative action.<br><br>LT<br>(Comments):<br>Article 11(4) of the Regulation should specify which documents are considered acceptable in cases where the contracting authority has doubts about the accuracy of the information provided in the self-declaration<br>MT |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Comments):<br><br>Article 11(4) of the IAA denotes a Self-Declaration as a means to demonstrate compliance with Article 11 requirements. At face value, it is believed that requesting a Self-Declaration from the bidders is simple and straightforward. However, verification (if such is needed, for example for certain High Contract Values) of such Self-Declarations is deemed to be complex and might entail skills beyond the knowledge of Public Procurement practitioners.<br><br>Clarification: A Self-Declaration is not a Qualification or a Certificate or a Test Report or some form of Document issued by a Competent Body. Thus, a clarification is being sought vis-à-vis the equivalency document of a Self-Declaration.<br><br>RO<br>(Drafting suggestions):<br><br>**5. Prior to the award of the contract, the contracting authority / entity shall verify the information provided by the tenderer ranked first and shall require the submission of appropriate supporting documentation demonstrating compliance with the requirements set out in this article and/or compliance with minimum traceability requirements.**<br><br>RO<br>(Comments):<br><br>While the use of self-declarations may reduce the administrative burden on economic operators, it may not be sufficient for the verification of complex technical requirements, including requirements relating to the origin of components, batteries, electronic systems, and other supply chain elements.<br><br>The provision does not clearly specify at what stage, and by what means, the contracting authority/entity is expected to verify the accuracy of the information declared, nor whether supporting documentary evidence may be |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | requested. As a result, economic operators may submit declarations that are difficult to verify in practice, while contracting authorities/entities may be required to base award decisions on information that has not been effectively substantiated or independently verified.<br><br>For reasons of legal certainty and effective enforcement, the verification process and the possibility to request supporting evidence should be expressly clarified.<br><br>SE<br>(Comments):<br><br>It is not clear whether the self-declaration should also be used when the contracting authorities or entities perform the subsequent verification of the successful bidder. Will the delegated acts referred to in article 10, include provisions on certification/documentation? It is very important that the subsequent verification is as easy as possible for contracting authorities and entities. |
| | BE<br>(Drafting suggestions):<br><br>**5. Provided that this possibility is set out in the procurement documents, compliance with the requirements laid down in Article 11 may be verified during the performance of the contract rather than during the award procedure, if the contracting authority considers this appropriate in a specific case.**<br><br>BE<br>(Comments):<br><br>BE: Allowing compliance-related requirements to be addressed during the contract performance phase would reduce unnecessary administrative |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | burdens and practical difficulties during the award procedure. In many cases, supply chains and sourcing arrangements are not yet fully determined at the time of tender submission. A more flexible approach would therefore improve the feasibility of implementation, while still ensuring compliance with the applicable requirements during contract execution.<br><br>DE<br>(Drafting suggestions):<br><br>Additon in final provision: The requirements set out in Article 11 regarding Union-origin shall be transposed equally in effect into the general Public Procurement Act. The respective provisions of Article 11 shall expire and cease to have effect once such transposition has been completed. The Commission shall confirm the expiry by means of a delegated act."<br><br>DE<br>(Comments):<br><br>Sunset Clause for the Union-origin requirements in Article 11.<br><br>DK<br>(Drafting suggestions):<br><br>NEW<br>11.5<br>**The Commission shall issue guidelines for**<br>**definition, documentation and verification of tenderes ownership and control structure, under Article 11(1), and**<br>**documentation and verification of product and service requirement following Article 11(2), and**<br>**calculation of cost differences under Article 11(3)(c) to ensure consistency across Member States, and** |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | DK<br>(Comments):<br>Guidance is needed.<br>IT<br>(Drafting suggestions):<br>**5. A contracting authority and contracting entities may ask tenderers at any time during the procedures, and always before awarding the contract, to submit all or part of the supporting documents where this is necessary to ensure the proper conduct of the procedure. Contracting authorities and contracting entities shall exclude from participation in a procurement procedure any economic operator who has been guilty of misrepresentation in supplying the information required for the verification of requirements set out in this article, has withheld such information or is not able to submit the supporting documents required.**<br>**6. The Commission shall, by means of implementing acts, establish a European certification system to verify the Union origin of products that comply with the Union origin requirements laid down in this Regulation. Products that have been certified under a European certification system shall be presumed to comply with the requirements laid down in this Regulation.**<br>IT<br>(Comments): |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | These amendments aim to strengthen the reliability of the self-declaration system provided for in Article 11 and to ensure the proper conduct and integrity of procurement procedures.<br><br>Firstly, the introduction of paragraph 5 clarifies that contracting authorities and contracting entities may, at any stage of the procedure, request all or part of the supporting documents where this is necessary to ensure its proper conduct. This provision reflects a well-established principle in Union public procurement law, whereby self-declarations constitute preliminary evidence and may be verified whenever justified.<br>ensuring both administrative efficiency and the credibility of the system.<br><br>Secondly, paragraph 6 introduces an explicit ground for exclusion in cases of serious misrepresentation, omission of relevant information or failure to provide supporting documents. The effectiveness of a system based on self-declarations depends on This flexibility is essential to enable contracting authorities to carry out appropriate checks in cases where doubts arise as to the accuracy or completeness of the information provided, while avoiding systematic and burdensome verification at the initial stage of the procedure. As such, the amendment contributes to a balanced approach combining simplification and effective control, the accuracy, completeness and reliability of the information submitted by economic operators. Without appropriate safeguards, there is a risk that such a system could be undermined by incorrect or misleading declarations.<br>The amendment therefore provides contracting authorities with a clear legal basis to exclude economic operators that have engaged in serious misrepresentation or have failed to cooperate in the verification process. This measure acts as a deterrent against abusive practices, promotes honest participation in procurement procedures and ensures equal treatment among economic operators. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Taken together, the amendments ensure that the self-declaration mechanism operates<br>effectively by:<br>- preserving flexibility for contracting authorities to verify information where necessary;<br>- strengthening the accountability of economic operators;<br>- safeguarding the integrity and transparency of procurement procedures;<br>- reducing the risk of delays, irregularities and disputes arising from inaccurate or incomplete declarations.<br>Overall, these provisions enhance legal certainty and contribute to the efficient and reliable application of the Regulation across the Union.<br><br>6. This amendment aims to strengthen the effectiveness, reliability and uniform application of the Union origin requirements laid down in the Regulation by introducing a European certification system.<br>In the absence of a harmonised mechanism for verifying Union origin, contracting authorities and economic operators may face practical difficulties in assessing and demonstrating compliance with the relevant requirements. This may result in divergent practices across Member States, increased administrative burden and potential uncertainty or disputes in procurement procedures.<br>By empowering the Commission to establish, by means of implementing acts, a European certification system, the amendment ensures the development of a common framework based on uniform procedures and technical specifications. This will enhance the reliability, transparency and comparability of the information provided, while facilitating the verification of compliance by contracting authorities.<br>Furthermore, the amendment provides that products certified under such a system shall be presumed to comply with the requirements laid down in the Regulation. This presumption significantly reduces the need for repetitive and burdensome checks, thereby simplifying procurement procedures and |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | improving their efficiency. At the same time, it strengthens legal certainty for economic operators by providing a clear and recognised proof of compliance.<br><br>IT<br>(Drafting suggestions):<br>**5. A contracting authority and contracting entities may ask tenderers at any time during the procedures, and always before awarding the contract, to submit all or part of the supporting documents where this is necessary to ensure the proper conduct of the procedure. Contracting authorities and contracting entities shall exclude from participation in a procurement procedure any economic operator who has been guilty of misrepresentation in supplying the information required for the verification of requirements set out in this article, has withheld such information or is not able to submit the supporting documents required.**<br><br>**6. The Commission shall, by means of implementing acts, establish a European certification system to verify the Union origin of products that comply with the Union origin requirements laid down in this Regulation. Products that have been certified under a European certification system shall be presumed to comply with the requirements laid down in this Regulation.**<br>IT<br>(Comments):<br>These amendments aim to strengthen the reliability of the self-declaration system provided for in Article 11 and to ensure the proper conduct and integrity of procurement procedures.<br><br>Firstly, the introduction of paragraph 5 clarifies that contracting authorities and contracting entities may, at any stage of the procedure, request all or part |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | of the supporting documents where this is necessary to ensure its proper conduct. This provision reflects a well-established principle in Union public procurement law, whereby self-declarations constitute preliminary evidence and may be verified whenever justified.<br>ensuring both administrative efficiency and the credibility of the system.<br><br>Secondly, paragraph 6 introduces an explicit ground for exclusion in cases of serious misrepresentation, omission of relevant information or failure to provide supporting documents. The effectiveness of a system based on self-declarations depends on This flexibility is essential to enable contracting authorities to carry out appropriate checks in cases where doubts arise as to the accuracy or completeness of the information provided, while avoiding systematic and burdensome verification at the initial stage of the procedure. As such, the amendment contributes to a balanced approach combining simplification and effective control, the accuracy, completeness and reliability of the information submitted by economic operators. Without appropriate safeguards, there is a risk that such a system could be undermined by incorrect or misleading declarations.<br>The amendment therefore provides contracting authorities with a clear legal basis to exclude economic operators that have engaged in serious misrepresentation or have failed to cooperate in the verification process. This measure acts as a deterrent against abusive practices, promotes honest participation in procurement procedures and ensures equal treatment among economic operators.<br><br>Taken together, the amendments ensure that the self-declaration mechanism operates<br>effectively by:<br>- preserving flexibility for contracting authorities to verify information where necessary;<br>- strengthening the accountability of economic operators; |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | - safeguarding the integrity and transparency of procurement procedures;<br>- reducing the risk of delays, irregularities and disputes arising from inaccurate or incomplete declarations.<br>Overall, these provisions enhance legal certainty and contribute to the efficient and reliable application of the Regulation across the Union.<br><br>6. This amendment aims to strengthen the effectiveness, reliability and uniform application of the Union origin requirements laid down in the Regulation by introducing a European certification system.<br>In the absence of a harmonised mechanism for verifying Union origin, contracting authorities and economic operators may face practical difficulties in assessing and demonstrating compliance with the relevant requirements. This may result in divergent practices across Member States, increased administrative burden and potential uncertainty or disputes in procurement procedures.<br>By empowering the Commission to establish, by means of implementing acts, a European certification system, the amendment ensures the development of a common framework based on uniform procedures and technical specifications. This will enhance the reliability, transparency and comparability of the information provided, while facilitating the verification of compliance by contracting authorities.<br>Furthermore, the amendment provides that products certified under such a system shall be presumed to comply with the requirements laid down in the Regulation. This presumption significantly reduces the need for repetitive and burdensome checks, thereby simplifying procurement procedures and improving their efficiency. At the same time, it strengthens legal certainty for economic operators by providing a clear and recognised proof of compliance. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| *Article 12*<br>**Other forms of public intervention** | NL<br>(Comments):<br>The Netherlands is cautious about the application of a generic "Made in EU"-criterion for electric vehicles. Preferably, these instance should be temorary, targeted and proportional. In the current phrasing of Art. 12, this is not yet the case. |
| | |
| 1. Without prejudice to Articles 107 and 108 TFEU, Member States shall design public support schemes in a way that they contribute to the objective of strengthening the Union's strategic industrial value chains through the Union origin requirements, low-carbon content requirements, or both, laid down in Part II of Annex II and Part II of Annex III, in accordance with Articles 9 and 10 and without prejudice to Article 13. | DE<br>(Comments):<br>Scrutiny reservation<br>definition of public support schemes necessary: needs to be clear that public support schemes do not refer to national taxation schemes<br>EL<br>(Comments):<br>Regarding article 12, on Other forms of public intervention, we want to ask for clarifications regarding the obligatory nature of the provision. In para 1, it is stated that the MS "shall design public support schemes".<br><br>Can you please specify, what are the obligations for the Member States, and what is the timeframe of compliance?<br>FI<br>(Comments):<br>Finland notes that the EU origin requirement would, in addition to public procurement, also set conditions for the design of State aid measures, which would in turn limit the Commission's discretion to approve support schemes falling within the scope of the Regulation as compatible with the internal market. Finland does not support a shift whereby the detailed regulation of |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | aid conditions would, as a general rule, be moved from State aid rules within the Commission's competence to sector-specific regulation. The rules governing public procurement and public support should be clear for all parties and readily applicable, so as to ensure the effective functioning of the market. Including aid conditions in sector specific regulation risks complicating rules for public support.<br><br>Finland considers that further information is needed on the effects of the Regulation on the granting of State aid. In addition, further information should be provided on the combability of the origin requirements applicable to support schemes with WTO rules and the Union's other international commitments.<br><br>FR<br>(Drafting suggestions):<br><br>.<br><br>IT<br>(Drafting suggestions):<br><br>Without prejudice to Articles 107 and 108 TFEU, Member States shall design public support schemes in such a way that they contribute to the objective of strengthening the Union's strategic industrial value chains through the Union origin requirements, low-carbon content requirements, or both, laid down in Part II of Annex II and Part II of Annex III, in accordance with Articles 9 and 10 and without prejudice to Article 13. **Such support schemes shall be defined in full consistency with the programmes of the Multiannual Financial Framework 2028-2034, and in particular the European Competitiveness Fund, in order to ensure an integrated and dedicated financing framework for industrial decarbonisation.**<br><br>IT |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Drafting suggestions):<br><br>Without prejudice to Articles 107 and 108 TFEU, Member States shall design public support schemes in such a way that they contribute to the objective of strengthening the Union's strategic industrial value chains through the Union origin requirements, low-carbon content requirements, or both, laid down in Part II of Annex II and Part II of Annex III, in accordance with Articles 9 and 10 and without prejudice to Article 13. **Such support schemes shall be defined in full consistency with the programmes of the Multiannual Financial Framework 2028-2034, and in particular the European Competitiveness Fund, in order to ensure an integrated and dedicated financing framework for industrial decarbonisation.**<br><br>RO<br>(Drafting suggestions):<br><br>**"Member States may apply these requirements either as eligibility conditions or as criteria for granting additional support, provided that this does not exclude otherwise viable industrial projects**<br><br>RO<br>(Comments):<br><br>in conjunction with Annex II, Part II, letter c, RO proposes that the requirements should initially be scoring/bonus criteria, not eligibility conditions.<br><br>There is a risk of shifting obligations to aluminium suppliers. Support schemes for construction, renovation, infrastructure or vehicles may condition the eligibility of beneficiaries on the use of low-carbon products of EU origin. Beneficiaries will shift compliance obligations to suppliers, including aluminium producers. Article 12 provides for the application of the requirements to at least 45% of the relevant national budget for Annex II schemes and 100% for Annex III schemes. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | |
| | |
| Member States shall apply the requirements referred to in the first subparagraph to public support schemes accounting for at least 45% of the total national budget allocated to the public support schemes covered by Part II of Annex II and accounting for 100% of the total national budget allocated to the public support schemes covered by Part II of Annex III. | CZ<br>(Drafting suggestions):<br><br>Member States shall apply the requirements referred to in the first subparagraph to public support schemes accounting for at least **25**~~**45**~~% of the total national budget allocated to the public support schemes covered by Part II of Annex II and accounting for 100% of the total national budget allocated to the public support schemes covered by Part II of Annex III. **Member States may increase the share progressively and shall report on the ramp-up in accordance with Article 28.**<br><br>CZ<br>(Comments):<br><br>Reduction of mandatory quota (45% → 25%) introduces flexibility. As the Member States differ in fiscal cacacity, market infrastructure and others, we believe we can thus avoid distortion of national support policies.<br><br>FR<br>(Drafting suggestions):<br><br>Member States shall apply the requirements referred to in the first subparagraph to public support schemes accounting for at least ~~45%~~ **90%** of the total national budget allocated to the public support schemes covered by Part II of Annex II and accounting for 100% of the total national budget allocated to the public support schemes covered by Part II of Annex III.<br><br>FR<br>(Comments):<br><br>Limiting the requirement to 45% of schemes could lead to a fragmented implementation of the measure across the EU, undermining the predictability |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | and certainty it was intended to provide for industry players. The only reason to restrain the share of public support schemes covered by Annex II is to avoid overregulating a great number of very small schemes, as described for procurement schemes in recital 24. 45% goes far beyond this objective and 90% is sufficient to discard most small schemes.<br><br>IT<br>(Drafting suggestions):<br><br>Member States shall apply the requirements referred to in the first subparagraph to public support schemes accounting for at least 45% of the total national budget allocated to the public support schemes covered by Part II of Annex II and accounting for 100% of the total national budget allocated to the public support schemes covered by Part II of Annex III.<br>**Compliance with the requirements referred to in paragraph 1 does not constitute an autonomous condition for the compatibility of a public support scheme with Articles 107 and 108 TFEU.**<br><br>IT<br>(Comments):<br><br>Critical issues are the methodology for calculating the threshold and the scope of the support schemes to be taken into account. These aspects have a direct impact on the planning and implementation of support measures. Such concerns are particularly relevant in a multi-level governance system, where they risk resulting in a significant increase in administrative burdens for both public authorities and businesses.<br><br>Significant legal uncertainty remains regarding the relationship between the "total national budget" threshold and the compatibility assessment under Articles 107 and 108 TFEU. It is unclear whether the threshold establishes an autonomous compliance requirement or serves only as a relevant consideration within the State aid assessment framework. Furthermore, the |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | proposal does not specify the consequences of non-compliance, making it difficult for Member States to assess the regulatory implications when designing public support schemes.<br><br>IT<br>(Comments):<br><br>Article 12 risks creating an excessive administrative burden for the Member State, especially in the absence of clear criteria on the methodology for calculating the threshold and on the perimeter of the schemes to be taken into account. The provision could generate implementation uncertainty and make the planning of public support measures more complex. It could also increase the administrative burden for beneficiary companies, which would have to document compliance with product-origin and low-carbon requirements, with possible negative effects on timely access to support instruments.<br><br>PT<br>(Comments):<br><br>**The obligation to allocate a significant share of national support schemes to Union-origin and low-carbon products is a strong instrument to reinforce EU value chains. Nevertheless, the high thresholds (up to 100%) may constrain flexibility for Member States. The exceptions related to delays and disproportionate costs are necessary but could significantly limit the effectiveness of the measure if applied broadly.** |
| | |
| 2. When designing and implementing a public support scheme covered by Part II of Annex II and Part II of Annex III, the competent authority shall assess the contribution of products and technologies to the overall target laid down therein on the basis of an open, non-discriminatory and transparent process. | DK<br>(Drafting suggestions):<br><br>2. When designing and implementing a public support scheme covered by Part II of Annex II and Part II of Annex III, the competent authority shall assess the contribution of products and technologies to the overall target laid |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | down therein on the basis of an open, non-discriminatory and transparent process~~.~~**, in a proportionate manner.**<br><br>DK<br>(Comments):<br><br>The addition of a proportionality requirement could help limit unnecessary administrative burdens.<br><br>IT<br>(Drafting suggestions):<br><br>When designing and implementing a public support scheme covered by Part II of Annex II and Part II of Annex III, the competent authority shall assess the contribution of products and technologies to the overall target laid down therein on the basis of an open, non-discriminatory and transparent process, **while ensuring that the administrative burden for public authorities and beneficiary undertakings remains proportionate.**<br><br>IT<br>(Comments):<br><br>Increased administrative burden for the State and companies. Article 12 IAA risks creating an excessive administrative burden for the Member State, especially in the absence of clear criteria on the methodology for calculating the threshold and on the perimeter of the schemes to be taken into account. The provision could generate implementation uncertainty and make the planning of public support measures more complex. It could also increase the administrative burden for beneficiary companies, which would have to document compliance with product-origin and low-carbon requirements, with possible negative effects on timely access to support instruments.<br><br>RO<br>(Drafting suggestions): |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | "**Member States shall endeavour to ensure that SMEs have effective access to support schemes established under this Regulation, including through simplified application procedures and proportionate compliance requirements.**"<br><br>RO<br>(Comments):<br><br>The effectiveness of support schemes depends on the ability of SMEs to access them in practice. Excessive administrative requirements may discourage participation and limit the overall economic impact of the Regulation<br><br>SK<br>(Drafting suggestions):<br><br>The Slovak Republic requests an amendment to Annex III, Part 1 and Part 2, under the section "Public procurement procedures for electric vehicles" and Part 2 "Other forms of public intervention and financial support for corporate vehicles". Specifically, we propose:<br>1. **To reduce the minimum percentage thresholds** for Union origin requirements stipulated in points (b), (e), and (f) of Annex III, Part 1 and Part 2, concerning pure electric vehicles (PEV), off-vehicle chargeable hybrid electric vehicles (OVC-HEV), and fuel cell vehicles (FCV) purchased, leased, rented, or hire-purchased under procurement procedures falling within the scope of Directive 2014/24/EU or Directive 2014/25/EU.<br>2. **To revise the calculation methodology** in the aforementioned points (b), (e), and (f) to ensure that the percentage calculation accounts not only for the ex-works production price of components but also explicitly incorporates **Research and Development (R&D) costs** incurred within the Union, as well as **European labor costs** (including wages and social security contributions). |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | **To defer the application of these requirements**, as modified, by establishing a **5-year transitional period** from the date of entry into force of this Regulation for points (b), (e), and (f), and postponing the application for points (c) and (d) until **2035**<br><br>SK<br>(Comments):<br><br>The Slovak Republic underscores that the current methodology for calculating Union origin based strictly on the production price of physical components does not reflect the economic reality and cost structure of the modern automotive industry, particularly in the e-mobility sector. For European automotive manufacturers, investments in R&D, advanced software engineering, and sensory or battery system development represent the core value added generated directly within the single market. Excluding these substantial intellectual and labor inputs from the local content ratios artificially disadvantages European producers who bear higher operational and regulatory costs compared to third-country competitors.<br>Incorporating R&D and local labor costs into the valuation of components and electronic systems will safeguard European know-how, incentivize high-value domestic investments, and preserve quality employment in line with the strategic goals of the Industrial Accelerator Act (IAA).<br>Furthermore, the supply chains for critical automotive components, especially advanced electronics and battery cells, require significant structural adjustments to meet the ambitious thresholds proposed in the Regulation. Imposing rigid targets prematurely would jeopardize the stability of public procurement procedures and restrict the availability of compliant low-emission corporate fleets. A 5-year transitional period for points (b), (e), and (f), combined with a realistic timeline up to 2035 for points (c) and (d), is strictly necessary to provide the industry with the required predictability, allow for the localization of critical supply lines, and prevent market distortions or unintended project delays across Member States |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | |
| 3. The competent authority may still implement support schemes that do not meet the requirements laid down in Part II of Annex II and Part II of Annex III, in whole or in part, if the application of such requirements: | EE<br>(Comments):<br><br>Estonia strongly supports the exceptions provided in this paragraph. These are essential for providing flexibility for cases where production capacity of Union origin products may not have responded in a timely manner to the increase in demand or where increased demand has resulted in unreasonably elevated prices for Union origin products. We do not support any changes in this paragraph that would limit the procurement options further, for example increasing the disproportionate cost level in subparagraph 3(b).<br><br>IT<br>(Drafting suggestions):<br><br>The competent authority may **implement** support schemes that do not meet, **in whole or in part,** the requirements laid down in Part II of Annex II and Part II of Annex III **where compliance would result in significant delays, disproportionate costs or excessive administrative burden, on the basis of objective, transparent and verifiable evidence, as follows:**<br><br>IT<br>(Comments):<br><br>The possible derogations provided under Article 12(3), namely where application of the requirements would cause significant delays, indicatively exceeding seven months, or disproportionate costs, presumed where the final cost increases by more than 30%, could prove difficult to demonstrate.<br><br>IT<br>(Comments): |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | The possible derogations provided under Article 12(3), namely where application of the requirements would cause significant delays, indicatively exceeding seven months, or disproportionate costs, presumed where the final cost increases by more than 30%, could prove difficult to demonstrate.<br><br>SK<br>(Drafting suggestions):<br><br>We request the **deletion of the phrase**: *"in accordance with Article 4 of the [Proposal for a Regulation of 16 December 2025 on clean corporate vehicles]"* from the introductory paragraph of Annex III, Part 2.<br><br>SK<br>(Comments):<br><br>The Slovak Republic proposes to harmonize the geographical scope of the Union origin requirements across all parts of Annex III (Part I, Part II, and Part III) to consistently include not only EU Member States but also third countries with which the Union has concluded a Free Trade Agreement (FTA) or a Customs Union (CU). This differentiated approach imposes an unsustainable administrative and logistical burden on the automotive industry. Manufacturers would be forced to design and manage parallel supply chains for the exact same vehicle model, depending purely on whether the end-unit is destined for a public tender or a corporate fleet supported by public incentives. Furthermore, this fragmentation would negatively affect established manufacturing plants within the EU whose parent companies are headquartered in third countries recognized as "trusted partners." Unifying these requirements across all parts of Annex III will ensure a level playing field, protect integrated industrial ecosystems, and fulfill the European Commission's stated objective to preserve stable relations with key trading partners. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | |
| (a) would lead to significant delays due to the unavailability of the required components or final products. Estimated delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant; | CZ<br>(Drafting suggestions):<br>In Article 12(3)(a), replace "~~seven months~~" with "**three months**".<br>CZ<br>(Comments):<br>Public support schemes, for example for energy projects operate under similarly tight timelines and face the same supply chain constraints as public procurement. The technological immaturity exemption is particularly critical for innovative first-of-kind applications in nuclear and grid technology where European supply chains are nascent. Accepting 7-month delivery delays as an exemption condition is unworkable in an energy system context governed by legally mandated reliability and safety schedules.<br>DK<br>(Drafting suggestions):<br>(a) would lead to significant delays due to the unavailability of the required components or final products. **Significant delays above seven months must be documented by objective, factual and verifiable information obtained prior to award. The Commission shall provide guidance and a checklist for assessment.**<br>DK<br>(Comments):<br>Guidance and checklists enhance administrative clarity<br>FR<br>(Drafting suggestions):<br>~~would lead to significant delays due to the unavailability of the required components or final products. Estimated delays in excess of seven months,~~ |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | ~~based on objective, transparent and verifiable data, may be presumed to be significant;~~<br><br>FR<br>(Comments):<br><br>This criterion is overly vague and appears poorly suited to public support schemes, which mainly consist of purchase incentives implemented over a relatively long period.<br><br>RO<br>(Drafting suggestions):<br><br>(a) would lead to significant delays due to the unavailability of the required components or final products**, necessary raw materials, processed materials, components, equipment or finished products**. Estimated delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant;<br>**Delays exceeding four months can be considered significant for energy-intensive industrial products."**<br><br>RO<br>(Comments):<br><br>Justification: The current text only refers to components and finished products. In the case of industrial projects, delays can also be caused by the lack of raw materials, processed materials or specialized equipment. The addition is relevant for sectors dependent on complex supply chains, including projects that may involve mineral resources, oil or geological storage of $CO_2$. Also, the 7-month threshold is too long. In industrial, infrastructure or automotive projects, delays of several months can lead to loss of contracts, penalties or blocking of financing. For energy-intensive products, the availability of materials and certification capacity must be realistically assessed. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | |
| (b) would incur disproportionate costs. Disproportionate costs shall be presumed to exist where, based on objective, transparent and verifiable data, compliance would increase the cost of the underlying final product or technology by more than 30%. | BE<br>(Comments):<br>BE: Belgium is open to revisiting the percentages applicable to the cost-difference thresholds.<br><br>This paragraph should be aligned with art. 11.3(c )<br>CZ<br>(Drafting suggestions):<br>In Article 12 price exemption provision, replace "30%" with "15%".<br>FR<br>(Drafting suggestions):<br>would incur disproportionate costs. Disproportionate costs shall be presumed to exist where, based on objective, transparent and verifiable data, compliance would increase the cost of the underlying final product or technology by more than ~~30%~~ **40%**.<br>FR<br>(Comments):<br>The 30% threshold proposed by the Commission as a presumption of disproportionate cost is insufficiently dissuasive to ensure the effectiveness of the Union content requirements established by this Chapter, given the structural cost differentials currently observed between Union production and that of certain non-covered third countries, notably China. In several strategic sectors targeted by the Regulation, Chinese producers benefit from production cost advantages frequently estimated in up to 40%, driven by a combination of large-scale industrial subsidies, lower energy and labour costs, and structural overcapacity |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | IT<br>(Drafting suggestions):<br>(b) would incur disproportionate costs. Disproportionate costs shall be presumed to exist where, based on objective, transparent and verifiable data, compliance would increase the cost of the underlying final product or technology by more than **35**~~30~~%.<br>**For the purposes of this point, cost increases shall be assessed only by reference to technically comparable products, projects or technologies, including with regard to technical specifications, performance, delivery conditions, certification requirements, environmental characteristics and compliance costs related to Union origin, traceability and low-carbon requirements.**<br><br>IT<br>(Drafting suggestions):<br>(b) would incur disproportionate costs. Disproportionate costs shall be presumed to exist where, based on objective, transparent and verifiable data, compliance would increase the cost of the underlying final product or technology by more than **35**~~30~~%.<br>**For the purposes of this point, cost increases shall be assessed only by reference to technically comparable products, projects or technologies, including with regard to technical specifications, performance, delivery conditions, certification requirements, environmental characteristics and compliance costs related to Union origin, traceability and low-carbon requirements.**<br><br>RO<br>(Comments): |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | The 30% threshold is too high for the aluminium industry. In the case of aluminium, electricity accounts for around 50% of the production cost. A low-carbon requirement can generate additional costs through energy consumption, certification, verification, traceability and adaptation of internal processes. The 30% threshold may be reached too late to protect competitiveness. The current text allows for derogations if delays exceed 7 months or costs increase by more than 30%.<br><br>SE<br>(Comments):<br><br>Sweden requests more information and analysis on the choice of 30% as the threshold. |
| | CZ<br>(Drafting suggestions):<br><br>Add to Article 12(3):<br>**(c) would create barries given lack of commercially mature European alternative technology existsing for the specific industrial or energy application concerned (technological immaturity exemption).**<br><br>CZ<br>(Comments):<br><br>The technological immaturity exemption is particularly critical for innovative first-of-kind applications in nuclear and grid technology where European supply chains are nascent.<br><br>DK<br>(Drafting suggestions):<br><br>New (c ):<br>**The Commission shall provide guidelines for the calculation of excessive costs, including typical reference points for calculation.** |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | **Member States are encouraged to promote green transition and circularity in designing public support schemes, within the framework of Articles 107-108 TFEU.**<br><br>DK<br>(Comments):<br>DK queried how to evidence delays and extra costs, while several MS pushed for clearer calculation and greener focus; green incentives and explicit State aid alignment prevent regulatory conflict.<br>FI<br>(Drafting suggestions):<br>**4. This Article shall apply until 31 December 2035.**<br>FI<br>(Comments):<br>Finland takes a cautious view of the permanent application of the EU origin requirement to support schemes and does not consider such an approach appropriate in light of the objectives of the Regulation, including where it would be subject to review by the Commission.<br>FR<br>(Drafting suggestions):<br>**The Commission shall adopt guidelines specifying the modalities of application of the derogations laid down in this subparagraph, in particular the methodology for the calculation of the "disproportionate costs" referred to therein.**<br>FR<br>(Comments): |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Such guidelines are necessary to ensure a harmonised application of the derogation across Member States and to prevent their use as a means of circumventing the Union content requirements established by this Article. France considers in particular that the Commission should provide specific clarifications concerning the application of this derogation to vehicle purchases, in view of the numerous factors unrelated to the Made in EU requirements that may affect the price of a vehicle, such as trim level, size, and other equipment specifications.<br><br>IT<br>(Drafting suggestions):<br><br>**4. The Commission shall develop standardised templates, digital tools and simplified reporting procedures to support small and medium-sized enterprises in demonstrating compliance with Union origin, low-carbon, recycled content and traceability requirements under this Regulation. Such procedures shall be proportionate to the size of the economic operator, the value of the contract or support scheme concerned, and the administrative capacity of small and medium-sized enterprises.**<br><br>**By way of derogation from paragraph 1, Member States may temporarily suspend the application of the requirements referred to therein where this is necessary to ensure the rapid deployment of support measures in response to exceptional economic, energy, industrial or security-related circumstances.**<br><br>IT<br>(Comments):<br><br>SMEs play a central role in European industrial value chains, particularly in manufacturing, components, recycling and downstream processing. Without simplified and proportionate compliance tools, Union origin, low-carbon and traceability requirements may create excessive administrative burdens and |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | favor large integrated operators. The amendment ensures that SMEs can effectively participate in public procurement and public support schemes while preserving the integrity of the Regulation.<br><br>To preserve the flexibility needed for crisis-response measures and avoid delays in the adoption of urgent support schemes.<br><br>IT<br>(Drafting suggestions):<br><br>**4. The Commission shall develop standardised templates, digital tools and simplified reporting procedures to support small and medium-sized enterprises in demonstrating compliance with Union origin, low-carbon, recycled content and traceability requirements under this Regulation. Such procedures shall be proportionate to the size of the economic operator, the value of the contract or support scheme concerned, and the administrative capacity of small and medium-sized enterprises.**<br><br>IT<br>(Comments):<br><br>SMEs play a central role in European industrial value chains, particularly in manufacturing, components, recycling and downstream processing. Without simplified and proportionate compliance tools, Union origin, low-carbon and traceability requirements may create excessive administrative burdens and favor large integrated operators. The amendment ensures that SMEs can effectively participate in public procurement and public support schemes while preserving the integrity of the Regulation.<br><br>SE<br>(Drafting suggestions): |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | **4. The term 'public support scheme' in this article does not apply to measures within the area of taxation, direct or indirect.**<br><br>SE<br>(Comments):<br><br>The question regarding legal basis and the inclusion of measures having effect on the area of taxation in non-tax acts is an important question of principle which is is up to discussion in several legal acts. If public support schemes include tax measures article 12 (and article 34) will limit member states right and possibility of taxation. As regards the analysis from the Council Legal Services SE notes that the analysis does not consider the fact that also already existing tax incentives that is updated will be subject to the requirements in article 12 in IAA and article 28 a in NZIA. Sweden is, as a principle, not positive to further harmonisation in the area of taxation, especially direct taxation.<br><br>Moreover, as regards the application of "union origin" requirements and "low carbon requirements" in the area of taxation, Sweden sees both practical problems, especially in connection to applying the detailed requirements in ongoing taxation, and legal issues with the Swedish Constitution. The latter applies especially if requirements for "union origin" and "low carbon requirements", as stated in the IAA and NZIA, could be amended by the European Commission through a delegated act. Overall, the proposal may mean that current Swedish tax incentives in the area need to be repealed and that the possibilities of introducing new support measures within tax legislation in the future are severely limited.<br><br>Sweden would accordingly like to see that taxes, direct or indirect, explicitly are excluded from the requirements in the proposal. |

PUBLIC

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| *Article 13* | NL<br>(Comments):<br>The Netherlands is cautious about the application of a generic "Made in EU"-criterion for electric vehicles. Preferably, these instance should be temorary, targeted and proportional. In the current phrasing of Art. 13, this is not yet the case. |
| | |
| **Financial support for corporate vehicles** | BE<br>(Comments):<br>BE: scrutiny reservation on this article. |
| | |
| For the purposes of Article 4 of the [Proposal for a Regulation of 16 December 2025 on clean corporate vehicles], the 'made in the European Union' criterion for providing financial support for the uptake of corporate cars and vans shall comply with the criteria set out in Part II of Annex III to this Regulation. | CZ<br>(Comments):<br>We believe this Article should be deleted from the proposal<br>EE<br>(Comments):<br>Estonia does not agree with the wording of Article 4 in Clean Corporate Vehicles Regulation to which this article refers, as it is too restrictive to the decision-making power of the Member States, including when granting incentives under tax policy. Furthermore, it severely restricts the possibility for Member States to grant state aid to corporate vehicles. Consequently, we also take a critical view of Article 13 and Annex III Part II of this Regulation.<br>DE<br>(Drafting suggestions):<br>~~For the purposes of Article 4 of the [Proposal for a Regulation of 16 December 2025 on clean corporate vehicles], the 'made in the European~~ |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | ~~Union' criterion for providing financial support for the uptake of corporate cars and vans shall comply with the criteria set out in Part II of Annex III to this Regulation.~~<br><br>DE<br>(Comments):<br><br>Proposal for a Regulation of 16 December 2025 on clean corporate vehicles is not supported by Germany.<br><br>EL<br>(Comments):<br><br>Concerning article 13, on Financial support for corporate vehicles, we have a general scrutiny reservation.<br><br>IT<br>(Comments):<br><br>Italy's support for this Article is conditional upon the positive evolution of the Proposal for a Regulation of 16 December 2025 on clean corporate vehicles, notably towards the withdrawal of binding targets and, in parallel, the recognition (within Annex III, Part II) of the principle of technological neutrality through the inclusion of the VEEF vehicle category, as reflected in the amendments set out in the Annex.<br><br>IT<br>(Comments):<br><br>Italy's support for this Article is conditional upon the positive evolution of the Proposal for a Regulation of 16 December 2025 on clean corporate vehicles, notably towards the withdrawal of binding targets and, in parallel, the recognition (within Annex III, Part II) of the principle of technological neutrality through the inclusion of the VEEF vehicle category, as reflected in the amendments set out in the Annex. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | NL<br>(Drafting suggestions):<br><br>For the purposes of Article 4 of the [Proposal for a Regulation of 16 December 2025 on clean corporate vehicles], the 'made in the European Union' criterion for providing financial support for the uptake of corporate **new** cars and vans shall comply with the criteria set out in Part II of Annex III to this Regulation.<br><br>NL<br>(Comments):<br><br>The provision should clarify that it only applies to new vehicles. For existing vehicles, the "Made in EU"-criterion will be difficult to verify. As pointed out in our comments on the Annex, a clear "Yes/No" definition should be included on the COC for new vehicles<br><br>PL<br>(Comments):<br><br>Targets for the share of zero-emission and low-emission vehicles should not include vehicles used for public safety, rescue, and emergency response operations, given the requirement for constant operational readiness, immediate responsiveness, and complete reliability under all operating conditions.<br><br>The provisions of Article 13 should not apply to fleets performing public service functions such as public transportation (urban and regional transit); emergency, medical, and sanitation fleets; municipal fleets such as garbage trucks,<br>water trucks, and municipal services; postal fleets; fleets of uniformed services such as |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | the police, municipal police, or border guards; and transportation for people with disabilities. An increase in the costs of public services essential to citizens may not be socially acceptable.<br><br>PT<br>(Comments):<br><br>Reference to 'Proposal for a Regulation of 16 December 2025 on clean corporate vehicles', an instrument still in progress. An automatic adaptation clause or alternative safeguard provision shall be inserted.<br><br>PT<br>(Comments):<br><br>Reference to 'Proposal for a Regulation of 16 December 2025 on clean corporate vehicles', an instrument still in progress. An automatic adaptation clause or alternative safeguard provision shall be inserted.<br><br>**Linking financial support to the “made in the EU” criterion strengthens the automotive value chain within the Union. This approach is particularly relevant for regions with strong industrial bases. However, its success will depend on maintaining competitiveness and avoiding excessive cost pressures on beneficiaries.**<br><br>RO<br>(Drafting suggestions):<br><br>**"Where relevant, the use of low-carbon aluminium of Union origin in vehicle structures and components is recognised as contributing to the Union's objectives on origin and decarbonisation."**<br><br>RO<br>(Comments): |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Proposal: inclusion of low-carbon aluminium of EU origin as a positive element in the assessment of publicly supported vehicles. There is an indirect but relevant impact on the automotive chain. The 'made in the EU' criterion for vehicles can stimulate European chains, but the text focuses on the vehicle, battery and components, without explicitly valuing low-carbon aluminium used in vehicle structures, bodies or components. |
| | |
| This 'made in the European Union' criterion shall be considered equivalent to the 'Union origin' referred to in Article 7 of this Regulation. | CZ<br>(Drafting suggestions):<br><br>This 'made in the European Union' criterion shall be considered equivalent to the 'Union origin' referred to in Article ~~7~~ **8** of this Regulation.<br><br>CZ<br>(Comments):<br><br>CZ supports strengthening the European industrial base and expanding manufacturing capacity within the EU. At the same time, "Made in EU" requirements should reflect the realities of global value chains, preserve the competitiveness of European manufacturers, and remain consistent with the EU's international trade commitments, including WTO rules. In this regard, we consider the current provisions on "Made in EU" and Union origin requirements to be overly ambitious and in need of further assessment.<br><br>DE<br>(Drafting suggestions):<br><br>~~This 'made in the European Union' criterion shall be considered equivalent to the 'Union origin' referred to in Article 7 and Article 9 of this Regulation.~~<br><br>FI<br>(Comments): |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Finland is worried that, unlike as regards public procurement, this strict "made in the European Union" criterion causes serious damage to our relationhips with our close like minded FTA partners and to EU as reliable trade partner. Criteria similar to those proposed in public procurement should be considered.<br><br>SE<br>(Drafting suggestions):<br><br>This 'made in the European Union' criterion shall be considered equivalent to the 'Union origin' referred to in Article**s** 7 **and 9** of this Regulation.<br><br>SE<br>(Comments):<br><br>Widens the definition of Union origin to include partner countries. Sweden considers it important to have alignment in the definition of Union origin between different types of support/incentive schemes to minimise complexity and administrative burdens |
| | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| *Article 14*<br>**CO2 emission performance standards credits** | BE<br>(Comments):<br><br>BE scrutiny reservation<br><br>CZ<br>(Drafting suggestions):<br><br>In Article 14, add: "The definitions and methodologies for calculating CO2 emission performance credits shall be aligned with the EU Taxonomy Regulation (EU) 2020/852. Operators who already report carbon footprint data under the EU ETS or CBAM shall not be required to maintain separate carbon records for the purposes of this Article."<br><br>CZ<br>(Comments):<br><br>CZ: Deleting in IAA and move to CO2 regulation<br>*Justification: Carbon-related reporting requirements should remain coherent and be addressed within the relevant existing legislative frameworks, including the $CO_2$ standards Regulation, in order to avoid duplication of obligations and unnecessary administrative burden. A consistent approach is also essential to prevent legal uncertainty and implementation challenges arising from different timelines and parallel negotiations of interconnected legislative files.*<br>Duplicate carbon reporting obligations across EU ETS, CBAM, EU Taxonomy and IAA create disproportionate administrative burden for energy companies, which are already among the most heavily reported entities in the Union. Alignment with the existing EU Taxonomy framework ensures regulatory coherence, reduces administrative costs and prevents conflicting classification outcomes. |
| | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| 1. For the purposes of Article 5(1) and (2) of Regulation (EU) 2019/631 [as amended by the Proposal for a Regulation of 16 December 2025 amending Regulation (EU) 2019/631 as regards CO2 emission performance standards for new light duty vehicles and vehicle labelling], the 'made in the EU' criterion for small zero-emission vehicles shall comply with the criteria set out in Part III of Annex III to this Regulation. | BE<br>(Comments):<br>BE supports maintaining the subcategory for small zero-emission vehicles exclusively for 100% electric vehicles as proposed by the Commission.<br>DE<br>(Comments):<br>Scrutiny reservation for whole article.<br>Germany does not support super credits for small ZEV.<br>EL<br>(Comments):<br>With regard to article 14, on CO2 emission performance standards credits, we have a general scrutiny reservation.<br>FR<br>(Drafting suggestions):<br>For the purposes of Article 5(1) and (2) of Regulation (EU) 2019/631 [as amended by the Proposal for a Regulation of 16 December 2025 amending Regulation (EU) 2019/631 as regards CO2 emission performance standards for new light duty vehicles and vehicle labelling], the 'made in the EU' criterion for ~~small~~ zero-emission vehicles shall comply with the criteria set out in Part III of Annex III to this Regulation.<br>FR<br>(Comments):<br>The French authorities welcome the introduction of a super-credit for "small Made-in-the-EU electric vehicles" (M1E) in the proposal for the revision of Regulation 2019/631 on CO2 emissions from light-duty vehicles. However, since such vehicles represent only 12.5% of the market according to the |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Commission, the French authorities reiterate their request that this super-credit be extended to all Made-in-the-EU electric vehicles, regardless of their size, under a proportionate approach maintaining a higher value for small electric vehicles.<br><br>IT<br>(Comments):<br><br>Any European preference or local content clauses within the supercredits mechanism is conditioned to the previous recognition of the principle of full technological neutrality through the inclusion of the VEEFs vehicle category, both under Article 14 of the IAA and across all automotive dossiers currently under negotiation.<br><br>IT<br>(Comments):<br><br>Any European preference or local content clauses within the supercredits mechanism is conditioned to the previous recognition of the principle of full technological neutrality through the inclusion of the VEEFs vehicle category, both under Article 14 of the IAA and across all automotive dossiers currently under negotiation.<br><br>RO<br>(Comments):<br><br>The Commission shall assess the impact of the implementation of this Article on SMEs operating within affected supply chains and, where appropriate, provide transitional arrangements."<br><br>Changes affecting material sourcing requirements may indirectly impact SMEs through increased procurement costs and supply constraints. Monitoring these effects is necessary to avoid unintended consequences on competitiveness. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | |
| This 'made in the EU' criterion shall be considered equivalent to the 'Union origin' referred to in Article 7 of this Regulation. | CZ<br>(Drafting suggestions):<br><br>This 'made in the EU' criterion shall be considered equivalent to the 'Union origin' referred to in Article ~~7~~ **8** of this Regulation.<br><br>CZ<br>(Comments):<br><br>CZ: CZ supports strengthening the European industrial base and expanding manufacturing capacity within the EU. At the same time, "Made in EU" requirements should reflect the realities of global value chains, preserve the competitiveness of European manufacturers, and remain consistent with the EU's international trade commitments, including WTO rules. In this regard, we consider the current provisions on "Made in EU" and Union origin requirements to be overly ambitious and in need of further assessment.<br><br>FI<br>(Comments):<br><br>Finland is worried that, unlike as regards public procurement, this strict "made in the European Union" criterion causes serious damage to our relationhips with our close like minded FTA partners (UK, Japan, Korea) and to EU as reliable trade partner. Criteria similar to those proposed in public procurement should be considered.<br><br>PT<br>(Comments):<br><br>**The integration of Union origin and low-carbon criteria into emission credits, including the concept of "low-carbon steel made in the EU", is consistent with climate and industrial objectives. The dual requirement** |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | **may, however, increase compliance complexity and should be accompanied by clear and harmonised methodologies.**<br><br>SE<br>(Drafting suggestions):<br><br>This 'made in the EU' criterion shall be considered equivalent to the 'Union origin' referred to in Article**s** 7 **and 9** of this Regulation.<br><br>SE<br>(Comments):<br><br>Widens the definition of Union origin to include partner countries. Sweden considers it important to have alignment in the definition of Union origin between different types of support/incentive schemes to minimise complexity and administrative burdens |
| | |
| 2. For the purposes of Article 5b of Regulation (EU) 2019/631 [as amended by the Proposal for a Regulation of 16 December 2025 amending Regulation (EU) 2019/631 as regards CO2 emission standards for new light duty vehicles and vehicle labelling], 'low-carbon steel made in the EU' shall be understood as follows: | PL<br>(Drafting suggestions):<br><br>2. For the purposes of Article 5b of Regulation (EU) 2019/631 [as amended by the Proposal for a Regulation of 16 December 2025 amending Regulation (EU) 2019/631 as regards CO2 emission standards for new light duty vehicles and vehicle labelling], 'low-carbon **footprint** steel made in the EU' shall be understood as follows:<br><br>PL<br>(Comments):<br><br>In metallurgical terminology term "low-carbon steel" is using in the chemical sense, i.e. an iron alloy with a reduced carbon content. However, the IAA refers to the carbon emission intensity of the production process. To avoid the risk of misinterpretation, it is recommended to use the term "low-carbon footprint steel". This term clearly refers to the product's carbon footprint |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | rather than its chemical composition, which is essential for the correct application of the concept of „low-carbon footprint steel" in the regulatory context. |
| | |
| (a) 'low-carbon' shall comply with the conditions referred to in Article 10(1) of this Regulation; | CZ<br>(Comments):<br><br>CZ: scrutiny on definition and delegation of powers.<br><br>CZ notes that the proposal introduces targets for low-carbon steel without a clear and agreed definition of the term. Before binding requirements are established, a transparent, technology-neutral methodology should be in place. It is also essential that the targets reflect actual market availability and production capacity in order to avoid unnecessary administrative burden, higher compliance costs and negative impacts on industrial competitiveness. |
| | |
| (b) 'made in the EU' shall be equivalent to the 'Union origin' referred to in Article 7 of this Regulation. | CZ<br>(Drafting suggestions):<br><br>b) made in the EU' shall be equivalent to the 'Union origin' referred to in Article ~~7~~ **8** of this Regulation<br><br>CZ<br>(Comments):<br><br>CZ: Scrutiny on the details on "made in the EU" CZ supports strengthening the European industrial base and expanding manufacturing capacity within the EU. At the same time, "Made in EU" requirements should reflect the realities of global value chains, preserve the competitiveness of European manufacturers, and remain consistent with the EU's international trade commitments, including WTO rules. In this regard, we consider the current |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | provisions on "Made in EU" and Union origin requirements to be overly ambitious and in need of further assessment.<br><br>DE<br>(Drafting suggestions):<br><br>'made in the EU' shall be equivalent to the 'Union origin' referred to in Article 7 of this Regulation.<br><br>IT<br>(Drafting suggestions):<br><br>(b) 'made in the EU' shall be equivalent to the 'Union origin' referred to in Article 7**(1) (3)** of this Regulation~~.~~ **and refer to the country of "melt and pour" in accordance with Regulation EU 2025/0726.**<br><br>IT<br>(Comments):<br><br>The "melt and pour" criteria adopted in Regulation *EU 2025/0726* ensures that the major steelmaking processes and decarbonisation takes place in the EU, and therefore ensures a lead market demand that recognises EU investments. Without referring to the country of "melt and pour" the article risks rewarding imports of partly finished products to be counted as Union origin, instead of supporting genuine EU -based production.<br><br>IT<br>(Drafting suggestions):<br><br>(b) 'made in the EU' shall be equivalent to the 'Union origin' referred to in Article 7**(1) (3)** of this Regulation~~.~~ **and refer to the country of "melt and pour" in accordance with Regulation EU 2025/0726.**<br><br>IT<br>(Comments): |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | The "melt and pour" criteria adopted in Regulation *EU 2025/0726* ensures that the major steelmaking processes and decarbonisation takes place in the EU, and therefore ensures a lead market demand that recognises EU investments. Without referring to the country of "melt and pour" the article risks rewarding imports of partly finished products to be counted as Union origin, instead of supporting genuine EU -based production.<br><br>PL<br>(Drafting suggestions):<br><br>(b) 'made in the EU' shall be equivalent to the 'Union origin' referred to in Article 7 ***(1) (3)*** of this Regulation ***and refer to the country of "melt and pour" in accordance with Regulation EU 2025/0726.***<br><br>PL<br>(Comments):<br><br>The "melt and pour" criteria adopted in Regulation EU 2025/0726 ensures that the major steelmaking processes and decarbonisation takes place in the EU and therefore ensures a lead market demand that recognises EU investments. Without referring to the country of "melt and pour" the article risks rewarding imports of partly finished products to be counted as Union origin, instead of supporting genuine EU -based production. |
| | |
| | |
| | |

| | |
|---|---|
| *Article 15*<br>**Certification of a vehicle's compliance with Union origin requirements** | PT<br>(Comments):<br><br>Given the extensive regulatory framework applicable to the automotive sector, we consider it essential to ensure consistency between the Industrial Accelerator Act and the existing and pending legislative measures.<br><br>The sector is currently subject to a dense and interconnected regulatory framework, which includes legislation already in force and initiatives currently under negotiation, such as the CO2 regulation for light-duty vehicles or the automotive omnibus, for example. In this context, we emphasize the need to ensure proper coordination between the various legislative instruments in order to avoid overlaps, inconsistencies, or duplication of requirements.<br><br>We also emphasize the importance of taking into account the differentiated impact of the measures across the automotive value chain, particularly regarding SMEs, which may face greater administrative and operational difficulties.<br><br>We believe it will also be important to comprehensively assess the potential impact of the proposed measures on consumers, particularly with regard to prices, accessibility, and the availability of vehicles in the Union market.<br><br>With specific regard to the text of the proposal, we consider that, in relation to Article 15, it may be useful to clarify the minimum content of the "accompanying document" in order to ensure legal certainty and harmonization of its application.<br><br>Additionally, it will be important to assess whether the six-month deadline set for its implementation will be adequate, taking into account the complexity of global value chains in the automotive sector and the need for economic operators to adapt. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | PT<br>(Comments):<br><br>Given the extensive regulatory framework applicable to the automotive sector, we consider it essential to ensure consistency between the Industrial Accelerator Act and the existing and pending legislative measures.<br><br>The sector is currently subject to a dense and interconnected regulatory framework, which includes legislation already in force and initiatives currently under negotiation, such as the CO2 regulation for light-duty vehicles or the automotive omnibus, for example. In this context, we emphasize the need to ensure proper coordination between the various legislative instruments in order to avoid overlaps, inconsistencies, or duplication of requirements.<br><br>We also emphasize the importance of taking into account the differentiated impact of the measures across the automotive value chain, particularly regarding SMEs, which may face greater administrative and operational difficulties.<br><br>We believe it will also be important to comprehensively assess the potential impact of the proposed measures on consumers, particularly with regard to prices, accessibility, and the availability of vehicles in the Union market.<br><br>With specific regard to the text of the proposal, we consider that, in relation to Article 15, it may be useful to clarify the minimum content of the "accompanying document" in order to ensure legal certainty and harmonization of its application.<br><br>Additionally, it will be important to assess whether the six-month deadline set for its implementation will be adequate, taking into account the |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | complexity of global value chains in the automotive sector and the need for economic operators to adapt. |
| | |
| From [OP please insert date: six months after entry into force], when issuing a vehicle's certificate of conformity in accordance with Articles 36 and 37 of Regulation (EU) 2018/858, for vehicles in compliance with the relevant Union origin requirements laid down in Annex III to this Regulation, manufacturers shall provide an accompanying document certifying the compliance of the vehicle. | AT<br>(Drafting suggestions):<br><br>**Amendment to Implementing Regulation (EU) 2020/683**<br>Annexes I and VIII to Implementing Regulation (EU) 2020/683 are amended as follows:<br>(1) Annex I is amended as follows:<br>(a) following explanatory note is added: |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | '([190]) According to Annex III to Regulation (EU) XXXX/XXXX of the European Parliament and of the Council establishing a framework of measures for the acceleration of industrial capacity and decarbonisation in strategic sectors and amending Regulations (EU) 2018/1724, (EU) 2024/1735 and (EU) 2024/3110';<br>(2) in Annex VIII, the Appendix is amended as follows:<br>(a) Part I (Complete and completed vehicles) is amended as follows:<br>(1) Part 2 (vehicle category $M_1$) is amended as follows:<br>(a) following point is inserted after point 56.:<br>'57. Vehicle compliant with Union origin requirements: yes/no ([4]) ([190])'.<br><br>AT<br>(Comments):<br><br>The certificate pursuant to Art. 15 covers only the requirements laid down in the IAA, but not those laid down in the NZIA. Consequently, compliance with the NZIA requirements would still need to be demonstrated by the economic operator (rather than, for example, by the vehicle manufacturer). From AT's perspective, this does not appear to simplify public procurement procedures, but rather risks adding further complexity for contracting authorities, contracting entities and economic operators.<br>AT repeats its question already posed in CWG 11./12.6. how this additional document should work in practice given the fact that some vehicle components are sourced from different suppliers which might lead to different EU content on the "unit level" (= vehicle). A practical and workable solution must be found.<br><br>Futhermore, we want to point out that the "Made in the EU" criterion is apparently to be used in the assessment of vehicles. Vehicles in the new M1E vehicle class are to be counted toward manufacturers' fleet targets as part of CO2 monitoring using a factor of 1.3 if they meet the "Made in the EU" |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | criterion. Every vehicle newly registered in the EU must be reported by the Member States to the European Environment Agency, along with a comprehensive list of parameters, as part of CO2 monitoring. The parameters that must be reported are listed on the vehicle's EU Certificate of Conformity (COC). If a vehicle's "Made in the EU" status is not listed on the COC, it cannot be taken into account for CO2 monitoring purposes. Another document would be needed. For administrative reasons, we oppose the introduction of an additional document for this purpose. We therefore suggest adding an Annex.<br><br>CZ<br>(Drafting suggestions):<br><br>From [OP please insert date: ~~six~~ **twelve** months after entry into force], when issuing a vehicle's certificate of conformity in accordance with Articles 36 and 37 of Regulation (EU) 2018/858, for vehicles in compliance with the relevant Union origin requirements laid down in Annex III to this Regulation, manufacturers shall provide an accompanying document certifying the compliance of the vehicle.<br><br>CZ<br>(Comments):<br><br>CZ: *We propose extension to 12 months to ensure feasibility for industry. The automotive supply chains require* ***adaptation time and certification processes****.*<br><br>DE<br>(Drafting suggestions):<br><br>From [OP please insert date: six months after the guidelines of article 15.2 is published~~entry into force~~], ~~when issuing a vehicle's certificate of conformity~~ |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | ~~in accordance with Articles 36 and 37 of Regulation (EU) 2018/858,~~ for vehicles in compliance with the relevant Union origin requirements laid down in Annex III to this Regulation, vehicle manufacturers shall provide an accompanying document certifying the compliance of the vehicle model.<br><br>DE<br>(Comments):<br><br>To ensure hat companies have enough time to set up the comfomity certificate<br><br>vehicle manufacturers need to be defindes as OEMs<br><br>to ensure that certificate does not refer to a single vehicle but the vehicle models<br><br>We need to discuss how information can be verified and made availabale to public authorieties at EU-Level. We ask the Commisison to analyse different options, including digital portals.<br><br>EL<br>(Comments):<br><br>Concerning article 15, on Certification of a vehicle's compliance with Union origin requirements, we have a general scrutiny reservation.<br><br>FI<br>(Comments):<br><br>We consider the administrative burden of certifications of conformity for manufacturers must stay on an acceptable level. Its is not feasible if each |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | component for each car must be tracked and each vehicle must have an individual certificate. Some balance must be found between achieving the goal of this Article and the manufacturers' burden.<br><br>FR<br>(Comments):<br><br>The French authorities reiterate their request for the amendment of the labelling provisions of the proposal for the revision of Regulation (EU) 2019/631 on CO2 emission performance standards for light-duty vehicles, so that the "Made in the EU" indication appears on the label on a mandatory basis for new passenger cars and light commercial vehicles. Beyond the overall compliance of the model with the definition of a "Made in the EU" vehicle, it would be relevant to include on the label certain data on the origin of components recorded in the Certificate of Conformity in accordance with the present Article 15 (in particular batteries and motors). The French authorities will be in a position to supplement their proposal to that effect.<br><br>The objective is to provide consumers with clear and readily accessible information, and to facilitate the application of certain provisions of the automotive package, in particular for undertakings (see Article 4 of the proposal for a Regulation on the greening of corporate fleets). Such labelling obligations have already been in force on a number of international markets for several decades (for instance, the American Automobile Labeling Act).<br><br>IT<br>(Drafting suggestions):<br><br>From [OP please insert date: six months after entry into force **and 24 months after entry into force for heavy-duty vehicles**], when issuing a vehicle's certificate of conformity in accordance with Articles 36 and 37 of Regulation |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (EU) 2018/858, for vehicles in compliance with the relevant Union origin requirements laid down in Annex III to this Regulation, manufacturers shall provide an accompanying document certifying the compliance of the vehicle.<br><br>IT<br>(Comments):<br><br>The accompanying document certifying compliance with Union origin requirements shall be based on a harmonised Union template and shall specify the vehicle model or version covered, the applicable reference period, the relevant Union origin requirements fulfilled and the verification basis.<br><br>We welcome the introduction of the certificate of conformity mechanism set out in this provision and expresses its support for the simplification of type-approval procedures envisaged under Article 15, which is considered a positive step towards reducing the administrative burden on manufacturers while maintaining the integrity of the Union origin framework.<br><br>However, the Italian delegation calls for greater clarity and transparency regarding the methodology for calculating Union local content, which constitutes the factual basis for the compliance certification required under this Article. In the current formulation, the provision does not specify the data sources, valuation criteria or calculation methods that manufacturers must apply when determining whether a vehicle meets the Union origin requirements laid down in Annex III.<br><br>It is therefore requested that certification criteria be defined either in the primary legislation or in delegated acts adopted simultaneously with the Regulation, in order to avoid regulatory uncertainty and delays in the implementation of the measures. |

PUBLIC

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | In addition, given the specific characteristics of heavy-duty vehicles, which involve longer development cycles, a more realistic assessment of implementation timelines is necessary, particularly once all details of the proposal have been clarified, including the possible application of the regulation to multi-stage completed vehicles. Regarding buses, a sector largely dependent on public demand and therefore particularly exposed to additional costs related to local battery sourcing, the utmost attention is required in ensuring consistency with the provisions that will be established under the upcoming revision of the Public Procurement Directive. For this vehicle category, it is essential that procurement criteria ensure fair competition. The timelines currently envisaged for the entry into force of the vehicle-related requirements, set at six months after adoption of the regulation, appear excessively short in light of the complexity of automotive supply chains and the time required for industrial adaptation.<br><br>It is therefore requested that the provisions applicable to industrial vehicles enter into force at least 24 months after the Regulation enters into force, in order to allow manufacturers sufficient time to adapt their supply chains.<br><br>IT<br>(Drafting suggestions):<br><br>From [OP please insert date: six months after entry into force **and 24 months after entry into force for heavy-duty vehicles**], when issuing a vehicle's certificate of conformity in accordance with Articles 36 and 37 of Regulation (EU) 2018/858, for vehicles in compliance with the relevant Union origin requirements laid down in Annex III to this Regulation, manufacturers shall provide an accompanying document certifying the compliance of the vehicle.<br><br>IT<br>(Comments): |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | The accompanying document certifying compliance with Union origin requirements shall be based on a harmonised Union template and shall specify the vehicle model or version covered, the applicable reference period, the relevant Union origin requirements fulfilled and the verification basis.<br><br>We welcome the introduction of the certificate of conformity mechanism set out in this provision and expresses its support for the simplification of type-approval procedures envisaged under Article 15, which is considered a positive step towards reducing the administrative burden on manufacturers while maintaining the integrity of the Union origin framework.<br><br>However, the Italian delegation calls for greater clarity and transparency regarding the methodology for calculating Union local content, which constitutes the factual basis for the compliance certification required under this Article. In the current formulation, the provision does not specify the data sources, valuation criteria or calculation methods that manufacturers must apply when determining whether a vehicle meets the Union origin requirements laid down in Annex III.<br><br>It is therefore requested that certification criteria be defined either in the primary legislation or in delegated acts adopted simultaneously with the Regulation, in order to avoid regulatory uncertainty and delays in the implementation of the measures.<br><br>In addition, given the specific characteristics of heavy-duty vehicles, which involve longer development cycles, a more realistic assessment of implementation timelines is necessary, particularly once all details of the proposal have been clarified, including the possible application of the regulation to multi-stage completed vehicles. Regarding buses, a sector largely dependent on public demand and therefore particularly exposed to additional costs related to local battery sourcing, the utmost attention is required in |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | ensuring consistency with the provisions that will be established under the upcoming revision of the Public Procurement Directive. For this vehicle category, it is essential that procurement criteria ensure fair competition. The timelines currently envisaged for the entry into force of the vehicle-related requirements, set at six months after adoption of the regulation, appear excessively short in light of the complexity of automotive supply chains and the time required for industrial adaptation.<br><br>It is therefore requested that the provisions applicable to industrial vehicles enter into force at least 24 months after the Regulation enters into force, in order to allow manufacturers sufficient time to adapt their supply chains.<br><br>PT<br>(Comments):<br><br>**The introduction of certification requirements strengthens enforcement but adds administrative obligations for manufacturers. The reliance on documentation accompanying the certificate of conformity should be designed to avoid duplication with existing procedures and ensure proportionality.**<br><br>RO<br>(Comments):<br><br>SMEs should not be required to provide information that exceeds their actual control over upstream supply chains. A proportionate approach would reduce unnecessary compliance burdens while maintaining traceability objectives<br><br>SE<br>(Drafting suggestions):<br><br>From [OP please insert date: six months after entry into force], when issuing a vehicle's certificate of conformity in accordance with Articles 36 and 37 of Regulation (EU) 2018/858, for vehicles in compliance with the relevant |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Union origin requirements laid down in **Annex II and** Annex III to this Regulation, manufacturers shall provide an accompanying document certifying the compliance of the vehicle.<br><br>SE<br>(Comments):<br><br>The certificate referred to here should cover compliance with both Annex II and Annex III requirements. Vehicle manufacturers will need to comply with the requirements laid out in both annexes to take part in public procurement and/or support schemes, so there needs to be a form of certification to demonstrate compliance with both.<br><br>SI<br>(Drafting suggestions):<br><br>From [OP please insert date: six months after entry into force], when issuing a vehicle's certificate of conformity in accordance with Articles 36 and 37 of Regulation (EU) 2018/858, for vehicles in compliance with the relevant Union origin requirements laid down in Annex III to this Regulation, manufacturers shall provide an accompanying document certifying the compliance of the vehicle in the form of self declaration or an equivalent document.<br><br>SI<br>(Comments):<br><br>The form of the document concerning compliance with origin requirements has to be specified.<br><br>SK<br>(Drafting suggestions):<br><br>The Slovak Republic requests an amendment to Article 15 to **postpone the application of this requirement to 24 months** from the date of entry into force of this Regulation (instead of the proposed 6 months). |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Furthermore, we demand a fundamental revision of this provision in order to:<br>1. Explicitly mandate the issuance of **only a single, unified accompanying document** confirming compliance with Union origin requirements, rather than multiple separate certificates tailored to different regulatory purposes.<br>2. Clearly and exhaustively define the rights and obligations of manufacturers in relation to this certification, ensuring that it does not impose a disproportionate administrative burden.<br><br>SK<br>(Comments):<br><br>The Slovak Republic highlights significant implementation and procedural risks inherent in the proposed certification mechanism. The current draft of the IAA defines compliance with Union origin criteria differently depending on the specific objective (public procurement, financial support, CCV criteria). Without further clarification, vehicle manufacturers face the risk of having to issue multiple distinct certificates for a single vehicle. This would generate severe administrative and financial overheads, directly contradicting the Union's stated goals of streamlining and debureaucratization. A 6-month implementation timeline is entirely unrealistic within the automotive manufacturing cycle. On the contrary, given the disparate calculation methodologies across different policy tools, it will cause substantial market confusion if a vehicle is deemed to possess Union origin for one specific purpose but not for another |
| | DE<br>(Drafting suggestions):<br><br>From [OP please insert date: three months after entry into force], the Commission shall publish guidlines thta define the necessary information |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | that a vehicle manufacturer shall provide in the complinace document to verify that vehicle models are in compliance with the relevant Union origin requirements laid down in Annex III to this Regulation.<br><br>DE<br>(Comments):<br><br>To ensure that vehicle manufactures have legal certainty regarding the necessary information that needs to be provided. |

PUBLIC

| | |
|---|---|
| *Article 16*<br>**Delegation of powers** | CZ<br>(Drafting suggestions):<br><br>In Article 16(1), delete the Commission's power to adopt delegated acts independently for: (i) the methodology for calculating Union content; and (ii) demand-side measures for chemical industry products. Substitute: "The Commission shall, by legislative act adopted in accordance with the ordinary legislative procedure, establish the methodology for calculating Union origin and any Union-level demand-side measures for the chemical industry." In Article 16, add: "Any delegated act that materially affects Union origin requirements or the list of eligible third countries shall be subject to a minimum vacatio legis of 24 months and shall not apply retroactively to existing contracts or ongoing procurement procedures<br><br>CZ<br>(Comments):<br><br>Extensive use of delegated acts for key commercial parameters bypasses the democratic legislative process and deprives Member States and industry of predictability. For energy companies with investment horizons of 15-30 years, rules changeable by Commission delegated act create unacceptable investment risk.<br><br>PL<br>(Comments):<br><br>Article 16 requires clarification, as it will be of crucial importance for future instruments concerning the chemical sector. Currently, this provision stipulates that the Commission may establish demand-side measures to promote the production, sale, and use of substances and mixtures of EU origin derived from sustainable carbon sources. This approach is too narrow and does not reflect the actual nature of the chemical industry. Article 16 should be supplemented with an explicit obligation to also take into account, when drafting delegated acts, compliance with REACH, CLP, and IED/BAT, |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | process and occupational safety, resource efficiency, circularity, and contributions to European value chains.<br><br>PT<br>(Comments):<br>The extensive recourse to delegated acts as incompatible with legal certainty requirements for economic operators and public authorities, including SMEs involved in complex cross-border value chains.<br><br>PT<br>(Comments):<br>The extensive recourse to delegated acts as incompatible with legal certainty requirements for economic operators and public authorities, including SMEs involved in complex cross-border value chains. |
| | |
| 1. The Commission is empowered to adopt delegated acts in accordance with Article 30 to supplement this Regulation by laying down Union-level demand-side measures for products from the chemical industry in order to promote the following activities: | AT<br>(Comments):<br>It is still not clear to us what the COM has in mind regarding "demand-side measures". As confirmed in the CWP on 11/6 the term goes beyond public procurement measures. Since it is about an empowerment for the COM, further clarification in the text would be welcomed.<br><br>BE<br>(Drafting suggestions):<br>1. The Commission is empowered to adopt ~~delegated~~ **implementing** acts in accordance with Article 30**, and after an impact assessment,** to supplement this Regulation by laying down Union-level demand-side measures for products from the chemical industry in order to promote the following activities: |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | BE<br>(Comments):<br><br>BE: Any expansion of the scope, such as to chemical products, must be based on an impact analysis;<br><br>For now, scrutiny reservation on the extension of the scope of this chapter to the chemical industry.<br><br>On the amendment to implementing act: BE is of the opinion that more involvement of MS is necessary especially given the potential impact of the inclusion of the chemical sector.<br><br>CZ<br>(Drafting suggestions):<br><br>1. The Commission is empowered to adopt ~~delegated~~ **implementing** acts in accordance with Article ~~30~~ **31(3)** to supplement this Regulation by laying down Union-level demand-side measures for products from the chemical industry in order to promote the following activities: **The implementing acts under this Article shall be limited to non-essential elements and shall not introduce requirements that effectively restrict market access beyond public procurement and public support schemes as defined in this Regulation.**<br><br>CZ<br>(Comments):<br><br>**Delete the Commission's power to adopt delegated acts independently for**: (i) the methodology for calculating Union content; and (ii) demand-side measures for chemical industry products. Substitute: "The Commission shall, by legislative act adopted in accordance with the ordinary legislative procedure, establish the methodology for calculating Union origin and any |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Union-level demand-side measures for the chemical industry.<br><br>Chemical sector, as an essential energy intensive industry cannot be regulated through delegated acts by the Commission without substantial involvement of Member States. Moreover, this in our opinion constitutes a substantive and worrying breach of the scope of delegation as is laid down in Art. 290 TFEU "A legislative act may delegate to the Commission the power to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of the legislative act." and needs to be therefore changed to implementing act.<br><br>EE<br>(Comments):<br>As in the comments provided for Chapter IV, Estonia is concerned about the extent of delegation of powers in this article. We prefer implementing acts to delegated acts to ensure stronger involvement of Member States.<br>We support the request of several other Member States for an opinion of the Council Legal Service on whether the scope of the delegation in the proposal goes further than what is permitted under Article 290 TFEU.<br>DE<br>(Drafting suggestions):<br>~~1. The Commission is empowered to adopt delegated acts in accordance with Article 30 to supplement this Regulation by laying down Union-level demand-side measures for products from the chemical industry in order to promote the following activities:~~<br>DE |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Comments):<br><br>To take up new industry sectros without the consultation of the member states can not be part of a Delegated Act<br><br>EL<br>(Comments):<br><br>As to article 16 on Delegation of powers, we have a scrutiny reservation. It is crucial for the successful implementation of the proposed measures that the empowerments for the European Commission are clearly defined, so as to create a well-framed scope, and ensure legal certainty.<br><br>We should also discuss the possibility of specifying the demand-side measures for products from the chemical industry in the primary legislation i.e. in the current proposal, and not postpone it for the secondary legislation through a delegated act.<br><br>We would like to ask the Commission, what measures are mature enough that can be implemented along with the current proposal?<br><br>FR<br>(Drafting suggestions):<br><br>The Commission ~~is empowered to~~ **shall** adopt**, within one year of the entry into force of this Regulation**, delegated acts in accordance with Article 30 to supplement this Regulation by laying down Union-level demand-side measures for products from **the building of ships, rail rolling stock, and** the chemical industry in order to promote the following activities:<br><br>FR<br>(Comments):<br><br>The Commission itself, under Article 29 of its proposal, identifies shipbuilding and rail rolling stock as sectors of strategic significance whose inclusion in the |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Union content requirements should be assessed during the review of this Regulation; given the well-documented strategic importance of these sectors for the Union's industrial base and economic security, there is no justification for deferring such inclusion, and France accordingly proposes to integrate them within the scope of the demand-side measures from the entry into force of this Regulation.<br><br>NL<br>(Drafting suggestions):<br><br>The Commission is empowered to adopt delegated acts in accordance with Article 30 to supplement this Regulation by laying down **limited, targeted and proportionate** Union-level demand-side measures**,** for products from the chemical industry in order to promote the following activities:<br><br>PL<br>(Comments):<br><br>Setting 'demand side measures' should only be done in the way of a review of the Regulation not by the Commission in delegated acts. It needs to be noted that the 'demand side measure' has not beed defined in the Regulation. Therefore also the scope of empowerment is overly wide as is not limited to present tools of Chapter III. Consulting national experts in delegated acts procedures does not ensure sufficient involvement of Member States in setting IAA requirements that would potentially have significant impact on the market and can be considered as of political nature.<br><br>Union-level demand-side measures for products from the chemical industry may be important, but the essential policy choices should be made in the basic act, not left entirely to delegated acts. The framework should be technical, predictable and specific. It should reflect the recommendations of the Critical Chemicals Alliance, maintain technological neutrality and avoid |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | creating new obligations that duplicate existing EU legislation applicable to the chemical industry.<br><br>RO<br>(Drafting suggestions):<br><br>Add:<br>"**Before adopting delegated acts pursuant to this Chapter, the Commission shall assess their impact on SMEs in accordance with the 'Think Small First' principle and publish the results of such assessment.**"<br><br>RO<br>(Comments):<br><br>Future delegated acts may substantially modify compliance obligations, eligibility conditions and reporting requirements. An ex-ante assessment of SME impacts would enhance predictability, transparency and regulatory proportionality.<br><br>Article 16 and the modifications introduced by Article 34 grant the Commission powers to modify or supplement Union origin requirements. For the nuclear sector, any modification to these requirements **must be preceded by an impact assessment and consultation with relevant stakeholders**, as the effects on projects can be significant.In this context, we propose the following addition:"In the case of nuclear fission technologies and nuclear fuel cycle-based technologies, delegated or implementing acts modifying origin requirements should be adopted only after consulting national nuclear regulatory authorities, nuclear operators, industry, and interested Member States, as well as after an analysis regarding the real availability of qualified suppliers within the Union, and the impact on project timelines, costs, nuclear safety |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | SE<br>(Drafting suggestions):<br>~~1. The Commission is empowered to adopt delegated acts in accordance with Article 30 to supplement this Regulation by laying down Union-level demand-side measures for products from the chemical industry in order to promote the following activities:~~<br>SE<br>(Comments):<br>Though Sweden is of the opinion that demand-side measures for low-carbon products from the chemical industry are desirable, the delegation of power in art 16.1 appears to go beyond supplementing non-essential elements of the Regulation and therefore, appears not to be in accordance with art 290 in TFEU; essential elements of the act cannot be adopted through delegated acts. Further, it is important for legal certainty that the content and scope of the delegation of powers is layed down in the legal act. Sweden therefore cannot support art 16.1 as currently drafted.<br>SI<br>(Comments):<br>Will mechanism for reporting on compliance also include public procurement? If so, the methodology for data collection will be standardized at the EU level for the purpose of public procurement? Is there perhaps a plan to use the database from existing public procurement forms? |
| | |
| (a) the production and sales of substances and mixtures of Union origin derived from sustainable carbon sources; | DE<br>(Drafting suggestions):<br>~~(a) the production and sales of substances and mixtures of Union origin derived from sustainable carbon sources;~~ |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | FI<br>(Comments):<br><br>The CPR already has necessary means to use delegated acts and harmonise construction products. The Commision does not need extra powers under the IAA with construction products. Lower greenhouse gas emissions can be the outcome of the standardisation process done under the CPR Acquis process. The Commission must avoid overregulation and need for the future Omnibus. The CPR must be removed from the scope of the IAA.<br><br>FR<br>(Drafting suggestions):<br><br>**regarding the chemical industry**, the production, sales **and use in products made available on the market** of substances and mixtures of Union origin derived from sustainable carbon sources, **the use of electrolytic hydrogen as a full or partial substitute for gas-based hydrogen, and the use of carbon capture and storage technologies.**<br><br>FR<br>(Comments):<br><br>Demand-side support measures in the chemical industry should not be limited to substances of European origin derived from sustainable carbon sources, otherwise low-carbon fertilisers produced wholly or partly using electrolytic hydrogen would be excluded from the scope. Therefore, in light of the priority objective of safeguarding the European nitrogen fertiliser industry, the scope of application should also allow the Commission to establish demand-side support mechanisms for the supply of low-carbon nitrogen fertilisers resulting either from (i) the use of electrolytic hydrogen as a full or partial substitute for gas-based hydrogen, or (ii) the use of carbon capture and storage (CCS) technologies.<br><br>IT |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Drafting suggestions):<br><br>~~(a) the production and sales of substances and mixtures of Union origin derived from sustainable carbon sources;~~<br><br>IT<br>(Comments):<br><br>This amendment clarifies that demand-side measures under this provision are to be applied at the level of final products and end-use applications, thereby ensuring consistency with the objective of creating lead markets. It avoids the imposition of requirements directly on substances and mixtures, which could be circumvented through imports of finished goods and would not effectively generate demand for Union-produced chemicals. The amendment enhances legal clarity and ensures that measures contribute to effective value-chain pull while remaining proportionate and enforceable.<br><br>IT<br>(Drafting suggestions):<br><br>~~(a) the production and sales of substances and mixtures of Union origin derived from sustainable carbon sources;~~<br><br>IT<br>(Comments):<br><br>This amendment clarifies that demand-side measures under this provision are to be applied at the level of final products and end-use applications, thereby ensuring consistency with the objective of creating lead markets. It avoids the imposition of requirements directly on substances and mixtures, which could be circumvented through imports of finished goods and would not effectively generate demand for Union-produced chemicals. The amendment enhances legal clarity and ensures that measures contribute to effective value-chain pull while remaining proportionate and enforceable. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | NL<br>(Drafting suggestions):<br>the production and sales of substances and mixtures of Union origin derived from sustainable **and low-**carbon sources;<br>NL<br>(Comments):<br>Also need to recognize the use of low carbon sources, in conformity with the work of the CCA.<br>PT<br>(Drafting suggestions):<br>the production and sales of substances and mixtures of Union origin derived from sustainable carbon sources, **including secondary raw materials**;<br>PT<br>(Comments):<br>The article addresses demand-side measures for the chemical industry and refers to sustainable carbon sources. It may make sense to explicitly mention secondary raw materials in order to promote circularity.<br>PT<br>(Drafting suggestions):<br>the production and sales of substances and mixtures of Union origin derived from sustainable carbon sources, **including secondary raw/end-of-waste materials**;<br>PT<br>(Comments): |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | The article addresses demand-side measures for the chemical industry and refers to sustainable carbon sources. It may make sense to explicitly mention secondary raw materials in order to promote circularity.<br><br>SE<br>(Drafting suggestions):<br><br>~~(a) the production and sales of substances and mixtures of Union origin derived from sustainable carbon sources;~~ |
| | |
| (b) the use in products made available on the market of substances and mixtures of Union origin derived from sustainable carbon sources. | DE<br>(Drafting suggestions):<br><br>~~(b) the use in products made available on the market of substances and mixtures of Union origin derived from sustainable carbon sources.~~<br><br>FI<br>(Comments):<br><br>The CPR already has necessary means to use delegated acts and harmonise construction products. The Commision does not need extra powers under the IAA with construction products. Lower greenhouse gas emissions can be the outcome of the standardisation process done under the CPR Acquis process. The Commission must avoid overregulation and need for the future Omnibus. The CPR must be removed from the scope of the IAA.<br><br>FR<br>(Drafting suggestions):<br><br>~~the use in products made available on the market of substances and mixtures of Union origin derived from sustainable carbon sources~~.<br><br>FR<br>(Comments):<br><br>Included in paragraph (a) |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | IT<br>(Drafting suggestions):<br>~~(b)~~ **(a)** the use in products made available on the market of substances and mixtures of Union origin derived from sustainable carbon sources.<br><br>IT<br>(Drafting suggestions):<br>~~(b)~~ **(a)** the use in products made available on the market of substances and mixtures of Union origin derived from sustainable carbon sources.<br><br>PT<br>(Drafting suggestions):<br>the use in products made available on the market of substances and mixtures of Union origin derived from sustainable carbon sources, **including secondary raw materials.**<br>PT<br>(Comments):<br>The article addresses demand-side measures for the chemical industry and refers to sustainable carbon sources. It may make sense to explicitly mention secondary raw materials in order to promote circularity.<br>PT<br>(Drafting suggestions):<br>the use in products made available on the market of substances and mixtures of Union origin derived from sustainable carbon sources, **including secondary raw/end-of-waste materials.**<br>PT |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Comments):<br>The article addresses demand-side measures for the chemical industry and refers to sustainable carbon sources. It may make sense to explicitly mention secondary raw materials in order to promote circularity.<br>SE<br>(Drafting suggestions):<br>~~(b) the use in products made available on the market of substances and mixtures of Union origin derived from sustainable carbon sources.~~ |
| | FR<br>(Drafting suggestions):<br><br>**(b) the production, sales and use of products and components originating in the Union from the rail rolling stock industry.**<br><br>**(c) the production, sales and use of products and components originating in the Union from the ship building industry.**<br><br>IT<br>(Drafting suggestions):<br>**(b) The use in end market products of low-carbon substances and mixtures of Union origin.**<br><br>**Such measures shall be proportionate and may target final products, or materials, substances or mixtures incorporated in final products, provided that the corresponding obligations are placed on the operators placing those final products on the market and not on producers of base materials or intermediate products.** |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | IT<br>(Comments):<br>Measures can be evaluated per value chain for final products or materials/chemicals in the final products but should not be placed on intermediate producers: e.g. plastics in cars, not plastics or polymers brought on the market.<br><br>IT<br>(Drafting suggestions):<br>**(b) The use in end market products of low-carbon substances and mixtures of Union origin.**<br><br>**Such measures shall be proportionate and may target final products, or materials, substances or mixtures incorporated in final products, provided that the corresponding obligations are placed on the operators placing those final products on the market and not on producers of base materials or intermediate products.**<br><br>IT<br>(Comments):<br>Measures can be evaluated per value chain for final products or materials/chemicals in the final products but should not be placed on intermediate producers: e.g. plastics in cars, not plastics or polymers brought on the market. |
| In the preparation of the delegated acts, the Commission should take into account: | BE |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Drafting suggestions):<br><br>In the preparation of the ~~delegated~~ **implementing** acts, the Commission should take into account:<br><br>DE<br>(Drafting suggestions):<br><br>~~In the preparation of the delegated acts, the Commission should take into account:~~<br><br>IT<br>(Drafting suggestions):<br><br>In the preparation of the delegated acts, the Commission **shall by [xx months from the date of entry into force of this Regulation], adopt a work plan based on preparatory studies and consultation of Member States and relevant stakeholders, including industry. The Commission** should take into account:<br><br>IT<br>(Comments):<br><br>Concerning the chemical sector, ensuring stable and predictable demand is essential to support both competitiveness and decarbonisation across the value chain, including petrochemicals, polymers and upstream feedstocks. This amendment introduces a work plan for the preparation of delegated acts concerning demand-side and market-mobilising measures for products from the chemical industry. It ensures that such measures are developed on the basis of preparatory studies and consultation of Member States and relevant stakeholders, including industry. This is necessary given the complexity and heterogeneity of chemical value chains and the need to design measures that are technically feasible and proportionate. The work plan provides greater predictability for operators and supports the timely preparation of future |

PUBLIC

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | measures. It thereby improves the transparency, effectiveness and implementability of the framework.<br><br>IT<br>(Drafting suggestions):<br>In the preparation of the delegated acts, the Commission **shall by [xx months from the date of entry into force of this Regulation], adopt a work plan based on preparatory studies and consultation of Member States and relevant stakeholders, including industry. The Commission** should take into account:<br>IT<br>(Comments):<br>Concerning the chemical sector, ensuring stable and predictable demand is essential to support both competitiveness and decarbonisation across the value chain, including petrochemicals, polymers and upstream feedstocks. This amendment introduces a work plan for the preparation of delegated acts concerning demand-side and market-mobilising measures for products from the chemical industry. It ensures that such measures are developed on the basis of preparatory studies and consultation of Member States and relevant stakeholders, including industry. This is necessary given the complexity and heterogeneity of chemical value chains and the need to design measures that are technically feasible and proportionate. The work plan provides greater predictability for operators and supports the timely preparation of future measures. It thereby improves the transparency, effectiveness and implementability of the framework.<br><br>PT<br>(Comments): |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | **The extensive use of delegated and implementing acts provides flexibility but raises concerns regarding regulatory uncertainty. A significant number of key elements are left for future specification, which may affect predictability for economic operators. It is essential to ensure transparency, stakeholder involvement and timely adoption of these acts.**<br><br>SE<br>(Drafting suggestions):<br><br>~~In the preparation of the delegated acts, the Commission should take into account:~~ |
| | |
| (a) the contribution of the requirements to the Union's objective of economic security, resilience and climate neutrality set out in Regulation (EU) 2021/1119; | DE<br>(Drafting suggestions):<br><br>~~(a) the contribution of the requirements to the Union's objective of economic security, resilience and climate neutrality set out in Regulation (EU) 2021/1119;~~<br><br>SE<br>(Drafting suggestions):<br><br>~~(a) the contribution of the requirements to the Union's objective of economic security, resilience and climate neutrality set out in Regulation (EU) 2021/1119;~~ |
| | |
| (b) the market situation at Union level, as identified through monitoring activities, including declining Union market shares and Union industry producing at below capacity | DE<br>(Drafting suggestions):<br><br>~~(b) the market situation at Union level, as identified through monitoring activities, including declining Union market shares and Union industry producing at below capacity~~<br><br>SE |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Drafting suggestions):<br>~~(b) the market situation at Union level, as identified through monitoring activities, including declining Union market shares and Union industry producing at below capacity~~ |
| | |
| © the impact of setting such measures on the overall competitiveness and greenhouse gas emissions of the relevant sectors, as well as on costs for downstream consumers and small and medium enterprises and public budgets. | DE<br>(Drafting suggestions):<br>~~© the impact of setting such measures on the overall competitiveness and greenhouse gas emissions of the relevant sectors, as well as on costs for downstream consumers and small and medium enterprises and public budgets.~~<br>SE<br>(Drafting suggestions):<br>~~© the impact of setting such measures on the overall competitiveness and greenhouse gas emissions of the relevant sectors, as well as on costs for downstream consumers and small and medium enterprises and public budgets.~~ |
| | BE<br>(Drafting suggestions):<br>**(d) in the case of the chemical sector, low-carbon shall be understood as referring to defossilised products, whereby fossil carbon is replaced by non-fossil carbon sources, including biomass, recycled plastics and captured $CO_2$.**<br>BE<br>(Comments):<br>BE: In the event of inclusion of the chemical sector, 'low carbon' must be defined as 'defossilised products'. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | NL<br>(Drafting suggestions):<br>2. The Commission is empowered to adopt delegated acts in accordance with Article 30 to supplement this Regulation by laying down Union-level demand-side measures for products from the sectors mentioned in Annex I. |
| 2. The Commission is empowered to adopt delegated acts in accordance with Article 30 in order to amend Annex II or Annex III concerning the Union origin requirements, low-carbon requirements or both set out for products referred to therein, taking into account the following criteria: | AT<br>(Comments):<br>Regarding para 2, AT considers that the provision confers a very broad empowerment on COM to amend the Annexes and, thereby, the substantive scope of the IAA. During the meeting of the CWP on 27 April, COM stated that the empowerment is intended, in essence, to be limited to the adjustment of the thresholds laid down in the Annexes and is not intended to allow for an extension to additional sectors. However, such an interpretation is not clearly reflected in the wording of the current draft, which appears to go beyond a mere adjustment of percentages. The current wording raises serious questions as to whether the powers conferred can still be regarded as relating to "non-essential elements" within the meaning of Article 290 TFEU. AT would therefore welcome textual clarifications so as to align the current wording to what has been said by COM in the CWP.<br><br>BE<br>(Drafting suggestions):<br>2. The Commission is empowered to adopt ~~delegated~~ **implementing** acts in accordance with Article 30 in order to amend Annex II or Annex III concerning the Union origin requirements, low-carbon requirements or both set out for products referred to therein, taking into account the following criteria: |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | CZ<br>(Drafting suggestions):<br><br>2. The Commission is empowered to adopt delegated acts in accordance with Article 30 in order to amend Annex II or Annex III concerning the Union origin requirements, low-carbon requirements or both set out for products referred to therein, taking into account the following criteria: **Such amendments shall not extend the material scope of Annex II or Annex III to new product categories or services not covered at the date of entry into force of this Regulation.**<br><br>CZ<br>(Comments):<br><br>Extension of Annex II may significantly affect industrial sectors through additional reporting obligations, procurement requirements and compliance costs. Any extension should therefore be based on transparent consultation, economic and environmental impact assessment and demonstration of proportionality.<br><br>Before adopting delegated acts extending Annex II, the Commission shall carry out an impact assessment and consult affected industrial sectors."<br><br>Limiting delegated acts to non-essential elements is critical, as this reflects the limitations of Art. 290 TFEU.<br><br>EE<br>(Comments):<br><br>As in the comments provided for Chapter IV, Estonia is concerned about the extent of delegation of powers in this article. We prefer implementing acts to delegated acts to ensure stronger involvement of Member States. |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | We support the request of several other Member States for an opinion of the Council Legal Service on whether the scope of the delegation in the proposal goes further than what is permitted under Article 290 TFEU.<br><br>DE<br>(Drafting suggestions):<br><br>The Commission is empowered to adopt implementing ~~delegated~~ acts in accordance with Article 30 in order to amend Annex II or Annex III concerning the Union origin requirements, low-carbon requirements or both set out for products referred to therein, taking into account the following criteria:<br><br>DE<br>(Comments):<br><br>Scrutiny reservation. Since changes in the thressholdsof the criteria as well as the criteria itself have a high impact on th eeuropean industry this should be done by consulting the member states.<br><br>To take up new industry sectros without the consultation of the member states can not be part of a Delegated Act<br><br>FI<br>(Comments):<br><br>Finland takes a cautious view of granting the Commission broad powers to amend and supplement the provisions concerning Union origin by means of delegated acts.<br><br>FR<br>(Drafting suggestions):<br><br>The Commission is empowered to adopt delegated acts in accordance with Article 30 in order to amend Annex II or Annex III concerning the Union origin |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | requirements, low-carbon requirements or both set out for products referred to therein.<br><br>**The necessity to amend low-carbon and Union origin thresholds in Annex II shall be evaluated as soon as there is sufficient clarity regarding methodologies underpinning the determination of low-carbon.**<br><br>**The necessity to amend Annex II shall be evaluated by [OP: Please insert the date = two years after the date of entry into force of this Regulation], and every three years thereafter, through a thorough impact analysis and a public consultation of industrial stakeholders and Member States, as provided by Article 30**, taking into account the following criteria<br><br>FR<br>(Comments):<br><br>According to the impact assessment, the volume of low-carbon and Union origin requirements (Annex II) has been set to match expected European production capacities. As these projections will evolve continuously, as decarbonised projects are secured and enter construction phase by 2030, Annex II be modified accordingly. The credibility and efficiency of requirements set out in Annex II will require particular attention to the extent that "low-carbon" requirements will be defined under parallel workstreams that are still under discussion (ESPR and CPR).<br><br>However, impacts of amending Union origin and low-carbon requirements should be assessed carefully before any amendment is applied to the text, with relevant experts' consultation, as provided by Article 30.<br><br>IT<br>(Drafting suggestions): |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | ~~2. The Commission is empowered to adopt delegated acts in accordance with Article 30 in order to amend Annex II or Annex III concerning the Union origin requirements, low-carbon requirements or both set out for products referred to therein, taking into account the following criteria:~~<br>**2. The Commission is empowered to adopt delegated acts in accordance with Article 30 in order to amend Annex II or Annex III by adding products to those annexes or by amending the Union origin requirements, low-carbon requirements, requirements relating to the use of sustainable carbon sources, or any combination thereof set out for products referred to therein, in particular to adjust low-carbon requirements to the further development of Union climate policy, taking into account the following criteria:**<br><br>IT<br>(Comments):<br><br>This amendment broadens the empowerment for the Commission to amend Annex II and Annex III so that additional products may be brought within the scope of the lead-market framework. It also clarifies that delegated acts may adapt not only Union-origin and low-carbon requirements, but also requirements relating to the use of sustainable carbon sources. This is necessary to ensure that the framework can evolve in line with technological developments, market conditions and the further development of Union climate policy. The amendment provides flexibility to integrate additional energy-intensive products and value chains, including those relevant for the chemical sector, while preserving the criteria-based structure of the delegation. It therefore improves the adaptability, coherence and long-term effectiveness of the Regulation.<br><br>IT<br>(Drafting suggestions): |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | ~~2. The Commission is empowered to adopt delegated acts in accordance with Article 30 in order to amend Annex II or Annex III concerning the Union origin requirements, low-carbon requirements or both set out for products referred to therein, taking into account the following criteria:~~<br>**2. The Commission is empowered to adopt delegated acts in accordance with Article 30 in order to amend Annex II or Annex III by adding products to those annexes or by amending the Union origin requirements, low-carbon requirements, requirements relating to the use of sustainable carbon sources, or any combination thereof set out for products referred to therein, in particular to adjust low-carbon requirements to the further development of Union climate policy, taking into account the following criteria:**<br><br>IT<br>(Comments):<br><br>This amendment broadens the empowerment for the Commission to amend Annex II and Annex III so that additional products may be brought within the scope of the lead-market framework. It also clarifies that delegated acts may adapt not only Union-origin and low-carbon requirements, but also requirements relating to the use of sustainable carbon sources. This is necessary to ensure that the framework can evolve in line with technological developments, market conditions and the further development of Union climate policy. The amendment provides flexibility to integrate additional energy-intensive products and value chains, including those relevant for the chemical sector, while preserving the criteria-based structure of the delegation. It therefore improves the adaptability, coherence and long-term effectiveness of the Regulation.<br><br>NL<br>(Drafting suggestions): |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | ~~2.~~ **3.** The Commission is empowered to adopt delegated acts in accordance with Article 30 in order to amend **or expand the** scope of Annex II or Annex III concerning the Union origin requirements, low-carbon requirements or both set out for products referred to therein, taking into account the following criteria<br><br>SE<br>(Drafting suggestions):<br><br>~~The Commission is empowered to adopt delegated acts in accordance with Article 30 in order to amend Annex II or Annex III concerning the Union origin requirements, low-carbon requirements or both set out for products referred to therein, taking into account the following criteria:~~<br><br>SE<br>(Comments):<br><br>It is important for legal certainty that the scope of the act should be defined in the legal act, rather than in delegated acts. |
| | |
| (a) the market situation at Union level, as identified through monitoring activities, including declining Union market shares and Union industry producing below capacity; | SE<br>(Drafting suggestions):<br><br>~~(a) the market situation at Union level, as identified through monitoring activities, including declining Union market shares and Union industry producing below capacity;~~ |
| | |
| (b) technological progress; | FR<br>(Drafting suggestions):<br><br>**updated projections of European decarbonised capacities and** technological progress;<br><br>FR |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Comments):<br>Low-carbon and Union origin requirements, as defined in Annex II, are tailored on expected decarbonised production capacities of the Union in 2029.<br><br>SE<br>(Drafting suggestions):<br>~~(b) technological progress;~~ |
| | |
| © the contribution of the requirements to the Union's objective of public order, economic security, resilience and climate neutrality set out in Regulation (EU) 2021/1119; | SE<br>(Drafting suggestions):<br>~~© the contribution of the requirements to the Union's objective of public order, economic security, resilience and climate neutrality set out in Regulation (EU) 2021/1119;~~ |
| | |
| (d) demand for the relevant products or technologies driven by the downstream sectors' growth; | SE<br>(Drafting suggestions):<br>~~(d) demand for the relevant products or technologies driven by the downstream sectors' growth;~~ |
| | |
| (e) share of product or technology in total production value of the downstream sector; | SE<br>(Drafting suggestions):<br>~~(e) share of product or technology in total production value of the downstream sector;~~ |
| | |
| (f) the impact of setting Union origin requirements, low-carbon requirements, or both on the overall competitiveness and greenhouse gas | NL<br>(Drafting suggestions): |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| emissions of the relevant sectors, including on costs for downstream consumers and small and medium enterprises and public budgets. | ) the impact of setting such measures on the overall competitiveness and greenhouse gas emissions of the relevant sectors, as well as on costs for downstream consumers, small and medium-sized enterprises and public budgets.<br>**The delegated acts adopted pursuant to this paragraph shall not impose disproportionate burdens on downstream industries, small and medium-sized enterprises or public authorities, nor modify the essential elements of this Regulation. The duration of measures shall be proportionate in relation to point (a) – (c) above.**<br><br>SE<br>(Drafting suggestions):<br>~~(f) the impact of setting Union origin requirements, low-carbon requirements, or both on the overall competitiveness and greenhouse gas emissions of the relevant sectors, including on costs for downstream consumers and small and medium enterprises and public budgets.~~ |
| | RO<br>(Drafting suggestions):<br>**3. Such delegated acts shall be strictly limited to technical updates and adjustments of Annexes II and III. They shall not have the effect of substantially extending the scope of the obligations laid down in this Regulation, nor of introducing any new categories of requirements, which shall remain subject to adoption by the Union legislator.**<br>RO<br>(Comments):<br><br>Annexes II and III contain requirements that have a direct impact on the conditions applicable in public procurement procedures. Therefore, the |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | power conferred to the Commission to amend these Annexes through delegated acts raises the issue of the delimitation between non-essential elements, which may be subject to delegation under art. 290 TFEU, and essential elements of the regulatory framework, which should be reserved to the Union legislator.<br><br>**Proposal for Annex II- "For aluminium, the 25% requirement shall be phased in and shall only apply where a product-specific low-carbon methodology has been in place for at least 24 months."**<br><br>Justification - The 25% threshold may create demand for European aluminium, but direct application from 2029 may disadvantage Member States whose energy-intensive industry faces extremely high energy prices, a less advanced verification infrastructure and integrated value chains. The risk is that the opportunity may not be seized if the methodology, verifiers and reporting tools are not available early enough. |
| 3. The Commission is empowered to adopt implementing acts in accordance with Article 31(2) to specify the method for calculating the proportion of volume of products and components originating in the Union in accordance with Regulation (EU) No 952/2013, and where appropriate, to provide for the use of standardised templates for certificates of compliance. | AT<br>(Comments):<br><br>AT would welcome a clarification regarding the relationship between this empowerment and Art. 7 and 8 of the proposal. In particular, AT asks what precisely COM would be empowered to amend on the basis of this provision. If the empowerment were to affect the manner in which Union-origin shares are to be determined under the Union Customs Code, this could amount to a substantial modification of the system established by the proposal.<br><br>BE |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Comments):<br><br>BE would already like to know the method that will be used for calculating the proportion of volume of products and components originating in the Union. We would like to get an initial idea of the approach envisaged by the COM.<br><br>CZ<br>(Drafting suggestions):<br><br>3. The Commission is empowered to adopt implementing acts in accordance with Article 31(2) to specify the method for calculating the proportion of volume of products and components originating in the Union in accordance with Regulation (EU) No 952/2013, and where appropriate, to provide for the use of standardised templates for certificates of compliance, **building on existing Union and national e-procurement and reporting tools, to avoid duplication.**<br><br>NL<br>(Drafting suggestions):<br><br>The Commission is empowered to adopt implementing acts in accordance with Article 31**(3)** to specify the method for calculating the proportion of volume of products and components originating in the Union in accordance with Regulation (EU) No 952/2013, and where appropriate, to provide for the use of standardised templates for certificates of compliance.<br>**Where the committee issues no opinion, the implementing act shall not be adopted.**<br><br>NL<br>(Comments):<br><br>Because these calculation methods pertain to large economic sectors and because EU-origin requirements have a significant impact on economic operators as well as Member State executive authorities, this implementing |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | act can be expected to have substantial economic implications. Therefore, it should not be established based on the advisory procedure, but on the examination procedure. After all, Reg. 182/2011 prescribes said procedure for programmes with substantial implications (see article 2, paragraph 2, subs. b), point (i)). Furthermore, for the same reasons, the implementing act should only be adopted if it enjoys sufficient support from the committee. Therefore, it is appropriate to ensure the implementing act shall not be adopted if the committee issues no opinion, in the sense of Article 5(4), second paragraph, point b).<br><br>RO<br>(Drafting suggestions):<br><br>~~34~~. The Commission is empowered to adopt implementing acts in accordance with Article 31(2) to specify the method for calculating the proportion of volume of products and components originating in the Union in accordance with Regulation (EU) No 952/2013, and where appropriate, to provide for the use of standardised templates for certificates of compliance.<br><br>Implementing acts referred to in subparagraph 1 may also establish the methods and procedures to be applied by the relevant competent national authorities, including contracting authorities and contracting entities, to verify compliance with the requirements laid down in this Regulation and, where appropriate, to make use of digital tools for the purposes of calculation, verification and demonstration of compliance. |
| | |
| Implementing acts referred to in subparagraph 1 may also establish the methods and procedures to be applied by the relevant competent national authorities, including contracting authorities and contracting entities, to verify compliance with the requirements laid down in this Regulation and, where appropriate, to make use of digital tools for the purposes of calculation, verification and demonstration of compliance. | AT<br>(Comments):<br><br>Regarding subpara 2, AT notes that according to COMs explanation in CWG 11./12.6. the empowerment also includes the possibility to modify or replace |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | the verification system currently based on self-declarations. Can COM clarify which modification COM has (potentially) in mind?<br><br>EE<br>(Drafting suggestions):<br><br>Implementing acts referred to in subparagraph 1 may also establish the methods and procedures to be applied by the relevant competent national authorities, including contracting authorities and contracting entities, to verify compliance with the requirements laid down in this Regulation and, where appropriate, to make use of digital tools for the purposes of calculation, verification and demonstration of compliance. **Where products are subject to Union harmonisation legislation, those implementing acts shall take into account existing documentation and verification requirements under that legislation and avoid unnecessary duplication.**<br><br>EE<br>(Comments):<br><br>This clarification is necessary to ensure that verification methods developed under the IAA are aligned with existing Union product legislation. For construction products, this is particularly relevant where low-carbon requirements are linked to Regulation (EU) 2024/3110. The aim is to avoid parallel documentation and verification requirements for the same product characteristics.<br><br>RO<br>(Drafting suggestions):<br><br>Implementing acts referred to in subparagraph 1 may also establish the methods and procedures to be applied by the relevant competent national authorities, **designated by the Member States in accordance with the applicable national framework** including contracting authorities and |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | contracting entities, to verify compliance with the requirements laid down in this Regulation and, where appropriate, to make use of digital tools for the purposes of calculation, verification and demonstration of compliance.<br><br>RO<br>(Comments):<br><br>Justification: The amendment aims to clarify institutional responsibilities at national level and avoid uneven interpretations regarding the authorities that must apply the compliance verification procedures. |
| | IT<br>(Drafting suggestions):<br><br>**4. The Commission is empowered to adopt delegated acts in accordance with Article 30 to amend ANNEX I in order to enlarge the list of Strategic sectors taking into consideration additional sectors that could support the development, competitiveness and resilience of the Single Market, considering also the evolution of the Union legislative framework and the geopolitical context.**<br><br>IT<br>(Comments):<br><br>Annex I should remain sufficiently flexible to allow for future integration of additional strategic sectors, in particular recycling technologies, once the forthcoming Circular Economy Act clarifies the relevant regulatory framework and industrial needs. This dynamic and adaptive approach would ensure coherence across EU legislation and enable the Industrial Accelerator Act to effectively support circular and low carbon value chains over time. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | IT<br>(Drafting suggestions):<br>**4. The Commission is empowered to adopt delegated acts in accordance with Article 30 to amend ANNEX I in order to enlarge the list of Strategic sectors taking into consideration additional sectors that could support the development, competitiveness and resilience of the Single Market, considering also the evolution of the Union legislative framework and the geopolitical context.**<br><br>IT<br>(Comments):<br>Annex I should remain sufficiently flexible to allow for future integration of additional strategic sectors, in particular recycling technologies, once the forthcoming Circular Economy Act clarifies the relevant regulatory framework and industrial needs. This dynamic and adaptive approach would ensure coherence across EU legislation and enable the Industrial Accelerator Act to effectively support circular and low carbon value chains over time. |
| | IT<br>(Drafting suggestions):<br>**5. The Commission shall within [X] months from the entry into force of this Regulation adopt delegated acts in accordance with Article 30 to supplement Annex II and Annex III by:**<br><br>**(a) defining the categories of chemical input materials used in the production of the products listed in Annex II and Annex III for which low-carbon requirements, requirements relating to the use of sustainable** |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | **carbon sources, Union origin requirements, or any combination thereof, may apply;**<br><br>**(b) specifying the minimum shares of those materials that shall be containing low-carbon content, sustainable carbon content, Union origin content, or any combination thereof; and**<br><br>**(c) establishing methodologies for the calculation and verification of those shares, including, where appropriate, the use of appropriate allocation methodologies.**<br><br>IT<br>(Comments):<br><br>The amendment introduces an empowerment for the Commission to specify, through delegated acts, the categories of input materials and corresponding minimum shares subject to low-carbon, sustainable carbon sources and/or Union-origin requirements under Annex II and III. This ensures that the frameworks established in Annex II and III can be effectively implemented and adapted over time, taking into account the technical complexity and diversity of industrial value chains, in particular in sectors relying on chemical inputs. The current Regulation sets requirements at product level but does not sufficiently define how upstream materials contributing to those products should be treated, which may limit the effectiveness of demand-side measures.<br>By enabling the Commission to define relevant input materials and applicable thresholds, the amendment strengthens the operability and enforceability of the Regulation, while preserving the necessary flexibility to reflect technological progress, market developments and data availability. This is particularly important for the chemical industry, where value chains are heterogeneous and where methodologies for tracking low-carbon and |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | circular inputs are still evolving. The amendment also ensures that demand-side measures extend beyond final materials to the upstream inputs that determine their carbon footprint, thereby improving value chain integration and reinforcing the Regulation's objectives of industrial decarbonisation, resilience and reduced strategic dependencies.<br><br>IT<br>(Drafting suggestions):<br>**5. The Commission shall within [X] months from the entry into force of this Regulation adopt delegated acts in accordance with Article 30 to supplement Annex II and Annex III by:**<br><br>**(a) defining the categories of chemical input materials used in the production of the products listed in Annex II and Annex III for which low-carbon requirements, requirements relating to the use of sustainable carbon sources, Union origin requirements, or any combination thereof, may apply;**<br><br>**(b) specifying the minimum shares of those materials that shall be containing low-carbon content, sustainable carbon content, Union origin content, or any combination thereof; and**<br><br>**(c) establishing methodologies for the calculation and verification of those shares, including, where appropriate, the use of appropriate allocation methodologies.**<br><br>IT<br>(Comments): |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | The amendment introduces an empowerment for the Commission to specify, through delegated acts, the categories of input materials and corresponding minimum shares subject to low-carbon, sustainable carbon sources and/or Union-origin requirements under Annex II and III. This ensures that the frameworks established in Annex II and III can be effectively implemented and adapted over time, taking into account the technical complexity and diversity of industrial value chains, in particular in sectors relying on chemical inputs. The current Regulation sets requirements at product level but does not sufficiently define how upstream materials contributing to those products should be treated, which may limit the effectiveness of demand-side measures.<br>By enabling the Commission to define relevant input materials and applicable thresholds, the amendment strengthens the operability and enforceability of the Regulation, while preserving the necessary flexibility to reflect technological progress, market developments and data availability. This is particularly important for the chemical industry, where value chains are heterogeneous and where methodologies for tracking low-carbon and circular inputs are still evolving. The amendment also ensures that demand-side measures extend beyond final materials to the upstream inputs that determine their carbon footprint, thereby improving value chain integration and reinforcing the Regulation's objectives of industrial decarbonisation, resilience and reduced strategic dependencies.<br><br>PL<br>(Drafting suggestions): |
| | |

| | |
|---|---|
| CHAPTER IV<br>**FOREIGN INVESTMENT CONTRIBUTION** | MT<br>(Comments):<br><br>When it comes to the Chapter on Foreign Direct Investment Malta underlines the importance of the two principles of subsidiarity and proportionality as per EU Treaties. It is paramount that ultimately, it remains at the Member State perogative of decisions to be taken. Malta does understand that the current stock of foreign direct investment and any agreements entered into by national / regional competent authorities and foreign direct investment are out of scope and there will be no retroactive. This is essential to avoid the creation of any legal uncertainty. Malta does believe that the legislative has left a lacuna in forgetting to safeguard expansion projects from the current stock of foreign direct investment. Malta would like to recommend a phase in approach by which a transitional period of five years would apply for expansion projects derived from the current stock of foreign directive investment. It is much easier to have investment from the current stock of investors compared to getting new investment. There is a global intense competition for new foreign direct investment. Therefore, it is of interest to the Member States to offer stability and legal certainty to the current stock of foreign direct investment that intends to carry out expansion projects. It is essential that one clearly spells out that there are no retroactive aspects in this piece of legislation at the core of the text.<br><br>Malta stresses the need to strike a balance, noting that foreign direct investment remains an important source of financing. Malta calls for WTO-compliant rules, a level playing field, and safeguards against unintended side effects.<br><br>SI<br>(Comments):<br><br>Slovenia generally supports the objective of protecting strategic industrial sectors that are key to the green transition and digitalization, with the aim of increasing resilience and strengthening the EU's economic security. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | In drafting provisions intended to introduce greater transparency and oversight of foreign investments exceeding the threshold of EUR 100 million and originating from a country that accounts for more than 40% of global production, we call for a thoughtful approach to the proposed concept, so that, due to excessive restrictiveness, we do not reduce the EU's investment attractiveness and encourage the diversion of investments to other markets, or lead to the introduction of retaliatory measures.<br><br>Slovenia would like to highlight the possibility of increased administrative burdens due to stricter verification of conditions, reporting, and oversight of foreign direct investment.<br>It will also be necessary to avoid duplication or overlap with provisions in existing EU legislation (Regulation (EU) 2024/1356 on screening).<br><br>Slovenia draws attention to the unclear time limits regarding reporting on foreign direct investment and the verification of investor compliance, as well as the need to establish clear criteria for assessing data verification. We are also opposed to granting overly broad powers to the European Commission in the area of screening foreign direct investments. We are also concerned about the unclear provisions regarding breaches of monitoring obligations and penalties, as well as the short deadlines (30 days) for deciding on complex applications.<br><br>In this regard as well, Slovenia emphasizes the need for clear provisions that will enable direct implementation and the extension of deadlines.<br><br>Regarding provisions on foreign investments, in addition to technology transfer and local value, cybersecurity risks related to remote management, software, updates, and the impact on critical infrastructure should also be taken into account. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | |
| *Article 17*<br>**Scope** | |
| | |
| 1. This Chapter shall apply to foreign direct investments exceeding a value of EUR 100 million in the emerging strategic manufacturing sectors referred to in paragraph 2, where more than 40 % of the global manufacturing capacity is held by the third country of which the foreign investor is a national or undertaking. | MT<br>(Drafting suggestions):<br>This Chapter shall apply to foreign direct investments exceeding a value of EUR ~~1~~ 200 million in the emerging strategic manufacturing sectors referred to in paragraph 2, where more than 40 % of the global manufacturing capacity is held by the third country of which the foreign investor is a national or undertaking.<br><br>**Furthermore, there shall be a transitional period of five years for expansion projects that already existed prior to the entry into force and exceeding a value of EUR 200 million in the emerging strategic manufacturing sectors referred to in paragraph 2, where more than 40 % of the global manufacturing capacity is held by the third country of which the foreign investor is a national or undertaking.**<br><br>**There will be grandfathering for the stock of foreign direct investment and or any agreements entered into between national competent authorities and investors of foreign direct investment till the entry into force of this legislation.**<br><br>MT<br>(Comments):<br>Malta proposes an increase in threshold to EUR 200 million for FDI. It is also of extreme importance to ensure that there would be no retroactive impact on the current stock of FDI and that the regulation would allow a 12-month breathing space from entry into force. Retrospectivity will send the wrong |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | message and add uncertainty to doing business in Europe. Furthermore, the administrative burden for FDI and for national competent authorities needs to be kept in check. Additionally, apart from greenfield developments, further clarification is needed regarding brownfield expansions.<br><br>Futhermore, Malta is calling for a transitional arrangment of five years for existing investment that is going to undertake and expansion of over EUR 200 million. The scope of the transitional arrangement is to create a certain amount of predictability for current investment and not change the conditions. It is important to highlight that it is much easier for a current invest to undertake an expansion compared to the significant resource needed to attract a brand new foreign direct investment.<br><br>Request for clarification: The proposal does not shed light on what happens if an initial investment is less than Eur100m (say Eur90m) but over the years through expansion projects the value of investment exceeds this threshold. In this regard we require the Commission to elaborate on this scenario.<br><br>Malta has also inserted a paragraph that clearly states that the current stock of foreign direct investment and any agreements entered into between national competent authorities and investors of foreign direct investment are out of scope. The concept of this grandfather clause is intended to provide legal certainty.<br><br>SI<br>(Drafting suggestions):<br><br>This Chapter shall apply to foreign direct investments exceeding a value of EUR 100 million in the emerging strategic manufacturing sectors referred to in paragraph 2, where more than ~~40~~**25** % of the global manufacturing capacity is held by the third country of which the foreign investor is a national or undertaking. |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | SI<br>(Comments):<br>A limit of 40% of global production capacity held by a third country appears somewhat too high – a proposal to lower it. |
| | |
| Such investments shall not be implemented unless explicitly approved by the Investment Authority or the European Commission, referred to in Article 19, in accordance with the provisions laid down in this Chapter. | |
| | |
| 2. This chapter shall apply to foreign direct investment in manufacturing in any of the following emerging strategic sectors: | |
| | |
| (a) battery technologies and its value chain for battery energy storage systems; | |
| | |
| (b) pure electric vehicles, off-vehicle charging hybrid electric vehicles and fuel-cell electric vehicles, including components related to electrification and digitalisation; | |
| | |
| © solar PV technologies; | |
| | |
| (d) extraction, processing and recycling of critical raw materials. | |
| | |
| 3. This Chapter shall not apply to: | |
| | |
| (a) investors and investments covered by economic partnership and free trade agreements in force or provisionally applied by the Union to the extent relevant commitments have been made under those agreements, including investments made by the Union subsidiaries of such foreign investors; | |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | |
| (b) investments targeted at providing services, including investments made by the Union subsidiaries of investors; | SI<br>(Comments):<br>We ask the Commission to clarify why investments targeting at providing services, including investments made by Union subsidiaries of investors are excluded. |
| | |
| © portfolio investments. | |
| | |

PUBLIC

| | |
|---|---|
| *Article 18*<br>**Value added foreign direct investment criteria** | MT<br>(Comments):<br><br>First, Malta notes that Member States could not in practice designate an investment authority until the necessary national legislation had been adopted. On substance, Malta argues that the conditions in Article 18(2)(a) and (b) should not apply to greenfield investments, as this would not reflect the nature of such projects, though it suggested that greater flexibility might be acceptable under Article 18(2)(f). Malta also asks for clarification of the undefined term "Union entity", including whether this referred simply to a company registered in a Member State or whether ownership and control structures, including indirect non-EU ownership, would also need to be assessed, warning that this could create a significant administrative burden.<br><br>More broadly, Malta questions whether the conditions in paragraph 2 were intended to apply indefinitely or whether a clear cut-off period should be provided for legal certainty. Malta also asks whether some conditions should be framed as future commitments rather than requirements to be met already at the time of the investment decision, given that certain obligations, such as workforce commitments or publication of a strategy, can only be implemented over time. Malta further seeks clarification on the consequences of non-compliance, asking whether penalties would be the only consequence or whether an approval could later be withdrawn. Malta also asks who would determine which four of the six conditions had to be met, whether the investor could change those conditions over time, and whether this would require the consent of the investment authority. On the workforce condition, Malta raises detailed questions on the definition of "Union workforce", including whether workers obtaining permits after the investment would count, how the 50% threshold should be applied across categories, and whether the benchmark should be based on absolute numbers or proportional shares if the workforce later contracts. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | The Commission is kindly requested to clarify or broaden the definition of Union workers ideally to include **legally employed** at Member State level in the text.<br><br>Malta also asks how the conditions would apply to an expansion of an existing project, such as a new production line, and whether compliance should be assessed only for the expanded part or for the investment as a whole.<br><br>SI<br>(Comments):<br><br>The correspondence between the Investment Authority and the Commission seems highly bureaucratic. We are of the opinion thatthe Iinvestment Authority should have full autonomy and independence in its decision-making. |
| | |
| 1. Member States shall, by [OP insert date: 1 month after entry into force of this Regulation], designate an Investment Authority which shall perform the review of foreign direct investment and implement the provisions of this Chapter. | SI<br>(Drafting suggestions):<br><br>Member States shall, by [OP insert date: ~~1~~**3** month**s** after entry into force of this Regulation], designate an Investment Authority which shall perform the review of foreign direct investment and implement the provisions of this Chapter.<br><br>SI<br>(Comments):<br><br>The deadline for designating Investment Authority should be longer, taking into consideration that procedures for addopting such an act takes time. We suggest extending it up to 3 months. |
| | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| Member States shall provide that Investment Authority with the necessary resources, legal and administrative means for performing the tasks set out in this Regulation. | |
| | |
| 2. From [OP insert date: 12 month after entry into force of this Regulation], Investment Authorities shall only approve foreign direct investments made directly by foreign investors that fulfil either four or more of the following six conditions: | MT<br>(Drafting suggestions):<br><br>From [OP insert date: 12 month after entry into force of this Regulation], Investment Authorities ~~shall only~~ **may take into account whether** ~~approve~~ foreign direct investments made directly by foreign investors ~~that~~ fulfil either four or more of the following six conditions:<br><br>MT<br>(Comments):<br><br>**This Article is a Red Line for Malta**. From a legal perspective, Malta considers that these provisions raise important questions in relation to the limits of Union competence, as set out in Article 5 TEU, which governs the principles of conferral, subsidiarity and proportionality. In particular, while foreign direct investment forms part of the Common Commercial Policy under Article 207 TFEU, the scope of this competence must be carefully interpreted. The introduction of mandatory operational conditions, such as ownership caps, workforce composition requirements, joint venture obligations, and technology or local content conditions, appears to go beyond the traditional regulation of market access or treatment of investment and may encroach into areas that remain primarily within Member State competence or are governed by internal market principles.<br><br>Malta notes that this proposal is intended to establish a framework for accelerating industrial capacity and decarbonisation in strategic sectors. However, a number of provisions in this Chapter introduce extensive |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | assessment, approval, monitoring and enforcement mechanisms relating to foreign direct investments which resemble elements of an FDI screening framework.<br><br>Malta considers that, as currently drafted, the proposal risks creating a de facto Union-level investment assessment and approval mechanism, including through mandatory approval criteria, Commission involvement in investment decisions, monitoring obligations and enforcement powers. Such provisions may unduly limit Member State discretion and affect national institutional arrangements and competences in the area of foreign direct investment.<br><br>This concern is further reinforced by the existing framework under Regulation (EU) 2019/452 on the screening of foreign direct investment, which establishes a system based on coordination and cooperation, rather than Union-level decision-making. The Regulation explicitly preserves the right of Member States to decide whether or not to screen, authorise, condition or prohibit a specific investment and confirms that national security remains the sole responsibility of Member States, in line with Article 4(2) TEU. Article 18(2), as currently drafted, risks altering this balance by introducing a de facto EU-level framework for conditioning investment decisions, which may not be fully consistent with the existing legal architecture.<br><br>Moreover, the proposed requirements may raise issues under primary Union law, particularly **Article 63 TFEU on the free movement of capital**, which prohibits restrictions on capital movements between Member States and third countries. While restrictions may be justified on grounds of public policy or public security, such measures must remain proportionate and must not constitute arbitrary discrimination or disguised restrictions. In this regard, the prescriptive nature of the requirements set out in Article 18(2) may risk going |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | beyond what is necessary to achieve the stated objectives and could create barriers to investment that are difficult to justify under the Treaties.<br><br>Malta also notes that certain elements of Article 18(2), in particular those relating to workforce composition, may raise questions as to the appropriateness of the use of Article 114 TFEU as a legal basis, given the limitations set out in Article 114(2) TFEU, notably in areas linked to employment. Furthermore, the introduction of such conditions may create legal uncertainty and practical implementation challenges for Member States, especially small and open economies, where labour market structure, investment patterns, and economic scale differ significantly from larger Member States.<br><br>In light of the above, Malta considers this Chapter should be **revisited to ensure full alignment with the principles of conferral, subsidiarity and proportionality**, as well as with the existing EU framework on FDI screening, and is proposing a textual amendment to reflect this.<br><br>Malta recalls that Regulation (EU) 2019/452 establishes a coordination and cooperation framework while fully preserving Member State competence in the screening of foreign direct investment, including decisions to screen, authorise, condition or prohibit investments.<br><br>Malta therefore considers that provisions relating to foreign direct investment under this Regulation should remain clearly distinct from the existing FDI screening framework, taking into account the different scope and objectives of the respective instruments. Such provisions should remain proportionate, risk-based and without prejudice to Member State competences, institutional arrangements and administrative autonomy. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | A more appropriate approach would be to frame "value-added" considerations as **non-binding or principles-based criteria**, to be assessed on a case-by-case basis by Member States, rather than as prescriptive conditions attached to the approval of foreign investment.<br><br>SI<br>(Comments):<br><br>We are of the opinion that these conditions are too complicated and burdensome, therefore we suggest their simplification. Commission will adopt implementing acts at a later stage, what makes this provision even more difficult to understand from the implementation point of view. |
| | |
| (a) foreign investors do not acquire, hold, or exercise ownership interests representing more than 49% of the share capital, voting rights, or equivalent ownership interests in any Union target, or equivalent ownership, leasehold or other rights conferring control over a Union asset; | |
| | |
| (b) foreign investor undertakes the direct investment through a joint venture with one or more Union entities, with the foreign investor holding no more than 49% of the share capital, voting rights, or equivalent ownership interests or other rights conferring control in any of the Union entities participating in the joint venture. Such joint ventures shall be structured to ensure effective participation of Union partners in management, technology transfer, and capacity building; | MT<br>(Drafting suggestions):<br><br>~~(b) foreign investor undertakes the direct investment through a joint venture with one or more Union entities, with the foreign investor holding no more than 49% of the share capital, voting rights, or equivalent ownership interests or other rights conferring control in any of the Union entities participating in the joint venture. Such joint ventures shall be structured to ensure effective participation of Union partners in management, technology transfer, and capacity building~~<br><br>MT<br>(Comments): |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Malta would recommend to delete this paragraph . It would be feasible to eliminate the 49% ownership threshold as this would be a showstopper in the case we are attracting an investment of such magnitude. We are suggesting that this clause is only enforced if the project in questions is not showing tangibly how it will link within the European ecosystem, this refers to the part of having IP, knowhow transfer in Europe, etc. |
| | |
| © foreign investors have entered into agreements providing for the licensing of their intellectual property rights and of their know-how to the benefit of the Union Target, or the Union asset, to enable it to carry out its economic activities in the context of the foreign direct investment. All intellectual property rights or assets developed by the Union Target or the legal entity owning the Union asset prior to the foreign investment or without the collaboration of the foreign investor shall be fully and exclusively owned by the Union Target or the legal entity of the Union asset. All intellectual property rights or assets either developed in that context as a result of a collaboration with the foreign investor's other business assets, or in the case of point b, developed by the joint venture, shall be owned jointly by the Foreign Investor and the Union Target, the joint venture defined in point b or the legal entity owning the Union asset; | |
| | |
| (d) the foreign investor annually directs to research and development spending in the Union an amount equivalent to at least 1% of the gross annual revenue of the Union target, or the gross annual revenue generated by the Union asset, as applied in proportion to the foreign investor's share of control; | |
| | |
| (e) at least 50% of the workforce employed in the context of the foreign direct investment, at the time of its implementation and continuously throughout its operation, shall be made up of Union workers across all categories of the workforce, including operational, technical, supervisory, and | MT<br>(Drafting suggestions):<br>(e) at least 50% of the workforce employed in the context of the foreign direct investment, at the time of its implementation and continuously |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| managerial positions. Such employment shall be accompanied by adequate training and capacity-building measures. Where a Union target or Union asset already performing manufacturing activities before the investment is acquired, including after bankruptcy, maintaining the existing workforce or re-employment of the former workforce shall be prioritised, in accordance with national law and the application of collective agreements. In the event that the foreign investor, the Union target or the Union asset receives public funding, notwithstanding article 107 TFEU, it shall commit not to decrease the number Union workers for a period of five years on pain of recovery by the relevant national authorities, the funding awarded; | throughout its operation, shall be made up of ~~Union~~ workers **authorised by Member States** across all categories of the workforce, including operational, technical, supervisory, and managerial positions. Such employment shall be accompanied by adequate training and capacity-building measures. Where a Union target or Union asset already performing manufacturing activities before the investment is acquired, including after bankruptcy, maintaining the existing workforce or re-employment of the former workforce shall be prioritised, in accordance with national law and the application of collective agreements. In the event that the foreign investor, the Union target or the Union asset receives public funding, notwithstanding article 107 TFEU, it shall commit not to decrease the number Union workers for a period of five years on pain of recovery by the relevant national authorities, the funding awarded;<br><br>MT<br>(Comments):<br><br>Malta is recommending to delete Union and replace it with authorised by Member States. The concept authorised by Member States means workers both from the European Union and third country nationals that have a right or have been granted a work permit to work in the said Member State prior to the foreign direct investment taking place. One needs to take into consideration the different economic and market realities of different Member States. For example in the case of Malta, the economy has been growing at a real rate of four percent per annum. The unemployment rate in Malta is at a historical low level of 3.5 percent. Due to need to fill in new employment opportunities that are being generated Malta is recruiting employees both from within the European Union and third country nationals |
| | |
| (f) in the context of the foreign direct investment, the foreign investor prepares and publishes on its website a strategy for enhancing Union value chains and prioritising the sourcing of inputs for the manufacturing activity | SE<br>(Drafting suggestions): |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| from the Union and endeavours to source from the Union a minimum of 30% of inputs used for the products placed on the Union market. | ( |
| | DE<br>(Comments):<br>Consider adding a requirement that investors falling the scope of Art. 17 para. 1 should – after the investment – not hold a market share above a certain thershold in the respective relevant market (if not already adressed by relevant EU merger control law). |
| 3. The foreign direct investment shall comply with the condition referred to in paragraph 2(e) to be approved by the Investment Authority pursuant to paragraph 2. | MT<br>(Drafting suggestions):<br>The foreign direct investment **may take into account** ~~shall comply with~~ the condition referred to in paragraph 2(e) ~~to be approved by the Investment Authority pursuant to paragraph 2.~~, **where appropriate and proportionate, having regard to the characteristics of the relevant sector, labour market conditions and the size of the Member State concerned.**<br>MT<br>(Comments):<br>Due to the different market realities of Member States, Malta is recommending delete ***shall comply with*** and add ***may take into account.*** Furthermore, Malta is recommending to delete ***to be approved by the Investment Authority pursuant to paragraph 2.,*** and replace it with ***where appropriate and proportionate, having regard to the characteristics of the relevant sector, labour market conditions the economies of scope and scale of the Member State concerned.*** |
| | |
| 4. Investment Authorities may apply some or all of the conditions set out in paragraph 2 to direct investments made within the Union by a foreign | SE<br>(Drafting suggestions): |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| investor's subsidiary where it is essential to achieve the objectives of this Regulation, under the following conditions: | 4.<br>SI<br>(Comments):<br>The text "some or all" allows different practices of MS. We suggest determining equal conditions for all MS. |
| | |
| (a) preventing the circumvention of this Regulation by the foreign investor; or | SI<br>(Comments):<br>Not clear how to implement it. Commission's additional clarification or guidance is needed. Possibility to include it in the immplementing act from paragraph 5 of this Article |
| | |
| (b) where no alternative measures, including commitments proposed by the foreign investor or the foreign investor's subsidiary, are reasonably available and less restrictive of direct investment within the Union in order to meet the objectives of the Regulation. | SI<br>(Comments):<br>Not clear how to implement it. Commission's additional clarification or guidance is needed. Possibility to include it in the immplementing act from paragraph 5 of this Article |
| | |
| 5. The Commission shall adopt an implementing act, by [OP please insert date: 6 months after entry into force of this Regulation]) to specify the detailed rules for verifying the compliance with the conditions laid down in paragraph 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 31(3). | |
| | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| *Article 19*<br>**Prior notification of planned foreign direct investments** | MT<br>(Comments):<br>Malta recalls that Regulation (EU) 2019/452 establishes a coordination and cooperation framework, while fully preserving Member State competence in the screening of foreign direct investment, including decisions to screen, authorise, condition or prohibit investments.<br><br>Malta therefore considers that provisions relating to foreign direct investment under this Regulation should remain clearly distinct from the existing FDI screening framework, taking into account the different scope and objectives of the respective instruments, and should remain proportionate, risk-based and without prejudice to national competences and institutional arrangements. |
| | |
| 1. A foreign investor shall notify any planned direct investment within the scope of Article 17 to the Investment Authority of the Member State where the Union target or Union asset is located, and which would result in control over the Union target or Union asset as laid down in paragraph 3. | |
| | |
| The notification shall contain all necessary information to allow the Investment Authority to perform the investment review pursuant to Article 20. | |
| | |
| 2. For the purposes of determining whether the investment value reaches the threshold set out in Article 17(1), only previous investments of a foreign investor made in the same Union target or Union asset by the foreign investor from [OP please insert the date = the date of the entry into force of this Regulation] shall be aggregated. | |
| | |
| 3. Foreign investors shall be considered to have control, where the investment in question reaches either of the following threshold: | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | |
| (a) 30 percent or more share capital or voting rights in a Union target; | |
| | |
| (b) 30 percent or more of ownership of a Union asset, and leasehold or other rights conferring control over a Union asset. | |
| | |
| 4. Where a foreign investor's acquisition or establishment of an investment would result in foreign investors collectively holding more than the ownership or control thresholds laid down in paragraph 3, that acquisition or establishment shall be notified. | |
| | |
| 5. For the purposes of calculating whether either of the thresholds laid down in paragraph 3 have been reached, aggregated interests held directly or indirectly, including through affiliates, chains of ownership or by foreign investors acting in concert, shall be considered. | SI<br>(Comments):<br>Not clear how to implement it. Commission's additional clarification or guidance is needed. How should MS obtain data to verify compliance with the conditions set forth in this paragraph? |
| | |
| 6. Where the relevant Union targets or assets are located in more than one Member State, the foreign investor shall notify the competent Investment Authorities of all Member States concerned and the Commission on the same day with reference to the other notifications. The Member States concerned shall coordinate the review of such notifications and agree on the conditions imposed with the other Member States concerned, as well as with the Commission. | SI<br>(Comments):<br>Not clear how to implement this provision. Which MS starts the coordination of review? |
| | |
| The Commission shall decide which conditions shall be applied to the foreign direct investment in case there is no agreement between the Member States concerned. | MT<br>(Drafting suggestions):<br>The Commission **may issue a non-binding opinion with a view to facilitating coordination**, ~~shall decide which conditions shall be applied to~~ |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | ~~the foreign direct investment~~ in case there is no agreement between the Member States concerned.<br><br>MT<br>(Comments):<br><br>Malta is pushing forward the principle of subsidiarity and proportionality in the area particularly when it comes to foreign direct investment. Malta does not agree with this final subparagraph which would empower the Commission to determine the conditions applicable to a foreign direct investment in the absence of agreement between the Member States concerned.<br><br>Malta considers that the role of the Commission should remain facilitative and advisory in nature, without prejudice to Member State competences and final decision-making powers. Therefore we strongly propose to delete it or to reword it. |
| | |
| Foreign direct investment notified pursuant to the first subparagraph shall fulfil the conditions laid down in Article 18 in all Member States concerned. | MT<br>(Drafting suggestions):<br><br>Foreign direct investment notified pursuant to the first subparagraph **may be assessed by the Mamber States comcered taking into account the conditions laid down in Article 18**. ~~shall fulfil the conditions laid down in Article 18 in all Member States concerned.~~<br><br>MT<br>(Comments):<br><br>In line with our comments/ proposed amendments under Article 18. |
| | |
| *Article 20*<br>**Review and approval** | |
| | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| 1. The Investment Authority shall decide on the admissibility of the notification pursuant to Articles 17 and 19 within 30 days of receiving the notification. That deadline may be extended by a further 15 days where the Investment Authority demonstrates satisfactorily that an extension is justified by the circumstances. | MT<br>(Comments):<br><br>Malta has serious reservations regarding this Article, in particular concerning the role and powers attributed to the 'Investment Authority' and the relationship of this new mechanism with the existing framework established under Regulation (EU) 2019/452.<br><br>As currently drafted, the Article introduces a highly prescriptive approval and review process for foreign direct investments, including mandatory approval criteria and a significant role for the Commission in the assessment process. Malta considers that further clarification is required regarding the nature of the 'Investment Authority', its interaction with existing national frameworks and competences, and the extent of Member State discretion in investment decisions.<br><br>Malta recalls that Regulation (EU) 2019/452 is based on a coordination and cooperation mechanism and fully preserves Member State competence with regard to decisions on foreign direct investment screening. In this regard, Malta considers that any framework established under this Regulation should remain proportionate, risk-based and without prejudice to national institutional arrangements and competences.<br><br>SI<br>(Drafting suggestions):<br><br>The Investment Authority shall decide on the admissibility of the notification pursuant to Articles 17 and 19 within ~~30~~ **60** days of receiving the notification. That deadline may be extended by a further 15 days where the Investment Authority demonstrates satisfactorily that an extension is justified by the circumstances. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | SI<br>(Comments):<br>The deadline for decision on the admissibility of the notification should be longer, taking into consideration that notifications are often subject to amendments which require time. Based on practical experiences from the Screening Regulation, the proposed deadline is too short. We suggest extending it up to 60 days. |
| | |
| Where the Investment Authority decides a notification is admissible, it shall immediately transmit the full notification to the Commission including all documents received. | SI<br>(Drafting suggestions):<br>Where the Investment Authority decides a notification is admissible, it shall ~~immediately~~**within three working days** transmit the full notification to the Commission including all documents received.<br>SI<br>(Comments):<br>Term "immediately" is not clear. We suggest defining a clear deadline. |
| | |
| 2. Within 30 days after receiving the notification, the Commission may issue a written opinion on whether the foreign direct investment falls within the scope of Articles 17 and 19, whether it fulfils the conditions laid out in Article 18(2), and whether the Investment Authority is to approve the investment or not. | MT<br>(Drafting suggestions):<br>2. Within 30 days after receiving the notification, the Commission may issue a written opinion on whether the foreign direct investment falls within the scope of Articles 17 and 19, whether it fulfils the conditions laid out in Article 18(2)~~, and whether the Investment Authority is to approve the investment or not.~~ **The Commission opinion shall be non-binding.**<br>MT<br>(Comments): |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | The opinion of the Commission shall be advisory in nature and shall not affect the competence of Member States to decide whether to approve or refuse a foreign direct investment.<br><br>SI<br>(Comments):<br><br>It is determind that the Commission may issue a writen opinion. What happens if it doesn't issue such an opinion? Is this tacid consent? What are the criteria for issuing or not issuing an opinion? |
| | |
| Where the Commission issues a written opinion, it shall transmit it to the Investment Authority without delay. The Commission may share the written opinion with the Investment Authorities of other Member States or publish the written opinion on its official website, with due regard to confidentiality. | SI<br>(Drafting suggestions):<br><br>Where the Commission issues a written opinion, it shall transmit it to the Investment Authority ~~without delay~~**within three working days**. The Commission may share the written opinion with the Investment Authorities of other Member States or publish the written opinion on its official website, with due regard to confidentiality.<br><br>SI<br>(Comments):<br><br>Term "withoud delay" is not clear. We suggest defining a clear deadline. What are the criteria based on which the Commission decides to share or publsih an opinion? It is unclear. |
| | |
| 3. No sooner than receiving the opinion of the Commission or the lapse of the deadline referred to in paragraph 2 and no later than 60 days, or 75 days if the deadline was extended in accordance with paragraph 1, after receipt of the notification, the Investment Authority shall issue a reasoned decision approving or declining the foreign direct investment. The Investment Authority shall approve the foreign direct investment if it fulfils 4 out of 6 | MT<br>(Drafting suggestions):<br><br>3. No sooner than receiving the opinion of the Commission or the lapse of the deadline referred to in paragraph 2 and no later than 60 days, or 75 days if the deadline was extended in accordance with paragraph 1, after receipt of |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| conditions set out in Article 18. The deadline for issuing the reasoned decision may be extended by a further 30 days where the Investment Authority demonstrates satisfactorily that an extension is justified by the circumstances. | the notification, the Investment Authority shall issue a reasoned decision approving or declining the foreign direct investment. The Investment Authority ~~shall~~ **may** approve the foreign direct investment if it fulfils 4 out of 6 conditions set out in Article 18. The deadline for issuing the reasoned decision may be extended by a further 30 days where the Investment Authority demonstrates satisfactorily that an extension is justified by the circumstances.<br><br>MT<br>(Comments):<br><br>Malta has changed shall to may.<br><br>SE<br>(Drafting suggestions):<br><br>3.<br><br>SI<br>(Drafting suggestions):<br><br>No sooner than receiving the opinion of the Commission or the lapse of the deadline referred to in paragraph 2 and no later than ~~60~~**90** days, or ~~75~~**105** days if the deadline was extended in accordance with paragraph 1, after receipt of the notification, the Investment Authority shall issue a reasoned decision approving or declining the foreign direct investment. The Investment Authority shall approve the foreign direct investment if it fulfils 4 out of 6 conditions set out in Article 18. The deadline for issuing the reasoned decision may be extended by a further 30 days where the Investment Authority demonstrates satisfactorily that an extension is justified by the circumstances.<br><br>SI<br>(Comments):<br><br>Please see comment to paragraph one. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | |
| The Investment Authority shall communicate such reasoned decisions to the Commission within three days of adoption. | SI<br>(Drafting suggestions):<br>The Investment Authority shall communicate such reasoned decisions to the Commission within ~~three~~**ten** days of adoption.<br>SI<br>(Comments):<br>The deadline should be longer. We suggest extending it up to 10 days. |
| | |
| 4. Where the Investment Authority gives a decision which diverts from the Commission opinion as regards compliance of the foreign direct investment with the conditions laid down in Article 18, the Investment Authority shall assess the notification in greater detail within an additional period of two months and the decision shall only enter into force after the lapse of this deadline. | MT<br>(Drafting suggestions):<br>~~4. Where the Investment Authority gives a decision which diverts from the Commission opinion as regards compliance of the foreign direct investment with the conditions laid down in Article 18, the Investment Authority shall assess the notification in greater detail within an additional period of two months and the decision shall only enter into force after the lapse of this deadline.~~<br>MT<br>(Comments):<br>Malta wants to delete para 4. Malta has concerns regarding this paragraph, which may unduly constrain Member State discretion where a national authority reaches a different assessment from the Commission. We strongly push for the deletion of this paragraph in its entirety. |
| | |
| Investment Authorities shall, in their reasoned decision issued pursuant to paragraph 3, justify how the opinion of the Commission was taken into account. | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | |
| 5. The Investment Authority shall, in its approval decision, set out reporting obligations on the investor concerned, with a view to assessing the continuous fulfilment of the conditions laid down in Article 18. | MT<br>(Drafting suggestions):<br>5. The Investment Authority ~~shall~~**may**, in its approval decision, set out reporting obligations on the investor concerned, with a view to assessing the continuous fulfilment of the conditions laid down in Article 18.<br>MT<br>(Comments):<br>Amendment aims to remove the obligation and gives more discretion to Member States. |
| | |
| 6. Any party subject to a decision issued pursuant to paragraphs 1 or 3 shall have the right to seek judicial recourse against such decision. | |
| | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| *Article 21*<br>**Review of foreign direct investment by the Commission** | MT<br>(Comments):<br><br>During the Industry Working Party of the 5th June 2026, Malta asked the Council Legal Service for its opinion if article 21 goes beyond the principle of subsidiarity in terms of the additional powers being granted to the CION and watering down Member State competences. Malta is very much concerned with article 21.<br><br>Malta fundamentally opposed the Commission having a direct role in reviewing investments, arguing that this should remain the sole responsibility of national authorities and that the Commission should be limited to issuing opinions. Should Article 21 be retained, it should either be significantly narrowed or linked to clearly defined thresholds. Malta also raised a number of questions about paragraph 3, including what information the Commission could rely on, whether it could request additional information, and whether it could impose conditions that are otherwise left to the investor's choice under Article 18. Malta also questions whether another Member State could misuse the procedure to interfere in investment decisions and asked for clarification on the timeline and on whether the Commission could intervene once an investment is already under way.<br><br>Malta stresses that investment screening often involves lengthy informal contacts and trust-building among public authorities, and warned that a late intervention by the Commission could disrupt ongoing processes and investment pipelines. While it saw some value in an arbitration or legal-opinion role for the Commission in cross-border cases, it expressed serious concern about the Commission stepping into an ongoing national process and taking over the decision. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | |
| 1. Following the notification referred to in Article 19(1), the Commission may decide to undertake the assessment of the foreign direct investment in the following circumstances: | |
| | |
| (a) on its own initiative, where the foreign direct investment has the potential to significantly impact added value creation in the Union market; | MT<br>(Comments):<br><br>Malta would like to have a clear definition of significant impact added value creation. The current text is too vague. How will the CION determine an FDI having the 'potential to significantly impact added value creation in the Union market'? Will there be benchmarks developed or established thresholds following an analysis of the market or an Impact Assessment? Would these uniformally apply to all sectors regardless of the MS in question? |
| | |
| (b) on the request of an Investment Authority handling a notification, or an Investment Authority of another Member State, in which the foreign direct investment in question would have a significant impact on its territory; or | |
| | |
| © on its own initiative, where the foreign direct investment has value exceeding EUR 1 billion. | |
| | |
| 2. For the purposes of paragraph 1, the foreign direct investment shall be deemed to have the potential to significantly impact the added value creation in the internal market, in any of the following cases: | MT<br>(Comments):<br><br>Malta considers that the triggering criteria set out in this paraphraph are overly broad and may create legal uncertainty regarding the circumstances in which the Commission may intervene in the assessment of foreign direct investments. |
| | |
| (a) it is of particular strategic importance for the internal market; | |
| | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| (b) it has considerable economic impact on the territory of more than one Member State; | |
| | |
| © it has high potential of disrupting the security of supply of that emerging strategic sector or related value chains in the Union, or security in more than one Member State; | |
| | |
| (d) it has high potential of having detrimental environmental effect in more than one Member State; | |
| | |
| (e) it is of a particularly high value compared to other investments in that emerging strategic sector. | |
| | |
| 3. Following the notification referred to in Article 19(1), the Commission may decide to undertake the assessment of an investment referred to in Article 18(4). The Commission may carry out its assessment on its own initiative, or at the request of an Investment Authority handling a notification, or an Investment Authority of another Member State on which the foreign direct investment in question would have a significant impact. | |
| | |
| Based on its assessment, the Commission may require the Investment Authority to apply in a proportionate manner, or not to apply, some or all the conditions set out in Article18(2). | MT<br>(Drafting suggestions):<br>Based on its assessment, the Commission **may issue a non-binding opinion to** ~~may require the~~ the Investment Authority regarding the proportionate application of some or all of the conditions set out in Article 18(2<br>MT<br>(Comments): |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Malta wants to safeguard the principle of subsidiarity and retain Member State competence. Therefore, Malta is deleting ***may require the*** and replacing it with ***may issue a non-binding opinion to.*** |
| | |
| 4. Where the Commission decides to assess the foreign direct investment pursuant to this Article, the provisions set out in Article 18 shall apply, mutatis mutandis, starting from its decision to undertake the assessment. | MT<br>(Drafting suggestions):<br>**The application of Article 18 shall remain subject to the assessment and discretion of the relevant Member States.**<br>MT<br>(Comments):<br>This is also problematic because it automaitcally applies the conditions in Article 18. We suggest to remove it or reword it completely. |
| | |
| *Article 22*<br>**Monitoring and enforcement by the Investment Authority** | |
| | |
| 1. The Investment Authority shall regularly monitor the foreign direct investment to ensure that it continues to fulfil the conditions laid down in Article 18. For that purpose, the foreign investor shall regularly report to the Investment Authority on compliance with the conditions. | MT<br>(Drafting suggestions):<br>The Investment Authority ~~shall regularly~~ **may monitor, where appropriate and proportionate** ~~monitor~~ the foreign direct investment to ensure that it continues to fulfil the conditions laid down in Article 18. For that purpose, the foreign investor shall regularly report to the Investment Authority on compliance with the conditions.<br>MT<br>(Comments):<br>Malta is putting forward this textual amendment as the current wording creates a blanket permanent monitoring obligation for all investments. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | SE<br>(Comments):<br><br>.<br><br>SI<br>(Drafting suggestions):<br><br>The Investment Authority shall regularly monitor the foreign direct investment to ensure that it continues to fulfil the conditions laid down in Article 18. For that purpose, the foreign investor shall ~~regularly~~**on a yearly basis** report to the Investment Authority on compliance with the conditions.<br><br>SI<br>(Comments):<br><br>Term “regularly” is not clear and may lead to divergent interpretations among MS. This provision is linked to paragraph five of Article 20 which stipulates that the Investment Authority shall define reporting obligations in its approval decision in order to assess the investor’s continuous compliance with the conditions set out in Article 18. therefore, to ensure consistency and legal certainty, we recommend establishing a uniform reporting period applicable across all MS |
| | |
| 2. Upon request by the Commission, the Investment Authority shall transmit the investor’s reports submitted pursuant to paragraph 1 to the Commission together with its own assessment on each report. | MT<br>(Drafting suggestions):<br><br>**Upon a duly justified request by the Commission, the Investment Authority may transmit the investor’s reports submitted pursuant to paragraph 1 together with its assessment thereof.**<br><br>MT<br>(Comments): |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Malta considers that ongoing monitoring and assessment of investments should remain primarily within the competence of Member States and that any exchange of information with the Commission should be limited, proportionate and duly justified |
| | |
| 3. The Investment Authority shall establish penalties in case of non-compliance with the provisions of this Chapter, in particular where foreign investors or investments fail to comply with the following requirements: | MT<br>(Drafting suggestions):<br>The Investment Authority ~~shall~~ **may** establish penalties in case of non-compliance with the provisions of this Chapter, in particular where foreign investors or investments fail to comply with the following requirements:<br>MT<br>(Comments):<br>Malta changed ***shall*** to **m*ay***.<br>SE<br>(Drafting suggestions):<br>3. |
| | |
| (a) the notification requirements in accordance with Article 19; | |
| | |
| (b) the conditions laid down in Article 18; | |
| | |
| © the monitoring obligations established by this Article. | |
| | |
| 4. Penalty payments established by the Investment Authority shall not amount to less than 5 % of the average daily aggregate turnover of the foreign investor undertaking in case of a violation pursuant to paragraph 3, point (a). | MT<br>(Drafting suggestions):<br>Penalty payments established by the Investment Authority **may take into account the gravity, duration and nature of the infringement, as well as** |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | **the principle of proportionality**. ~~shall not amount to less than 5 % of the average daily aggregate turnover of the foreign investor undertaking in case of a violation pursuant to paragraph 3, point (a).~~<br><br>MT<br>(Comments):<br><br>Malta has reservations regarding the introduction of mandatory minimum penalties, which may unduly restrict Member State discretion and may not sufficiently take into account national enforcement systems, proportionality considerations and the specific circumstances of the infringement.<br><br>SI<br>(Comments):<br><br>Penalties should be established for point (b) and (c) of this paragraph as well. In their absence, there will be different practices among MS. Perhaps consideration could be given to harmonising penalties. |
| | |
| Where the foreign investor is a private person, the Investment Authority shall establish a penalty payment of at least 5 % of the investment value in case a violation pursuant to paragraph 3, point (a). | MT<br>(Drafting suggestions):<br><br>~~Where the foreign investor is a private person, the Investment Authority shall establish a penalty payment of at least 5 % of the investment value in case a violation pursuant to paragraph 3, point (a).~~<br><br>MT<br>(Comments):<br><br>Malta wants to delete all this paragraph. |
| | |
| The penalty payments established by the Investment Authority shall be effective and proportionate to the violations laid down in paragraph 3. | |
| | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| The Investment Authority shall inform the Commission without undue delay of any non-compliance referred to in paragraph 3 and of the consequential penalties imposed. | |
| | |
| *Article 23*<br>**Monitoring by the Commission** | MT<br>(Comments):<br>Malta asks how the Commission intends to monitor global manufacturing capacity, and whether this would cover all countries or only the main ones concerned. It stressed that, for legal certainty, Member States need to know which countries are covered and what data the Commission would rely on. Malta also questions why the article includes a reference to penalties, considering that this does not appear to fit naturally within the provision |
| | |
| 1. For the purposes of Article 17, the Commission shall monitor the global manufacturing capacity for each of the emerging strategic sectors, building on existing monitoring activities performed, in particular pursuant to Regulation (EU) 2024/1735. | SE<br>(Drafting suggestions):<br>. |
| | |
| 2. The Commission shall provide and publish updated information on the most recent year for which data is available for each of the emerging strategic sectors referred to in Article 17(2). | |
| | |
| Where the Commission decides to assess the foreign direct investment pursuant to Article 21, it may by decision impose penalties if the foreign investor provides false or misleading information in their notification, or if it does not supply the information required for the Commission to perform its review obligation. | MT<br>(Drafting suggestions):<br>Where the Commission decides to assess the foreign direct investment pursuant to Article 21~~, it may by decision impose penalties if the foreign investor provides false or misleading information in their notification, or if it does not supply the information required for the Commission to perform its review obligation.~~**and considers that false or misleading information has** |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | **been provided in the notification, or that the information required for the performance of its review has not been supplied, it may inform the relevant Investment Authority.**<br><br>MT<br>(Comments):<br><br>Malta considers that any enforcement and sanctioning should remain primarily within the competence of Member States. |
| | |
| The penalties imposed by the Commission shall not exceed the 5% average daily turnover of the foreign investor, or in case of a private person foreign investor, 5% of the investment value. | MT<br>(Drafting suggestions):<br><br>**Member States shall ensure that penalties applicable under this Article are effective, proportionate and dissuasive, taking into account the nature, gravity and duration of the infringement.**<br><br>MT<br>(Comments):<br><br>Malta considers that any enforcement and sanctioning should remain primarily within the competence of Member States. |
| | |
| *Article 24*<br>**Delegation of powers** | |
| | |
| 1. The Commission is empowered to adopt delegated acts in accordance with Article 30 of this Regulation to supplement the list of emerging strategic sectors to be covered by this Chapter to sectors critical to the Union's economic security including net-zero technologies listed in Article 4(1), points (b), (d), (e), (g), (h), (j), (k), (n), (p), and (s), of Regulation (EU) 2024/1735, nuclear fuel cycle technologies referred to in Article 4(1), point (i), of Regulation (EU) 2024/1735, electric propulsion technologies for transport | MT<br>(Drafting suggestions):<br><br>1. The Commission is empowered to adopt ~~delegated~~ **implementing** acts in accordance with Article 30 of this Regulation to supplement the list of emerging strategic sectors to be covered by this Chapter to sectors critical to the Union's economic security including net-zero technologies listed in |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| referred to in Article 4(1), point ®, of Regulation (EU) 2024/1735, and excluding digital technologies, artificial intelligence, quantum technologies and semiconductors. | Article 4(1), points (b), (d), (e), (g), (h), (j), (k), (n), (p), and (s), of Regulation (EU) 2024/1735, nuclear fuel cycle technologies referred to in Article 4(1), point (i), of Regulation (EU) 2024/1735, electric propulsion technologies for transport referred to in Article 4(1), point ®, of Regulation (EU) 2024/1735, and excluding digital technologies, artificial intelligence, quantum technologies and semiconductors.<br><br>MT<br>(Comments):<br><br>Malta is against delegated acts and has inserted implementing acts to ensure that both Member States and the European Parliament are actively involved in the process. Malta also raises two main concerns. First, it questions whether the sectors identified as critical to the Union's economic security might already be covered by the foreign direct investment screening framework, and asks whether the proposal therefore duplicates an existing legal instrument. Second, Malta points out that the power conferred on the Commission may go beyond what is permissible for delegated acts, since defining economic security criteria could amount to setting an essential element of the legislation, which under the Treaties must remain for the legislator. |
| | |
| These delegated acts shall be without prejudice to other Union acts establishing investment criteria for these sectors. | MT<br>(Drafting suggestions):<br><br>These ~~delegated~~ **implementing** acts shall be without prejudice to other Union acts establishing investment criteria for these sectors.<br><br>MT<br>(Comments): |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Malta is against delegated acts and has inserted implementing acts to ensure that both Member States and the European Parliament are actively involved in the process |
| | |
| 2. The delegated acts referred to in paragraph 1 shall be based on the following factors: | MT<br>(Drafting suggestions):<br>2. The ~~delegated~~ **implementing** acts referred to in paragraph 1 shall be based on the following factors:<br>MT<br>(Comments):<br>Malta is against delegated acts and has inserted implementing acts to ensure that both Member States and the European Parliament are actively involved in the process |
| | |
| (a) an assessment of whether modifying the list of emerging strategic sectors would unduly deter or discourage foreign direct investment in the Union; | |
| | |
| (b) number of foreign direct investments in that sector, taking into account their contribution to the Union's security of supply and their added value to the Union's economy; | |
| | |
| © market situation and conditions, including supply chain disturbances, on Union level; | |
| | |
| (d) technological developments and the Union's competitiveness in that sector in comparison to third countries; | |
| | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| (e) supply chain dependence in the relevant sector on one or more countries. | |
| | |
| 3. The delegated acts adopted pursuant to paragraph 1 shall contain: | MT<br>(Drafting suggestions):<br>3. The ~~delegated~~ **implementing** acts adopted pursuant to paragraph 1 shall contain:<br>MT<br>(Comments):<br>Malta is against delegated acts and has inserted implementing acts to ensure that both Member States and the European Parliament are actively involved in the process |
| | |
| (a) the threshold value referred to in Article 17(1) for each of those additional sectors; | |
| | |
| (b) whether the investment conditions referred to in Article 18 are appropriate and necessary to meet the objectives of this Regulation with respect to the sector concerned, and if not, which of those criteria is to be applied. | |
| | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| CHAPTER V<br>**INDUSTRIAL MANUFACTURING ACCELERATION AREAS** | SI<br>(Comments):<br>With regard to the designation by Member States of areas for industrial promotion for the purpose of fostering industrial activities, Slovenia supports, in principle, the objectives of increasing the competitiveness of industrial production. Slovenia has recently been working toward the geographic designation of areas intended for the further strategic development of industry. However, we express concern that by requiring the mandatory designation of such areas, the act unduly encroaches upon Member States' competences in the field of spatial planning and construction and fails to respect the principles of subsidiarity and proportionality (Article 5 of the Treaty on European Union).<br><br>Slovenia proposes that the designation of areas in the act remains voluntary and not a legal obligation. Regarding the introduction and issuance of a common basic permit, we believe that the act must define in greater detail how the introduction of this permit overlaps with and fits into existing permitting procedures. We insist that the provisions regarding authorization in the act must be clear and unconditional, so as to enable direct enforcement and not violate the principle of equality. We also note that Annex 1 must define the industrial sectors in a meaningful, clear, and sufficiently broad manner, which will allow Member States sufficient flexibility and autonomy to decide on industrial development based on the development potential and constraints within their territory. |
| | |
| *Article 25*<br>**Designating national industrial manufacturing acceleration areas** | |
| | |
| 1. Member States shall designate at least one industrial manufacturing acceleration area on their territory by [OP please insert date: 12 months | MT |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| following the entry into force of this Regulation] to cluster industrial manufacturing projects in one or several of the strategic sectors listed in Annex I. | (Drafting suggestions):<br><br>Member States ~~shall~~ **may decide to** designate ~~at least one industrial~~ **a** manufacturing acceleration area on their territory ~~by [OP please insert date: 12 months following the entry into force of this Regulation]~~ to cluster industrial manufacturing projects in one or several of the strategic sectors listed in Annex I.<br><br>MT<br>(Comments):<br><br>The designation of Industrial Manufacturing Acceleration Areas raises concerns, particularly in light of Malta's geographic constraints and limited space for large-scale industrial activities. The country's small landmass and densely populated areas mean that accommodating such large industrial operations could be very challenging.<br><br>In this regard we are proposing an amendment which also reflects text in NZIA which makes the provision voluntary.<br><br>Additionally, Clarification is required on whether these obligations refer to the creation of new industrial areas or whether existing industrial areas may also be designated.<br><br>NL<br>(Drafting suggestions):<br><br>1.<br><br>SI<br>(Drafting suggestions):<br><br>Member States ~~shall~~**may** designate at least one industrial manufacturing acceleration area on their territory by [OP please insert date: 12 months following the entry into force of this Regulation] to cluster industrial |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | manufacturing projects in one or several of the strategic sectors listed in Annex I.<br><br>SI<br>(Comments):<br><br>Provision to designate at least one industrial manufacturing acceleration area should't be obligatory. |
| | |
| 2. Member States shall designate industrial manufacturing acceleration areas by decision, on the basis of the following elements: | |
| | |
| (a) the impact of the industrial manufacturing acceleration area's production on the security of the Union's supply for the strategic sectors listed in Annex I; | |
| | |
| (b) the potential of the industrial manufacturing acceleration area to support the deployment of production capacity in the strategic sectors listed in Annex I, to strengthen Union value chains and the Union's innovation potential to accelerate sustainable manufacturing industrial activities, including decarbonisation and circular business practices, and to foster the functioning of the internal market, in alignment with strategic projects and other initiatives, including as Net Zero Acceleration Valleys, carried out pursuant to other Union legislation; | |
| | |
| © the number of SMEs and SMCs that would benefit from the provisions of this Chapter within the industrial acceleration area; | |
| | |
| (d) the Member State's regions' level of development, including least developed areas, regions in transition, and those undergoing industrial transformation. | |
| | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| 3. When designating industrial manufacturing acceleration areas, Member States shall: | MT<br>(Comments):<br>Maltese industrial areas already satisfy most of the criteria outlined in Section 3 (Art. 25). However, as one of the smallest MSs, MT faces significant limitations in land availability and spatial capacity, a challenge that Malta and other small MSs have previously highlighted in discussions relating to the Net Zero Industry Act. Given these constraints, MT evaluates each investment on a case-by-case basis, taking into account the nature and scope of the project and matching it with available land or premises to ensure optimal allocation. |
| | |
| (a) define a clear geographic scope for the acceleration area; | |
| | |
| (b) prioritise locations where the deployment of a specific sector or sectors of industrial manufacturing projects is not expected to have a significant environmental impact; | |
| | |
| © prioritise locations outside Natura 2000 sites and outside areas designated under national protection schemes for nature and biodiversity conservation, as well as other areas identified on the basis of sensitivity maps and outside protected areas as referred to in Article 6 of Directive 2000/60/EC; | NL<br>(Drafting suggestions):<br>~~©~~ |
| | |
| (d) take into account climate risks in the areas designated; | NL<br>(Drafting suggestions):<br>(d) |
| | |
| (e) prioritise artificial and built surfaces, industrial sites, and brownfield sites, as well as already identified strategic projects pursuant to other Union legislation. | |
| | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| 4. When designating industrial manufacturing acceleration areas, Member States shall take into account, as relevant, the following considerations: | |
| | |
| (a) the infrastructural needs of the acceleration area; | |
| | |
| (b) the financing needs of manufacturing industry located in the acceleration area and the possibility to support that industry, where applicable, in accordance with applicable State aid rules; | |
| | |
| © the supply chain needs within the acceleration area and the essential materials, particularly secondary materials, necessary for manufacturing activities; | |
| | |
| (d) the feasibility of connecting the acceleration area with sufficient low-carbon energy supply for the acceleration of industrial manufacturing activity; | |
| | |
| (e) skill needs, the shortages and employment trends and support measures to achieve the adequate reskilling and upskilling of the local workforce; | |
| | |
| (f) the need, as relevant, for depollution of the acceleration area to facilitate the commencement of new industrial activities; | |
| | |
| (g) research and innovation needs for accelerating the manufacturing industrial activity in the area; | |
| | |
| (h) relevant location-specific information made publicly available by industry, including corporate climate transition plans, related targets and actions, investment needs, and required enabling policy frameworks. | |
| | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| 5. Before their adoption, the plans or programmes on the designation of the industrial manufacturing acceleration areas shall be subject to an environmental assessment pursuant to Directive 2001/42/EC of the European Parliament and of the Council[44], and, if they are likely to have a significant impact on Natura 2000 sites, to the appropriate assessment pursuant to Article 6(3) of Council Directive 92/43/EEC[45] and, where applicable, to the relevant assessment to comply with Article 4(7) of Directive 2000/60/EC of the European Parliament and of the Council[46].<br><br>44 Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (OJ L 197, 21.7.2001, p. 30, ELI: http://data.europa.eu/eli/dir/2001/42/oj).<br><br>45 Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7, ELI: http://data.europa.eu/eli/dir/1992/43/oj).<br><br>46 Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1, ELI: http://data.europa.eu/eli/dir/2000/60/oj). | NL<br>(Drafting suggestions):<br>5. |
| | |
| 6. Member States shall inform the Commission of the designation of an industrial manufacturing acceleration area, within 30 days from the adoption of the relevant decision. | |
| | |
| *Article 26*<br>**Enabling conditions** | |
| | |
| Member States shall take the following measures, where appropriate, to facilitate the development of industrial manufacturing acceleration areas: | |
| | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| (a) facilitate financing of projects in the acceleration areas by ensuring coordination between authorities and streamlining internal procedures, in synergy with Union programmes and in accordance with existing State aid rules where applicable, taking into account the participation of SMEs and SMCs; | |
| | |
| (b) promote research and innovation investments to accelerate the innovative potential and Union's competitiveness and technology leadership in the acceleration areas; | |
| | |
| © conduct, and review at least every three years, a comprehensive analysis of the energy needs of each acceleration area and identifying the required energy infrastructure capacity for the proper functioning and development of industrial manufacturing projects located in the acceleration area. | |
| | |
| Such analysis shall be conducted, at least, when designating the industrial acceleration area and for the milestones of years 2030, 2040 and 2050, ensuring alignment with the Union's decarbonisation pathway; | |
| | |
| (d) ensure that the network development plans prepared by transmission system operators pursuant to Article 51 of Directive (EU) 2019/944 of the European Parliament and of the Council[47] and distribution system operators pursuant to Article 32 of Directive (EU) 2019/944 take due account of the analysis prepared pursuant to point © of this paragraph, considering the potential of anticipatory investments to accommodate future system needs;<br><br>47 Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU (OJ L 158, 14.6.2019, p. 125, ELI: http://data.europa.eu/eli/dir/2019/944/oj). | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | |
| (e) exchange information on relevant supply chains, identify potential bottlenecks, and strengthen coordination between acceleration areas on critical raw materials issues within the framework of the European Critical Raw Materials Board established by Article 35 of Regulation (EU) 2024/1252; | |
| | |
| (f) promote entities in the acceleration areas and facilitate their participation, where relevant, in the joint purchasing mechanism established by Article 25 of Regulation (EU) 2024/1252, including by providing guidance, support, and information to ensure effective engagement; | |
| | |
| (g) support the development and availability of a highly skilled workforce and provide appropriate training and apprenticeship opportunities, thereby contributing to high-quality employment within those acceleration areas; | |
| | |
| (h) exchange information on the necessary skills, potential shortages of those skills and best practices applied in the acceleration areas within the framework of the Industrial Forum expert group established by COM/2020/102[48];<br><br>48 Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions a New Industrial Strategy for Europe (COM/2020/102 final). | |
| | |
| (i) ensure synergies and promote the benefits provided under the Pact for Skills[49] or entities established in the acceleration areas, with particular attention to Large-Scale Skill Partnerships and Regional Skills Partnerships included therein.<br><br>49 Communication from the Commission to the European Parliament, the Council, the | |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| European Parliament, the European Economic and Social Committee and the Committee of the Regions, European Skills Agenda for sustainable competitiveness, social fairness and resilience ((COM(2020) 274 final). | |
| | |

PUBLIC

| | |
|---|---|
| *Article 27*<br>**Permit-granting procedures in acceleration areas** | MT<br>(Comments):<br><br>With respect to Article 27 (Permit-granting procedures in acceleration areas) requires that the member states shall prepare and issue an aggregated baseline permit as seen in Recital 58:<br><br>(58) *To promote the development of industrial manufacturing acceleration areas and to expedite the permit-granting procedures necessary for industrial activities within those areas, Member States should establish an aggregated baseline permit reflecting the specific characteristics of each identified industrial acceleration area and tailored to the industrial manufacturing sector or sectors to be deployed therein. That aggregated baseline permit issued by public authorities should cover the permits commonly required for such activities within the area, excluding those permits that are installation specific, such as those required under Directive 2010/75/EU of the European Parliament and of the Council and the grid connection permit. Consequently, project promoters should be required to obtain additional permits only for activities not covered by the aggregated baseline permit as well as environmental assessments where required. In case of activities potentially affecting Union and nationally protected sites, relevant permits should be granted only after having ensured that the activities are compatible with the conservation objectives of these sites. Such approach should significantly accelerate permit-granting procedures and reduce the administrative burden associated with them whilst maintaining high level of environmental standards.*<br><br>Malta still requires further clarification as to what this concept entails in practice, since the clarifications provided by the CION remain too generic.<br><br>When the question states that permits can be aggregated at area level and which should remain project-specific, what does aggregated mean in terms of the development planning application process? It is a question of many |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | land owners applying for development in one application? Is it a question of landuse policy identifying areas where industrial development may be accelerated? And why is it termed as baseline? Is this similar to an outline development permission, whereby a project promoter just requests an approval in principle of the proposed development (this would be a non-executable planning permit, meaning that one cannot just proceed to build with it but that the next step would be a full development application)?<br><br>In particular, Malta kindly asks the Commission to provide specific explanations and practical examples illustrating how such an aggregated baseline permit would operate, including its legal and procedural implications. |
| | |
| 1. For each designated industrial manufacturing acceleration area, Member States shall prepare and issue an aggregated baseline permit authorising industrial activities located within that area. This aggregated baseline permit shall cover the permits and administrative authorisations required for the industrial manufacturing projects located within the acceleration area, excluding those permits that are installation specific. | |
| | |
| 2. Before issuing the aggregated baseline permit referred to in paragraph 1, Member States shall carry out all necessary assessments, including relevant environmental assessments, planning procedures and evaluations applicable at the level of the acceleration area. Member States shall take into account the assessment carried out pursuant to Article 25(5). | |
| | |
| 3. Industrial manufacturing projects located within an industrial manufacturing acceleration area shall be required to obtain only those additional permits or authorisations that fall outside the scope of the aggregated baseline permit referred to in paragraph 1. | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | |
| 4. All industrial manufacturing projects located within an acceleration area shall be considered strategic projects contributing to resilience and decarbonisation or resource efficiency for the purposes of [Article 14 of Proposal for a Regulation on speeding-up environmental assessment]. Points 1, 2 and 3 of the Annex to that Regulation shall apply. | |
| | NL<br>(Drafting suggestions):<br>**5** |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| CHAPTER VI<br>**FINAL PROVISIONS** | SI<br>(Comments):<br>Slovenia shares the view of several Member States regarding the overly broad scope of the European Commission's powers to adopt delegated acts and believes that the use of delegated acts must be clearly defined and their application limited (so that they regulate only non-essential elements and do not allow for interference with the substantive part of the regulation). We believe that excessive reliance on secondary legislation may create legal uncertainty for entities, including both businesses and national authorities.<br><br>Slovenia wishes to obtain further information regarding the provisions related to sanctions, as we believe that the current text is not sufficiently clear, nor is a timeframe specified for the imposition of sanctions at the Member State level.<br><br>Regarding the proposed amendments to Regulation (EU) 2024/1735 (NZIA), we believe that amending the act so soon after its entry into force is inappropriate. We note that the implementation of the NZIA provisions, particularly in the area of public procurement, is already very challenging, with certain practical difficulties and ambiguities arising in Member States even in the initial phase of implementation.<br><br>In our view, the proposed amendments or additions to the provisions of the NZIA within the framework of this act therefore create additional ambiguities and represent an additional administrative and implementation burden for Member States. |
| | |
| *Article 28*<br>**Evaluation** | |
| | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| By [OP: Please insert the date = two years after the date of entry into force of this Regulation], and every three years thereafter, the Commission shall carry out an evaluation of this Regulation and of its contribution to the functioning of the internal market. The evaluation shall consider: | MT<br>(Comments):<br><br>Malta notes that this Article includes provisions on the Evaluation and Review of the IAA to be carried out by the European Commission. Amongst others, the evaluation shall consider *'progress made in achieving the industrialisation objective pursuant to Article 2, taking into account the challenges and opportunities in the internal market and global markets'*. The Commission shall also assess the necessity of amending Chapter III (Strengthening The Union's Strategic Industrial Value Chains) through a legislative proposal to repeal or amend the IAA.<br><br>In this regard, it is essential that any review or potential amendment of the IAA does **not introduce additional EU origin requirements** for either existing or new products, as such measures would risk fragmenting the Single Market, increasing compliance costs for industry, and undermining the Union's open strategic autonomy and global competitiveness. |
| | |
| (a) progress made in achieving the objectives specified in Article 1, particularly on resilience, economic security and decarbonisation of industrial production; | |
| | |
| (b) progress made in achieving the industrialisation objective pursuant to Article 2, taking into account the challenges and opportunities in the internal market and global markets; | |
| | |
| © the related administrative costs, economic impacts on downstream sectors, small and medium enterprises and impacts on public budgets. | |
| | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| *Article 29*<br>**Review** | |
| | |
| By [OP: Please insert the date three years after the date of entry into force this Regulation], the Commission shall assess the necessity of amending Chapters III and IV. The Commission may submit a legislative proposal in order to repeal or amend this Regulation. That review shall be carried out periodically every three years after the first review. | |
| | |
| When carrying out its review, the Commission shall pay particular attention to the effectiveness of this Regulation and the persistence of the circumstances that have justified the adoption of this Regulation and to the necessity to introduce Union origin requirements for products from certain sectors critical to the Union's economic security, notably the building of ships and of rail rolling stock. | |
| | |
| *Article 30*<br>**Exercise of the delegation** | |
| | |
| 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article. | MT<br>(Comments):<br>It is noted that throughout the proposal a number of Delegated Acts are being proposed. In principle Malta does not favour the use of delegated acts and prefers Implementing Acts, if these are necessary. |
| | |
| 2. The power to adopt delegated acts referred to in Articles 8, 9, 10, 16 and 24shall be conferred on the Commission for an indeterminate period of time from [OP please insert the date = the date of the entry into force of this Regulation]. | |
| | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| 3. The delegation of power referred to in Articles 8, 9, 10, 16 and 24 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 on 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 Articles 8, 9, 10, 16 and 24shall enter into force only if no objection has been expressed either by the European Parliament or by 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. | |
| | |
| *Article 31*<br>**Committee procedure** | |
| | |
| 1. The Commission shall be assisted by a Committee. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011. | |
| | |
| 2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply. | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | |
| 3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. | |
| | |
| *Article 32*<br>**Penalties** | |
| | |
| Member States shall lay down rules on penalties applicable to infringements of the provisions of this Regulation and shall take all necessary measures to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, without delay, notify the Commission of those rules and measures and shall notify it, without delay, of any subsequent amendment affecting them. | SI<br>(Comments):<br>The determination of penalties will be left to the discretion of Member States?<br>It is unclear for which specific rules penalties must be established—for every single one or only for certain ones, such as more serious infringements? How to ensure proportionality, this could lead to inconsistent regulations and practices among Member States, both generally and in public procurement, thereby undermining the uniformity of public procurement rules within the internal market. |
| | |
| *Article 33*<br>**Amendments to Regulation (EU) 2018/1724** | |
| | |
| Annexes I and II to Regulation (EU) 2018/1724 are amended in accordance with Annex V to this Regulation. | |
| | |

| | |
|---|---|
| *Article 34*<br>**Amendments to Regulation (EU) 2024/1735** | AT<br>(Comments):<br><br>**General remarks:**<br><br>On the interaction between Art. 25(7) and Art. 25a NZIA:<br><br>AT thanks COM for the explanations provided during the meeting of the CWP on 11 May regarding the interplay between the resilience provision pursuant to Art. 25(7) and the Union origin requirements for public procurement procedures under the new Art. 25a. AT notes that, according to COM's explanations, in cases where COM has determined, in accordance with Art. 29(2) NZIA, that a dependency on a third country exists, the resilience provision and the Union origin requirements are to be applied cumulatively. In order to better understand the practical interaction between these two mechanisms in the context of a concrete public procurement procedure, AT would welcome if COM could illustrate their combined application by means of practical examples.<br><br>On the interaction of Art. 25(7) and Art. 25a NZIA with other sector-specific legislation:<br><br>AT notes that at present, several Union legal acts already contain preference schemes in favour of EU undertakings and/or products (e.g. Regulation [EU] 2024/1610 [HDV]), while similar schemes are currently being discussed in parallel legislative processes (see CWG PHARMA and the Critical Medicines Act). A key concern is that these schemes follow different models and rely on differing criteria for determining the Union origin of goods and economic operators to be preferred (e.g. place of establishment of the economic operator, share of value added generated within the EU, origin of goods). |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Additionally, more than 80 sector-specific procurement provisions in Union legal acts outside the procurement directives either exist or are under negotiation. The relationship and interaction between these different provisions remain unclear and give rise to significant legal uncertainty and interpretative difficulties, while at the same time considerably increasing transaction costs in public procurement procedures. Furthermore, some of these provisions apply cumulatively when procuring a specific product.<br><br>AT would like to illustrate these concerns by means of the following example: where a contracting authority or entity procures an electric heavy-duty vehicle, the procurement procedure falls simultaneously within the scope of the NZIA (resilience provision and Union-origin requirements; see also Commission Implementing Regulation (EU) 2025/1178), the Heavy-Duty Vehicles Regulation (Heavy Duy Vehicles Regulation (EU) 2024/1610, cf. Article 3e(2)), the IAA (Annex III), the Batteries Regulation (Regulation (EU) 2023/1542, Art. 85) and the Energy Efficiency Directive (Directive (EU) 2023/1791). AT would welcome clarifications from COM as to how these different regimes are intended to interact in practice and whether COM could illustrate this by means of a practical example. AT notes that especially smaller contracting authorities (like municipalities) and contracting entities are not in a position to comply with and operationally manage all of these different regimes simultaneously.<br><br>Against this background, the introduction of yet another model of an EU preference scheme in an additional sector-specific legal act such as the IAA and the NZIA is viewed critically from a public procurement perspective as well as from the perspective of practitioners. Instead, any “Made in EU” or “European Preference” provision should be incorporated as a horizontal rule into the public procurement directives in the context of the ongoing revision and be limited to clearly defined strategic sectors. In sector specific |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | legislation a "trigger provision" might be implemented which makes the horizontal regime applicable.<br><br>BE<br>(Comments):<br><br>BE: Positive that NZIA and IAA are being aligned, although clarification is needed.<br>For now, scrutiny reservation on the scope of these amendments.<br><br>CZ<br>(Comments):<br><br>The global supply chain is irreplaceable for the nuclear energy sector. No EU-only supply chain exists or can be created within a realistic timeframe for all required components. Imposing Union origin requirements for nuclear components (heavy forgings, special alloys, pressure vessels, fuel cycle components) would immediately block new nuclear construction in the Czech Republic and other EU Member States investing in nuclear, and would jeopardise SMR programmes. The Czech Republic depends critically on non-EU suppliers such as Westinghouse (US), and Korean/Japanese partners. Partial EU sourcing can be explored only where EU manufacturing actually exists at the required technical specification.<br><br>MT<br>(Comments):<br><br>Article 34 of the proposal introduces amendments to the current Net Zero Industry Act (NZIA), in particular the provisions related to the application of non-price criteria in public procurement (Article 25 of NZIA), renewable |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | energy auctions (Article 26), and other forms of public intervention (Article 28).<br><br>Malta notes that the new obligations go significantly beyond the current NZIA Regulation and would now require the procurement of net-zero technologies and components which originate in the Union. Whilst we broadly support the need to increase European net-zero technology manufacturing, it is important that such new obligations do not hinder the deployment of net-zero technologies by limiting technology options or significantly increasing deployment cost. The current NZIA obligations, which are already considered onerous, are still being implemented by Member States, and sufficient time needs to be allowed for the ramping up of European manufacturing productivity in the area of net-zero technologies. **We therefore strongly suggest retaining the current NZIA provisions, which are already considered as onerous, particularly with regard to the amendments to Article 26, those related with Article 28a and 28b and new Annex II.** |
| | |
| Regulation (EU) 2024/1735 is amended as follows: | |
| | |
| (1) in Article 3 the following points (34), (35) and (36) are added: | RO<br>(Comments):<br><br>When implementing the amendments introduced by this Article, the Commission shall assess their impact on SMEs participating in net-zero technology value chains and provide appropriate implementation guidance." SMEs are active across a broad range of net-zero technology supply chains, including manufacturing, installation, maintenance and integration activities. Additional obligations concerning origin, certification, traceability or supplier verification may generate significant compliance costs. SME-specific implementation guidance would support effective compliance and preserve competitiveness. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | |
| | |
| (a) '(34) 'industrial battery' means an industrial battery as defined in Article 3(1), point (13), of Regulation (EU) 2023/1542 of the European Parliament and the Council*;' | |
| | |
| (b) '(35) 'stationary battery energy storage system' means a stationary battery energy storage system as defined in Article 3(1), point (15), of Regulation (EU) 2023/1542;' | MT<br>(Comments):<br>Request for clarification: Kindly clarify where this defintion is being used in the NZIA since there is no other reference to it in the rest of the proposal. |
| | |
| © '(36) 'hydronic heat pump' means a space heater using ambient heat from an air source, water source or ground source, and/or waste heat for heat generation and heating space through a water circuit.' | IT<br>(Drafting suggestions):<br>© '(36) ~~'hydronic heat pump' means a space heater using ambient heat from an air source, water source or ground source, and/or waste heat for heat generation and heating space through a water circuit.'~~<br>**'Heat pump technology' means a device or system that transfers heat from ambient air, ground, water, industrial waste heat or other renewable or low-carbon heat sources to provide heating, cooling, hot water or process heat, including hydronic heat pumps, air-air heat pumps, industrial heat pumps and high-temperature heat pumps.**<br><br>IT<br>(Comments):<br>The current reference limited to hydronic heat pumps risks excluding other heat pump technologies that are already commercially available and play a |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | significant role in achieving the European Union's decarbonisation, energy security and industrial competitiveness objectives. A technology-specific approach may not adequately reflect the diversity of applications and market developments within the heating, cooling, domestic hot water and industrial sectors. In particular, air-air heat pumps, domestic hot water heat pumps, industrial heat pumps and high-temperature heat pumps are increasingly contributing to the electrification of energy demand and the reduction of greenhouse gas emissions across residential, commercial and industrial applications. The proposed amendment therefore introduces a more technology-neutral approach, consistent with the objectives of the Net-Zero Industry Act and the Industrial Accelerator Act, by recognising the contribution of the entire heat pump value chain to Europe's clean industrial transition. Broadening the scope to all heat pump technologies would support investment certainty, strengthen European manufacturing capacity, foster innovation and skills development, and avoid creating unintended market distortions between technologies that contribute to the same decarbonisation objectives.<br><br>IT<br>(Drafting suggestions):<br><br>© '(36) ~~'hydronic heat pump' means a space heater using ambient heat from an air source, water source or ground source, and/or waste heat for heat generation and heating space through a water circuit.'~~<br>**'Heat pump technology' means a device or system that transfers heat from ambient air, ground, water, industrial waste heat or other renewable or low-carbon heat sources to provide heating, cooling, hot water or process heat, including hydronic heat pumps, air-air heat pumps, industrial heat pumps and high-temperature heat pumps.**<br><br>IT |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Comments):<br><br>The current reference limited to hydronic heat pumps risks excluding other heat pump technologies that are already commercially available and play a significant role in achieving the European Union's decarbonisation, energy security and industrial competitiveness objectives. A technology-specific approach may not adequately reflect the diversity of applications and market developments within the heating, cooling, domestic hot water and industrial sectors. In particular, air-air heat pumps, domestic hot water heat pumps, industrial heat pumps and high-temperature heat pumps are increasingly contributing to the electrification of energy demand and the reduction of greenhouse gas emissions across residential, commercial and industrial applications. The proposed amendment therefore introduces a more technology-neutral approach, consistent with the objectives of the Net-Zero Industry Act and the Industrial Accelerator Act, by recognising the contribution of the entire heat pump value chain to Europe's clean industrial transition. Broadening the scope to all heat pump technologies would support investment certainty, strengthen European manufacturing capacity, foster innovation and skills development, and avoid creating unintended market distortions between technologies that contribute to the same decarbonisation objectives.<br><br>PL<br>(Comments):<br><br>The definition should not exclude heat pumps with a capacity exceeding 70 kW or solutions used in<br>multifamily and commercial buildings and district heating systems." |
| | |
| ___ | |
| | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| * Regulation (EU) 2023/1542 of the European Parliament and of the Council of 12 July 2023 concerning batteries and waste batteries, amending Directive 2008/98/EC and Regulation (EU) 2019/1020 and repealing Directive 2006/66/EC (OJ L 191, 28.7.2023, p. 1, ELI: http://data.europa.eu/eli/reg/2023/1542/oj).; | |
| | |
| (2) in Article 9, the following paragraph (14) is added: | |
| | |
| 14. All net-zero technology manufacturing projects shall be considered strategic projects contributing to resilience and decarbonisation or resource efficiency for the purpose of Article 14(1) of [Proposal for a Regulation on speeding-up environmental assessment].’; | AT<br>(Comments):<br><br>The wording in Art. 6(2) IAA, Art. 27(4) IAA and Art. 9(14) (new) NZIA should be aligned.<br>And since the term “stragic projects” led to confussion among MS in CWP on 21/5 (in terms of “NZ-strategic projects” - which are not relevant here), the text should be improved.<br><br>RO<br>(Comments):<br><br>By modifying the NZIA Regulation, Article 34 introduces Union origin requirements for net-zero technologies, including nuclear fission technologies. For public procurement procedures and member state support regarding the construction of new nuclear power plants, including SMRs, Union origin requirements are envisioned for two and three specific main components, respectively.<br>We believe that this approach can be supported as a European industrial development objective, but it must be complemented with feasibility guarantees for the nuclear sector. The notion of "**specific main components**" must be carefully defined, in consultation with nuclear operators, technology suppliers, nuclear regulatory authorities, and the relevant European industry. In the nuclear sector, a component cannot be treated solely as a standard |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | industrial element; it can be part of the design basis, the licensing framework, the nuclear safety demonstration, and the validated technological configuration. |
| | |
| (3) Article 25 is amended as follows: | |
| | |
| (a) paragraph 1 is replaced by the following: | |
| | |
| '1. For public procurement procedures falling within the scope of Directive 2014/23/EU, 2014/24/EU or 2014/25/EU, where contracts have net-zero technologies listed in Article 4(1), points (a) to (d), (h) and (i), of this Regulation as part of their subject matter, or in the case of works contracts and works concessions including said technology, contracting authorities and contracting entities shall apply minimum mandatory requirements regarding environmental sustainability established in the implementing act referred to in paragraph 5 of this Article.'; | AT<br>(Drafting suggestions):<br>'1. For public procurement procedures falling within the scope of Directive 2014/23/EU, 2014/24/EU or 2014/25/EU, where contracts have net-zero technologies listed in Article 4(1), points (a) to (d), (h) and (i), of this Regulation as part of their subject matter, or in the case of works contracts and works concessions including said technology, **and in the case of contracts awarded on the basis of a framework agreement where the estimated value of those contracts is equal to or above the values set out in Article 8 of Directive 2014/23/EU, Article 4 of Directive 2014/24/EU and Article 15 of Directive 2014/25/EU,** contracting authorities and contracting entities shall apply minimum mandatory requirements regarding environmental sustainability established in the implementing act referred to in paragraph 5 of this Article.';<br>AT<br>(Comments):<br>For AT hydropower is an important energy source, therefore hydropower technologies should be re-included in Art 25 as well as in the "Made in Europe" criteria of Annex II. |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | AT wonders why hydrogen technologies, sustainable biogas and hydropower technologies are excluded from the scope of Art. 25. During the meeting of the CWP on 11 May, COM explained that this is due to the currently very limited scale of those net-zero technologies in public procurement. Could COM point to where the corresponding analysis can be found in the impact assessment?<br>AT understands that hydropower technologies are not subject to Directive 2014/25/EU in AT due to Commission Decision 2008/585/EC, which exempts the production of electricity in AT from the application of that Directive. However, AT notes that there are tidal power plants in other MS (where energy production is not exempted from Directive 2014/25/EU) using the ocean for the production of electricity (e.g. the Rance Tidal Power Plant, as well as the proposed/planned FloWatt tidal power project and the Normandie Hydroliennes NH1 project in France). AT would therefore welcome clarification as to whether COM considers such tidal power plants to fall within the notion of "hydropower technology" under the NZIA and, consequently, to constitute potential use cases for public procurement under Art. 25.<br><br>Under the current wording of Art. 25(1), the mere inclusion in a public procurement procedure of any net-zero technology falling within the scope of the provision already triggers the application of Art. 25 in its entirety. By way of example, the installation of a limited number of solar panels on a new building would already result in the corresponding works contract falling within the scope of the NZIA, even where the share of the net-zero technology is economically and functionally negligible. AT considers this to be disproportionate and therefore questions, why the proposed amendments to Art. 25(1) do not provide for the introduction of a de minimis threshold. AT would welcome further explanations from COM in this regard.<br><br>DE |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Comments):<br>Scrutiny Reservation: GER has not yet taken a final position on the scope of public procurement provisions. |
| | |
| (b) in paragraph 7, the first subparagraph is replaced by the following: | |
| | |
| 'The tender's resilience contribution shall be taken into account in the case of public procurement procedures, work contracts and works concessions referred to in paragraph 1, in accordance with this paragraph.' | AT<br>(Drafting suggestions):<br>'The tender's resilience contribution shall be taken into account in the case of public procurement procedures~~, work contracts and works concessions~~ referred to in paragraph 1, in accordance with this paragraph.'<br>AT<br>(Comments):<br>AT notes that the amendment of para 7 refers to "*public procurement procedures, works contracts and works concessions*". Since the term "*public procurement procedures*" is already defined in Art. 3(23) of the NZIA as encompassing any type of award procedure for the conclusion of a public contract under Directive 2014/24/EU, for the conclusion of a supply, works and service contract under Directive 2014/25/EU and for the award of a works or services concession under Directive 2014/23/EU, AT considers the additional references to "works contracts" and "works concessions" in Art. 25 para 7 to be redundant and potentially liable to create interpretative uncertainty. In Art. 25 para 1, the distinction between "contracts", on the one hand, and "works contracts and works concessions", on the other hand, was made only in order to clarify that, in the case of contracts, the relevant technology must form part of the subject matter of the contract, whereas works contracts and works concessions must include the technology. Since the amended para 7 already refers to para 1, this differentiation is not needed in para 7. |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Regarding the deletion of the half-sentence "*and in the case of contracts awarded on the basis of a framework agreement where the estimated value of those agreements is equal to or above the values set out in Article 8 of Directive 2014/23/EU, Article 4 of Directive 2014/24/EU and Article 15 of Directive 2014/25/EU*" in para 7 subpara 1, COM explained during the meeting of the CWP on 11 May that this amendment is not intended to modify the scope of application of para 7. According to COM, the purpose of the amendment is merely to avoid the misconception that call-offs under framework agreements are covered exclusively by para 7 and not by the remainder of Art. 25. AT agrees that call-offs under framework agreements are already covered by Art. 25(1) as such. However, AT points out that the specific wording in Art. 25(7) serves the purpose of limiting the application of the resilience provision to call-offs whose value reaches the relevant EU thresholds (so as to avoid the application to small call-offs to avoid unnecessary administrative burdens). In this regard, AT notes that the wording is modelled on Art. 8(1) of Regulation (EU) 2022/1031 (International Procurement Instrument – IPI) and originates from the joint proposal submitted by AT, NL, IE, PL and DK in October 2023. AT further notes that the reference to the estimated value of those "agreements" in the current para 7 constitutes a drafting inconsistency and should instead refer to "contracts", in line with Art. 8(1) IPI. Otherwise, the half-sentence would not achieve its intended purpose (c.f. Article 8(1) IPI and the above-mentioned joint proposal). AT nevertheless agrees with COM that the scope of application of Art. 25(1) and Art. 25(7) should be aligned to avoid interpretative difficulties. C.f. the drafting suggestions on Art. 25(1) and (7) in the middle column.<br><br>DE<br>(Drafting suggestions): |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | 'The tender's resilience contribution shall be taken into account in the case of public procurement procedures~~, work contracts and works concessions~~ referred to in paragraph 1, in accordance with this paragraph.'<br><br>DE<br>(Comments):<br><br>The proposed amendment is purely legal-technical in nature: it is not apparent why "work contracts" and "works concessions" are mentioned alongside "public procurement procedures" as if they were equivalent categories. Both terms refer to types of contracts that are awarded through public procurement procedures. Therefore, the reference to "public procurement procedures" alone is sufficient; the parallel mention of "work contracts" and "works concessions" is rather confusing. The referenced paragraph 1 also mentions "work contracts" and "works concessions" only as specifications of "public procurement procedures".<br><br>SE<br>(Comments):<br><br>With the revision of the NZIA, several net-zero technologies will be covered by parallel requirements regarding both resilience contribution and Union origin. This will create a complex regulatory framework and increase administrative burden for both companies and public actors. |
| | |
| © in paragraph 7, point (a) is replaced by the following: | |
| | |
| '(a) an obligation for the duration of the contract not to supply more than 50 % of the value of the specific net-zero technology final product referred to in this paragraph from each individual third country as determined by the Commission; | AT<br>(Comments):<br><br>AT welcomes the clarifications provided in para 7, points (a).<br><br>MT |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Comments):<br><br>Malta would like a clarification as to what is implied by 'Final Product'. Should it be understood that the provision relates to the Net Zero Technologies per se ie the equipment as delivered to the Contracting Authorities?<br><br>Further more please clarify to which Third Countries does this provision relate to. |
| | |
| (d) in paragraph 7, point (b) is replaced by the following: | |
| | |
| '(b) an obligation for the duration of the contract that no more than 50 % of the value of all the main specific components of the specific net-zero technology referred to in this paragraph taken together is supplied or provided directly by the successful tenderer or by a subcontractor from each individual third country as determined by the Commission;'; | AT<br>(Comments):<br><br>AT welcomes the clarifications provided in para 7, point (b).<br><br>BE<br>(Comments):<br><br>When exactly will this information be disclosed? – after all, this information is often not known during the consideration of the auction, it only becomes apparent at the financial close..., which also entails enforcement issues? The same applies in the field of cybersecurity.<br><br>CZ<br>(Drafting suggestions):<br><br>'(b) an obligation for the duration of the contract that no more than 50 % of the value of all the main specific components of the specific net-zero technology referred to in this paragraph taken together is supplied or provided directly by the successful tenderer or by a subcontractor from each individual third country as determined by the Commission;'; |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | **A self-declaration, or an equivalent document shall be considered sufficient evidence demonstrating compliance with the requirements set out in this Article.**<br><br>CZ<br>(Comments):<br><br>CZ comments:<br>There is no apparent reason not to apply the self-declaration approach also to the "contribution to resilience" under Article 25(7) NZIA.<br><br>RO<br>(Comments):<br><br>For nuclear fission technologies, the definition of "specific main components" should be established through an implementing act or a delegated act only after consulting national nuclear regulatory authorities, nuclear operators, and the relevant industrial supply chain. The text should explicitly state that these components cannot be determined in a manner that contradicts requirements related to nuclear safety, licensing, technical qualification, intellectual property, or the specifications of the reference technology.<br><br>SE<br>(Drafting suggestions):<br>‘ |
| | |
| (4) The following Article 25a is inserted: | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | |
| *'Article 25a*<br>**Origin requirements for public procurement procedures** | DE<br>(Comments):<br>Scrutiny reservation<br>DE<br>(Comments):<br>Scrutiny reservation, with repsect to the different instruments where Union Origin requirements would apply, including public procurement procedures, auctions and the public support schemes for NZIA technologies.<br>MT<br>(Comments):<br>With regards to the **new proposed Article 25a**, we are seeing this as a **red line** and thus should be deleted. |
| | |
| 1. For public procurement procedures referred to in Annex II, contracting authorities and contracting entities shall exclude from access to such procurement procedures tenders submitted by economic operators owned or controlled by an entity established in third countries which have not concluded an international agreement with the Union guaranteeing such access. | AT<br>(Drafting suggestions):<br>See proposals for Art. 11 (1)<br>AT<br>(Comments):<br>AT refers to its comments regarding Art. 11 (1): Para 1 refers to the "beneficial owner". AT asks for clarification as to how this concept is intended to operate in practice and how contracting authorities and contracting entities are expected to obtain reliable information (possibly on a global level) in this regard. Particular difficulties may arise in cases involving complex ownership structures, including (potentially: multiple) letter box |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | companies, designed to obscure effective control by entities from third countries. AT notes, that contracting authorities and contracting entities will not be in a position to apply the obligation if no tool for an easy application is provided on EU level.<br><br>Para 1 refers to "*tenders submitted by economic operators owned or controlled by*". During the meeting of the CWP on 27 April COM clarified that subcontractors do not fall within the scope of the corresponding (essentially identical) provision in Art. 11(1). AT wonders, however, how this provision applies in the case of consortia. Is it sufficient that only one party of a consortium is owned or controlled by an entity established in a third country without an international agreement guaranteeing access to procurement procedures in order for the consortium to fall within the scope of para 1?<br><br>AT would also welcome clarification as to how situations should be handled where ownership or control changes during the procurement procedure or during contract performance.<br><br>AT underlines that the clarity and legal certainty of para 1 are of particular importance, given that para 1 establishes an exclusion ground and that, in practice, the risk of legal challenges in this context is considered to be very high. It is to be expected that economic operators will argue in remedy procedures that the contracting authority or contracting entity failed to comply with para 1. In such cases, the contracting authority or entity will need to demonstrate compliance with the provision; failing this, the respective decision may be declared null and void by the competent court.<br><br>CZ<br>(Drafting suggestions): |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | 1. Contracting authorities and contracting entities shall exclude from access to procurement procedures referred to in Part I of Annex II and Part I of Annex III tenders submitted by economic operators ~~owned or controlled by an entity established~~ **originating** in third countries which have not concluded an international agreement with the Union ~~guaranteeing such access.~~ **under which the works, supplies, services and economic operators of that third country are entitled, within the scope of that agreement, to treatment no less favourable than that accorded to the works, supplies, services and economic operators of the Union.**<br><br>CZ<br>(Comments):<br>For the sake of consistency and legal certainty in application across instruments, it is appropriate to align the wording, to the greatest extent possible, with that of the IAA.<br><br>DE<br>(Comments):<br>Scrutiny reservation<br>EL<br>(Comments):<br>See comment above on article 11<br>FR<br>(Drafting suggestions):<br>For public procurement procedures referred to in Annex II, contracting authorities and contracting entities shall exclude from access to such procurement procedures tenders submitted by economic operators owned or controlled by an entity established in third ~~countries~~ **country** which have not |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | concluded an international agreement with the Union guaranteeing such access, **as well as tenders comprising net-zero technology products or components referred to in Annex II that originate in such a country. This exclusion shall not apply where the tender complies with the Union origin requirements laid down in Annex II.**<br><br>FR<br>(Comments):<br><br>The amendment pursues two complementary objectives, in symmetry with Article 11.<br>First, it complements the ownership- and control-based exclusion with an origin-based one. An exclusion resting solely on the structure of the operator is readily circumvented and largely deprived of effect: an economic operator established in the Union could comply while sourcing the products and components covered by Annexes II from third countries which do not grant reciprocal access, thereby supplying public contracts with such goods. Anchoring the exclusion in the origin of the products and components, and not only in the nationality or control of the operator, is therefore necessary to give the provision its purpose.<br>Second, the carve-out is intended to reward economic operators that genuinely manufacture within the Union, irrespective of the nationality of their owners. An operator owned or controlled by an entity established in a non-covered third country, but which supplies goods meeting the Union origin requirements of Annexes II, should be allowed to compete, since the European production and content sought by the Regulation are in fact delivered. The contrary solution would produce incoherent outcomes: an undertaking from a non-covered country whose investment in the Union has been authorised under Chapter IV would see the very goods produced through that investment barred from public procurement — penalising European production on account of the investor's nationality alone.<br><br>MT |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Comments):<br><br>It is observed that Article 25a and its corresponding part in Annex II as well as Article 28e (since it explicitly refers to Article 25a) of the NZIA, are similar in content to Articles 8 and 11 of the IAA. Accordingly, from a Public Procurement perspective, the previous feedback (including any identified challenges) vis-à-vis Made-in-EU/EU Origin requirements and the Content Equivalency to EU Origin apply also to the proposed NZIA provisions.<br><br>It is again reiterated that adherence to Preamble 17 and Article 25 of Directive EU/24/2014 is essential.<br><br>The confirmation that 'economic operators owned or controlled by an entity established in third countries' is challenging.<br><br>Article 8 of the IAA specifies GPA as well as Free Trade and Custion Union Agreements, whereas the adjacent provision to amend NZIA just states International Agreements. To ascertain legal certainty and unequivocal interpretation, it is recommended that IAA and NZIA are reflective of each other. Accordingly, both legislations (in all the relevant public procurement articles, recitals and annexes within them) should incorporate and reference all the applicable Agreements, in a manner that allows as many Countries as possible.<br><br>It is observed that Article 29(1) of NZIA specifies that the CION shall provide guidance on the application of the criteria to assess the resilience and sustainability contribution of net-zero technology products covered by the forms of public intervention referred to in Articles 25. In fact, in view of the amendments to be introduced via the NZIA, it is opined that the Guidance Document on the NZIA requirements (incl. the suggested amendments) has become even more important. |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Accordingly, it is highly recommended that the IAA introduces an amendment to the NZIA whereby the CION commits by a specific date to publish a simplified Guidance Document vis-a-vis the interpretation and application of the Public Procurement Articles of the NZIA (namely Article 25 + corresponding annexes) as well as Recitals. It is believed that such a document would be of help for Member States thus mitigating the possibility of different interpretations and non-uniform adoption. Having said this, it is also very important that Member States are given the relevant flexibility in the NZIA's implementation within Public Procurement Procedures. Accordingly, such flexibility needs to be clearly explained in the Guidance Document.<br><br>SE<br>(Drafting suggestions):<br><br>1. ~~For public procurement procedures referred to in Annex II, contracting authorities and contracting entities shall exclude from access to such procurement procedures tenders submitted by economic operators owned or controlled by an entity established in third countries which have not concluded an international agreement with the Union guaranteeing such access.~~<br><br>SE<br>(Comments):<br><br>The paragraph is disproportionate, not in line with the purpose of the IAA, easy to circumvent and should therefore be deleted. It would: 1. Create considerable administrative burden for contracting authorities and entities since review of control/ownership is required. 2. Exclude companies that meet the Union origin requirements and thus contribute to the objective of strengthening European manufacturing capacity. 3. Have negligible effect on countering unfair competition from third countries since it only applies to the economic operator that submits the tender.<br><br>SI |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Comments):<br><br>How and under which rules will contracting authorities determine the actual ownership of economic operators from third countries?<br>- Will contracting authorities be required to obtain the relevant data themselves, and what happens if they do not have access to it?<br>- Can self-declaration from economic operators be considered sufficient proof, and do these need to be verified?<br>- Is there a plan to establish a harmonized tool to facilitate the determination of beneficial ownership?<br>- How will cases be handled where an economic operator from a third country (without an agreement ensuring reciprocal access to the procurement market)—established or controlled by such entities—has production facilities within the EU and its products are labelled as "Union origin"? |
| | |
| 2. For public procurement procedures referred to in Annex II, contracting authorities and contracting entities shall apply the Union origin requirements laid down therein. Requirements relating to specific main specific components shall only apply to the extent that those components are included in the final product. | AT<br>(Comments):<br><br>AT wonders, why para 2 does not contain a reference to Art. 28e IAA. In this regard, AT refers to the corresponding wording in Art. 11(2) IAA, which expressly refers to the corresponding Art. 8. ("*Union origin requirements … laid down therein in accordance with Articles 8…*"). AT would welcome clarification as to the rationale for this difference in drafting.<br><br>AT refers to its comments regarding Art. 11 (2): Para 2 applies to procurement procedures falling within the scope of international agreements concluded by the Union. In such procedures, Union origin requirements (in accordance with Art. 28e) are to apply. AT considers that this mechanism may raise compatibility issues with international trade law, including WTO law and bilateral agreements. As regards the GPA, said requirements seem to be in contradiction to the non-discrimination principle as enshrined in Art. IV(1) of the GPA and seem to contradict other provisions of the GPA as |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | well (for instance Art. VIII[1] and Art. X[1] of the GPA). As regards tenderers having access to the Union market according to Art. 25a(1) and offering goods from third countries that are parties to the GATT, the provisions appear difficult to reconcile with the principle laid down in Art. III:4 of the GATT, according to which imported products must not be treated less favourably than domestic products. Furthermore, the provisions may also affect obligations arising under several bilateral agreements, including agreements with Turkey, Canada, the United Kingdom, the Mercosur States and Switzerland. AT considers the risk of disputes under bilateral or WTO dispute settlement mechanisms to be realistic. AT would therefore ask to obtain an opinion from the CLS on the compatibility of these provisions with international law.<br><br>BE<br>(Drafting suggestions):<br><br>2. For public procurement procedures referred to in Annex II, contracting authorities and contracting entities shall apply the Union origin requirements laid down therein. Requirements relating to ~~specific~~ **particular** main specific components shall only apply to the extent that those components are included in the final product.<br><br>BE<br>(Comments):<br><br>"Specific main specific components" ➔ the first specific is confusing. Proposal to replace by a synonym (f.ex. "particular").<br><br>"included in the final product": for sake of clarity: is an accessory for, for example, making or programming a component out of the scope?<br><br>CZ |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Drafting suggestions):<br><br>2. For public procurement procedures referred to in Annex II, contracting authorities and contracting entities shall ~~apply~~ **include in public procurement documents** the Union origin requirements laid down therein **on successful tenderers for the duration of the contract**. Requirements relating to specific main specific components shall only apply to the extent that those components are included in the final product.<br><br>CZ<br>(Comments):<br><br>dtto<br><br>DE<br>(Comments):<br><br>Scrutiny reservation<br><br>MT<br>(Comments):<br><br>It is opined that the EU Origin Requirements aproach narrows the availability of Economic Operators that would bid for a Procurement Procedure as well as limits supply per se.<br><br>There seems to be a typo: 'specific main specific' |
| | |
| 3. Contracting authorities and contracting entities may decide not to apply one or several requirements set out in Annex II where any of the following conditions are fulfilled: | AT<br>(Comments):<br><br>AT refers to its comments regarding Art. 11 (3): AT notes that the exceptions under para 3 apply only to the requirements laid down in the Annex, but not on paras 1 and 2. AT asks for clarification as to the rationale for this approach and as to how contracting authorities and entities should proceed |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | where only one economic operator is capable of performing the contract but would have to be excluded pursuant to para 1.<br><br>Given that para 3 establishes exceptions which, according to the settled case law of the ECJ (e.g. C-275/08, *Commission v. Germany*, para 55), must be interpreted strictly, and given that the burden of proof that the conditions for relying on the exception are fulfilled rests with the contracting authority or contracting entity (e.g. C-394/02, *Commission v. Greece*, para 35; C-275/08, *Commission v. Germany*, para 56), AT considers it essential that para 3 establishes clear and legally certain rules.<br><br>DE<br>(Comments):<br><br>Scrutiny reservation<br><br>MT<br>(Comments):<br><br>Article 25(a)(3) provides safeguards which are deemed necessary, but implementing them might not be so straightforward **and significantly delay project timelines espeically in the case of urgent projects that are necessary to deliver the green energy transition**. Contracting Authorities might not have the necessary skills and knowledge to conclude that the required products/services can only be supplied by one specific Economic Operator, and no reasonable alternative or substitute exists. Although Market Research and Preliminary Market Consultation are helpful tools, it is opined that the outcomes of such are not exhaustive. |
| | |
| (a) the required products can only be supplied by one specific economic operator, and no reasonable alternative or substitute exists, and the absence of | DE |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| competition is not the result of an artificial narrowing down of the parameters of the public procurement procedure; | (Comments):<br>Scrutiny reservation<br>SI<br>(Comments):<br>How will the contracting authority obtain information confirming that only one economic operator provides the specific goods or services and that there are no suitable alternatives or substitutes exist on the market? |
| | |
| (b) no suitable tenders or no suitable requests to participate have been submitted, including in response to a similar former public procurement procedure launched by the same contracting authority or contracting entity in the two years preceding the start of the planned new procurement procedure; | AT<br>(Comments):<br>Regarding point (b), AT asks for clarification of the notion "*similar former public procurement procedure*". In particular, it remains unclear whether this requires the same CPV code or according to which criteria "similarity" is to be assessed.<br><br>BE<br>(Drafting suggestions):<br>(b) no suitable tenders or no suitable requests to participate have been submitted, including in response to a similar former public procurement procedure launched by the same contracting authority or contracting entity in the two years preceding the start of the planned new procurement procedure; **In the event of a first unsuccessful procedure, contracting authorities shall be permitted to immediately resort to a negotiated procedure without prior publication, without the removal of the Union-origin or resilience requirement being considered a substantial modification of the initial procurement documents;** |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | BE<br>(Comments):<br><br>BE: More flexibility is needed so that, following an unsuccessful procedure, it is possible to immediately switch to a negotiated procedure without prior publication.<br><br>DE<br>(Comments):<br><br>Scrutiny reservation |
| | |
| © their application would require a contracting authority or contracting entity to acquire goods, services or works having disproportionate costs or would result in technical incompatibility in operation and maintenance. Estimated cost differences in excess of 25%, based on objective and transparent data, may be presumed by contracting authorities and contracting entities to be disproportionate. | AT<br>(Comments):<br><br>Regarding point (c), AT notes that an estimated cost difference of 25% appears very high. During the meeting of the CWP on 11 May, COM explained that the threshold had been set in light of the existing price differences between products manufactured in China and products manufactured in the Union. According to COM, the threshold should not be set at a level that would automatically be reached in practice, as this would render the exception effectively applicable in almost all cases. COM also elaborated on the differing percentages applicable in public procurement and in auctions. AT thanks COM for these clarifications, but would nevertheless welcome further clarification regarding the basis for the 25% threshold, in particular in comparison with Art. 25(10) NZIA (20%) and Art. 12 IAA (30%).<br><br>AT further asks how contracting authorities and entities are expected to assess ex ante whether the 25% threshold is met. If this assessment is to be based on estimates by the contracting authority or entity, AT would welcome clarification as to the permissible margin of estimation, particularly in the |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | context of remedy procedures. In practice, such an assessment may prove highly difficult at the outset of a procurement procedure, especially if the net-zero technology concerned constitutes only a (very) small part of the project. AT questions how contracting authorities and entities are expected to determine, already at the beginning of the procedure, whether the threshold is triggered and would ask for further clarification.<br><br>DE<br>(Comments):<br><br>Scrutiny reservation<br><br>EL<br>(Comments):<br><br>The provision could benefit from greater clarity to reduce the potential for divergent interpretations and to facilitate consistent application.<br><br>FR<br>(Drafting suggestions):<br><br>their application would require a contracting authority or contracting entity to acquire goods, services or works having disproportionate costs or would result in technical incompatibility in operation and maintenance. Estimated cost differences in excess of ~~25~~**40**%, based on objective and transparent data, may be presumed by contracting authorities and contracting entities to be disproportionate.<br><br>FR<br>(Comments):<br><br>The 25% threshold proposed by the Commission as a presumption of disproportionate cost is insufficiently dissuasive to ensure the effectiveness of the Union content requirements established by this Chapter, given the structural cost differentials currently observed between Union production and |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | that of certain non-covered third countries, notably China. In several strategic sectors targeted by the Regulation, Chinese producers benefit from production cost advantages frequently estimated up to 40%, driven by a combination of large-scale industrial subsidies, lower energy and labour costs, and structural overcapacity.<br><br>IT<br>(Drafting suggestions):<br><br>© their application would require a contracting authority or contracting entity to acquire goods, services or works having disproportionate costs or would result in technical incompatibility in operation and maintenance. Estimated cost differences in excess of **35**~~25~~%, based on objective and transparent data, may be presumed by contracting authorities and contracting entities to be disproportionate.<br>**For the purposes of this point, cost differences shall be assessed only between technically comparable products, services or works, including with regard to technical specifications, performance, delivery conditions, contractual duration, certification requirements, environmental characteristics and compliance costs related to Union origin, traceability and low-carbon requirements.**<br><br>IT<br>(Comments):<br><br>The current 25%/30% price-gap allowance risks weakening the effectiveness of Union-origin requirements, as structural cost distortions and unfair global competition may make non-EU alternatives significantly cheaper than European products. Raising the threshold to 35% would ensure that the derogation remains an exceptional safeguard rather than a systematic escape clause, while preserving the objective of anchoring industrial value creation in Europe. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | IT<br>(Drafting suggestions):<br><br>© their application would require a contracting authority or contracting entity to acquire goods, services or works having disproportionate costs or would result in technical incompatibility in operation and maintenance. Estimated cost differences in excess of **35**~~25~~%, based on objective and transparent data, may be presumed by contracting authorities and contracting entities to be disproportionate.<br>**For the purposes of this point, cost differences shall be assessed only between technically comparable products, services or works, including with regard to technical specifications, performance, delivery conditions, contractual duration, certification requirements, environmental characteristics and compliance costs related to Union origin, traceability and low-carbon requirements.**<br><br>IT<br>(Comments):<br><br>The current 25%/30% price-gap allowance risks weakening the effectiveness of Union-origin requirements, as structural cost distortions and unfair global competition may make non-EU alternatives significantly cheaper than European products. Raising the threshold to 35% would ensure that the derogation remains an exceptional safeguard rather than a systematic escape clause, while preserving the objective of anchoring industrial value creation in Europe.<br><br>MT<br>(Comments): |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Same comments as provided for Article 11 of IAA<br><br>SI<br>(Comments):<br><br>How should a 25% increase in cost be justified?<br>In this context, the use of an exception imposes an additional responsibility on contracting authorities to conduct market research; specifically, we question what constitutes satisfactory, objective, and transparent data that justify a 25% difference in costs. |
| | FR<br>(Drafting suggestions):<br><br>**The Commission shall adopt guidelines specifying the modalities of application of the derogations laid down in points (a) to (c), in particular the methodology for the calculation of the "disproportionate costs" referred to therein.**<br><br>FR<br>(Comments):<br><br>Such guidelines are necessary to ensure a harmonised application of the derogations across Member States and to prevent their use as a means of circumventing the Union content requirements established by this Article. |
| (d) their application would lead to significant delays to the delivery of the project due to the unavailability of the required components or final products. Estimated delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant. | AT<br>(Comments):<br><br>Regarding point (d), AT would welcome clarification as to how contracting authorities and contracting entities are expected to determine in advance whether the application of the Union origin requirements would result in a significant delay of seven months or more. AT further asks on what basis the seven-month threshold was determined. The assumption of a "significant delay" presupposes that the project is linked to a clearly identifiable |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | completion date (e.g. delivery date or completion of works). AT therefore wonders how the provision is intended to operate in situations where no fixed end date exists. AT would furthermore welcome clarification as to what is meant by "project" in this context. It remains unclear whether this refers to the contract as a whole (e.g. completion of the entire building, tunnel) or only to certain parts thereof (e.g. delivery and installation of the photovoltaic modules to be installed on the roof of the building, the completion of a lot). AT also asks whether market consultations would be sufficient in order to establish the existence of such delays and whether statements from several economic operators or suppliers indicating that compliance would lead to delivery delays would suffice. In addition, AT would welcome clarification as to whether contracting authorities and entities are under an obligation to verify such statements and what concrete duties of verification or investigation would arise in this regard.<br><br>DE<br>(Comments):<br>Scrutiny reservation<br>FR<br>(Drafting suggestions):<br>~~their application would lead to significant delays to the delivery of the project due to the unavailability of the required components or final products. Estimated delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant.~~<br>FR<br>(Comments):<br>The criteria for exemptions (minimum tender volume, additional costs or delays in project delivery) are too lenient and/or poorly defined |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | AT<br>(Drafting suggestions):<br>**(e) in cases of extreme urgency brought about by events unforeseeable by the contracting authority or contracting entity. The circumstances invoked to justify extreme urgency shall not in any event be attributable to the contracting authority or contracting entity.**<br>AT<br>(Comments):<br>AT notes that, during the meeting of the CWP on 27 April, COM stated – with regard to the corresponding provision in Art. 11(3) IAA – that, in response to requests from several Member States for a specific exception covering situations of extreme urgency, the existing exceptions under the public procurement directives would apply in emergency situations and would therefore allow for derogations in such cases. AT points out that this is not the case, as Art. 25a(3)(a) and (b) NZIA (as well as Art. 11(3)(a) and (b) IAA) merely mirror Art. 32(2)(a) and (b) of Directive 2014/24/EU and do not contain a provision corresponding to situations of extreme urgency pursuant to Art. 32(2)(c) of Directive 2014/24/EU. Therefore, an explicit exception covering situations of extreme urgency needs to be expressly included in para 3. |
| 4. Contracting authorities shall require economic operators supplying products falling within the scope of this Article to submit a self-declaration, or an equivalent document, demonstrating compliance with the requirements set out in this Article.' | AT<br>(Comments):<br>AT refers to its comments regarding Art. 11 (4).<br>AT notes that a reference to contracting entities is missing in para 4. During the meeting of the CWP on 11 May, COM acknowledged that this was an oversight. Contracting entities should therefore be expressly included in para 4. |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Art. 25a(4) allows contracting authorities and contracting entities to rely on self-declarations submitted by economic operators as proof of compliance with the Union origin requirements. AT would welcome clarification as to whether contracting authorities and entities may rely on self-declarations without further verification, whether they may request additional supporting evidence and, if so, which types of evidence may be required. Clarification would also be welcome regarding the appropriate course of action in cases of justified doubts or manifestly incorrect self-declarations.<br><br>As regards the "regular public procurement regime" which should be applicable: the ESPD (European Single Procurement Document) is a "*self-declaration as preliminary evidence in replacement of certificates issued by public authorities or third parties*" confirming that the relevant economic operator fulfils certain conditions for a procurement (see Art. 59[1] of Directive 2014/24/EU). According to Art. 59(4) of Directive 2014/24/EU a contracting authority may (or: has to) ask tenderers and candidates at any moment during the procedure to submit all or part of the supporting documents where this is necessary to ensure the proper conduct of the procedure. Before awarding the contract, the contracting authority "*shall require the tenderer to which it has decided to award the contract to submit up-to-date supporting documents in accordance with Article 60*" (see Art. 59(4) 2nd subpara of Directive 2014/24/EU). Since no specific means of proof for the "NZIA Union origin requirements" are foreseen neither in the NZIA nor in the Public Procurement Directives, the contracting authority or entity needs to check if the potential contractor fulfils the NZIA requirements – which raises the questions as set out above! AT refers in this regard to the judgement of the Court of First Instance in T-661/18, Securitec (cited in the comments regarding Art. 11(4)). Therefore, the self-declaration can only be a first step, but verification – specifically if doubts as to the veracity of the self-declaration exist – is needed and left to the contracting authority or |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | entity. AT notes, that durin the meeting of COREPER on 13 May, COM elaborated – with regard to the parallel provision of Art. 11(4) IAA – that contracting authorities and entities must verify at least in respect to the successful bidder, if he/she fulfils the requirements of Art. 11 IAA; the same must be true for Art. 25a(4). Therefore, COM confirms the AT analysis. The above-mentioned (practical/legal) problems might be focused, but do exist nevertheless.<br><br>AT notes that para 4 refers to "*economic operators supplying products*" rather than bidders or participants, and would welcome clarification as to the rationale for this wording. AT further wonders why a reference to "services" is missing in para 4 (c.f. the corresponding Art. 11(4): "*economic operators supplying products or services*").<br><br>Finally, AT would welcome clarification as to how para 4 is intended to operate in the context of review proceedings under the Remedies Directives.<br><br>DE<br>(Comments):<br>Scrutiny reservation<br>FR<br>(Drafting suggestions):<br>~~Contracting authorities and contracting entities shall require economic operators supplying products or services to submit a self-declaration, or an equivalent document, demonstrating compliance with the requirements set out in this Article.~~ **Member States shall establish the procedures for verifying compliance with the requirements set out in this Article.**<br>FR |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Comments):<br><br>The procedures for verifying compliance by economic operators with the Union content requirements should be determined by the Member States rather than prescribed in a uniform manner at Union level, in accordance with the principle of subsidiarity and with the existing distribution of competences in public procurement law. This approach would allow each Member State to calibrate its verification arrangements to the value and strategic significance of the contracts concerned and to the documentary standards already in use at national level<br><br>MT<br>(Comments):<br><br>It is believed that on-the-ground verification of self Declaration documents (if such is needed, for example for very High Valued Public Contract) is deemed intricate, laborious, and challenging as well as involves competencies outside the expertise of Contracting Authorities.<br><br>Request for Clarification: A Self-Declaration is not a Qualification or a Certificate or a Test Report or some form of Document issued by a Competent Body. Thus, a clarification is being sought vis-à-vis the equivalency document of a Self-Declaration<br><br>SE<br>(Drafting suggestions):<br><br>4. Contracting authorities **and contracting entities** shall require economic operators supplying products falling within the scope of this Article to submit a self-declaration, or an equivalent document, demonstrating compliance with the requirements set out in this Article.'<br><br>SE<br>(Comments): |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Clarification on contracting entities. |
| | |
| (5) Article 26 is amended as follows: | AT<br>(Comments):<br>**<u>On Articles 26, 28b and 28c:</u>**<br><br>AT refers to the ongoing negotiations on the Cyber Security Act 2 (CSA 2). According to explanations provided by COM in the CWP Cyber, COM does not intend to establish a comprehensive list of "high-risk suppliers" covering all sectors, including the field of public procurement. AT therefore wonders how "high-risk suppliers" are intended to be identified and excluded in practice under Art. 26, 28b and 28c NZIA. In AT's view, it cannot be expected that all relevant public authorities will be able to carry out their own investigations on the basis of the criteria set out under CSA 2. AT therefore considers that a practical and operationally feasible solution for end users is required.<br><br>MT<br>(Comments):<br>With regards to the **amendments to Article 26 of the NZIA** focusing on RES auctions, the scope in paragraph 1 is proposed to be extended from RES technologies to all net-zero technologies set out in Art4(1) (a) – (g) and (i) – (j). This is also considered as a **<u>red line</u>**, as it will slow down the implementation of necessary projects. |
| | |
| (a) the heading is replaced by the following: 'Auctions for net-zero technologies' | |
| | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| (b) paragraph 1 is amended as follows: | |
| | |
| the introductory wording is replaced by the following: | |
| | |
| 'When designing auctions for net-zero technologies listed in Article 4(1), points (a) to (g), (i) and (j), Member states shall include:' | |
| | |
| in point (a), the following point (iv) is added: | |
| | |
| ' (iv) high-risk suppliers as defined in Article 2 point (39) of Regulation xxxx/xxxx [CSA2]: For auctions that include control systems, management control systems, supervisory control and data acquisition systems, remote access systems or firewalls, suppliers identified as high-risk suppliers in accordance with Regulation xxxx/xxxx [CSA2]shall not be involved in the following processes: | IT<br>(Comments):<br><br>Generally, we can support this new reference to high-risk suppliers, because it can be beneficial for the Union origin. At the same time, it should be taken into account the need not to have an unjustified increase of costs and an excessive admistrative burden.<br>Therefore, it is recommended that expectations be more clearly defined, both in terms of minimum requirements and certification methods, including by referring to existing and applicable European and international regulations or standards.<br>In addition, we consider necessary a detailed explanation about this subject to Member States in this regard.<br><br>IT<br>(Comments):<br><br>Generally, we can support this new reference to high-risk suppliers, because it can be beneficial for the Union origin. At the same time, it should be taken into account the need not to have an unjustified increase of costs and an excessive admistrative burden.<br>Therefore, it is recommended that expectations be more clearly defined, both in terms of minimum requirements and certification methods, including by |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | referring to existing and applicable European and international regulations or standards.<br>In addition, we consider necessary a detailed explanation about this subject to Member States in this regard. |
| | |
| (1) the supply of those products or systems; | |
| | |
| (2) the design, development or production of those products or systems; | |
| | |
| (3) the management, control or operation of those products or systems; | |
| | |
| (4) the development, maintenance, operation, or updating of their software | |
| | |
| point (b), is replaced by the following: 'pre-qualification criteria or award criteria as referred to in paragraphs 2 and 2a'. | SE<br>(Comments):<br>With the revision of the NZIA, several net-zero technologies will be covered by parallel requirements regarding both resilience contribution and Union origin. This will create a complex regulatory framework and increase administrative burden for both companies and public actors. |
| | |
| © The following paragraph 2a is inserted: '2a. Where the auctions have net-zero technologies listed in Annex II as part of their subject-matter, Member States shall include the pre-qualification or award criteria laid down in Annex II.' Criteria relating to specific main specific components shall only apply to the extent that those components are included in the final product.'; | DE<br>(Drafting suggestions):<br>-<br>DE<br>(Drafting suggestions):<br>-<br>IT |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Comments):<br><br>Considering the new article 28f, we consider this new para. ineffective and without any real beneficts and with likely additional costs. Without any improvement in article 28f, we suggest to delete this paragraph.<br><br>IT<br>(Comments):<br><br>Considering the new article 28f, we consider this new para. ineffective and without any real beneficts and with likely additional costs. Without any improvement in article 28f, we suggest to delete this paragraph. |
| | |
| (d) in paragraph 3, the first subparagraph is replaced by the following: 'The Commission is empowered to adopt an implementing act further specifying the pre-qualification and award criteria referred to in paragraph 1points (a), (i), (ii) and (iii), and paragraph 2.' | IT<br>(Drafting suggestions):<br><br>(d) in paragraph 3, the first subparagraph is replaced by the following: 'The Commission is empowered to adopt an implementing act further specifying the pre-qualification and award criteria referred to in paragraph 1points (a), (i), (ii), ~~and~~ (iii)**, and (IV)** paragraph 2 **and 2a**.'<br><br>IT<br>(Comments):<br><br>The implementing acts should cover all criteria.<br><br>IT<br>(Drafting suggestions):<br><br>(d) in paragraph 3, the first subparagraph is replaced by the following: 'The Commission is empowered to adopt an implementing act further specifying the pre-qualification and award criteria referred to in paragraph 1points (a), (i), (ii), ~~and~~ (iii)**, and (IV)** paragraph 2 **and 2a**.'<br><br>IT |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Comments):<br><br>The implementing acts should cover all criteria. |
| | |
| (e) paragraph 4 is replaced by the following: '4. Member States shall give to each of the criteria referred to in paragraphs 2 and 2a, when applied as award criteria, a minimum weight of 5 % and a combined weight of between 15 % and 30 % of the award criteria. That is without prejudice to the possibility to give a higher weighting to the criteria referred to in the fourth subparagraph of paragraph 2, in accordance with any limit for non-price criteria set out in State aid rules.'. | |
| | |
| (f) paragraph 5 is replaced by the following: '5. Member States shall not be required to apply one or several of the pre-qualification and award criteria laid down in paragraph 1, points (a), (i), (ii) and (iii), and paragraph 1, point (b), where the application of those criteria would result in disproportionate costs or in significant delays to the delivery of the project due to the unavailability of the required components or final products. Estimated cost differences in excess of 20% per auction, based on objective and verifiable data, may be presumed by Member States to be disproportionate. Delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant.' | FR<br>(Drafting suggestions):<br><br>paragraph 5 is replaced by the following: '5. Member States shall not be required to apply one or several of the pre-qualification and award criteria laid down in paragraph 1, points (a), (i), (ii) and (iii), and paragraph 1, point (b), where the application of those criteria would result in disproportionate costs ~~or in significant delays to the delivery of the project due to the unavailability of the required components or final products~~. Estimated cost differences in excess of ~~20~~**40**% per auction, based on objective and verifiable data, may be presumed by Member States to be disproportionate. ~~Delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant~~**.**<br><br>FR<br>(Comments):<br><br>The 20% threshold proposed by the Commission as a presumption of disproportionate cost is insufficiently dissuasive to ensure the effectiveness of the Union content requirements established by this Chapter, given the structural cost differentials currently observed between Union production and |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | that of certain non-covered third countries, notably China. In several strategic sectors targeted by the Regulation, Chinese producers benefit from production cost advantages frequently estimated up to 40%, driven by a combination of large-scale industrial subsidies, lower energy and labour costs, and structural overcapacity.<br><br>The criteria for exemptions (minimum tender volume, additional costs or delays in project delivery) are too lenient and/or poorly defined<br><br>IT<br>(Drafting suggestions):<br><br>(f) paragraph 5 is replaced by the following: '5. Member States shall not be required to apply one or several of the pre-qualification and award criteria laid down in paragraph 1, points (a), (i), (ii)**,** ~~and~~ (iii), **and (iv),** and paragraph 1, point (b), where the application of those criteria would result in disproportionate costs or in significant delays to the delivery of the project due to the unavailability of the required components or final products. Estimated cost differences in excess of ~~20~~ **15**% per auction, based on objective and verifiable data, may be presumed by Member States to be disproportionate. Delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant.'<br><br>IT<br>(Drafting suggestions):<br><br>(f) paragraph 5 is replaced by the following: '5. Member States shall not be required to apply one or several of the pre-qualification and award criteria laid down in paragraph 1, points (a), (i), (ii)**,** ~~and~~ (iii), **and (iv),** and paragraph 1, point (b), where the application of those criteria would result in disproportionate costs or in significant delays to the delivery of the project due to the unavailability of the required components or final products. |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Estimated cost differences in excess of ~~20~~ **15**% per auction, based on objective and verifiable data, may be presumed by Member States to be disproportionate. Delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant.'<br><br>MT<br>(Comments):<br><br>Paragraph 5 is amended whereby the threshold for disproportionate costs has been increased from 15% in the original NZIA to 20% per auction. As per previous positions, Malta is not in agreement with this change and call for the retention of the current NZIA provisions (i.e. retain the 15%), which are already considered as stringent.<br><br>PL<br>(Drafting suggestions):<br><br>(f) paragraph 5 is replaced by the following: '5. Member States shall not be required to apply one or several of the pre-qualification and award criteria laid down in paragraph 1, points (a), (i), (ii) and (iii), and paragraph 1, point (b), where the application of those criteria would result in disproportionate costs or in significant delays to the delivery of the project due to the unavailability of the required components or final products. Estimated cost differences in excess of ~~**20%**~~ **15%** per auction, based on objective and verifiable data, may be presumed by Member States to be disproportionate. Delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant.'<br><br>PL<br>(Comments):<br><br>The original percentage and volume thresholds from the NZIA, that give the Member States more flexibility, should be retained. The non-price criteria |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | requirements from NZIA apply from 30.12.2025 and have not been fully tested in practice for the public auctions for renewables. Therefore, the requirements should not be tightened with the simultaneous reduction of flexibility of their application.<br><br>Moreover, should be noted that the provision contained in Article 26(5) does not provide clear guidelines on the methodology for determining whether the application of the criteria would result in disproportionate costs for a Member State. There is also no methodology for precisely determining a delay exceeding seven months. |
| | FR<br>(Drafting suggestions):<br><br>**The Commission shall adopt guidelines specifying the modalities of application of the derogations laid down in this subparagraph, in particular the methodology for the calculation of "disproportionate costs" referred to therein**<br><br>FR<br>(Comments):<br><br>Such guidelines are necessary to ensure a harmonised application of the derogations across Member States and to prevent their use as a means of circumventing the Union content requirements established by this Article. |
| (g) paragraph 7 is replaced by the following: '7. Paragraphs 1 to 5 shall apply to at least 40% of the volume auctioned per year per Member State or | DE |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| alternatively to at least 8 Gigawatt per year per Member State. Paragraph 1, points (a)(ii) and (iv), shall apply to 100% of the volume auctioned per Member State.' | (Comments):<br><br>Scrutiny reservation<br><br>FR<br>(Drafting suggestions):<br><br>paragraph 7 is replaced by the following: '7. Paragraphs 1 to 5 shall apply to at least ~~40~~**50**% of the volume auctioned per year per Member State ~~or alternatively to at least 8 Gigawatt per year per Member State~~. Paragraph 1, points (a)(ii) and (iv), shall apply to 100% of the volume auctioned per Member State.<br><br>FR<br>(Comments):<br><br>Raising the minimum share of auctioned volumes subject to the resilience criteria from 40% to 50% and deleting the alternative 8 GW threshold are necessary to ensure that this Article generates a tangible and substantial effect on the demand for Union-manufactured net-zero technologies<br><br>IT<br>(Drafting suggestions):<br><br>(g) **in** paragraph 7**, the following part is added** ~~is replaced by the following: '7. Paragraphs 1 to 5 shall apply to at least 40% of the volume auctioned per year per Member State or alternatively to at least 8 Gigawatt per year per Member State~~. Paragraph 1, points (a)(ii) and (iv), shall apply to 100% of the volume auctioned per Member State.'<br><br>IT<br>(Comments):<br><br>We believe, in light of the Italy's experience with the NZIA photovoltaic auctions, that these provisions would lead to an even challenging |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | commitment, therefore we prefer to keep the volume auctioned as set out in the current NZIA Regulation (30 %).<br><br>IT<br>(Drafting suggestions):<br><br>(g) **in** paragraph 7**, the following part is added** ~~is replaced by the following: '7. Paragraphs 1 to 5 shall apply to at least 40% of the volume auctioned per year per Member State or alternatively to at least 8 Gigawatt per year per Member State~~. Paragraph 1, points (a)(ii) and (iv), shall apply to 100% of the volume auctioned per Member State.'<br><br>IT<br>(Comments):<br><br>We believe, in light of the Italy's experience with the NZIA photovoltaic auctions, that these provisions would lead to an even challenging commitment, therefore we prefer to keep the volume auctioned as set out in the current NZIA Regulation (30 %).<br><br>MT<br>(Comments):<br><br>Malta is not in agreement with this change and calls for the retention of current NZIA provisions for RES auctions.<br><br>PL<br>(Drafting suggestions):<br><br>(g) paragraph 7 is replaced by the following: **'7.~~ Paragraphs 1 to 5 shall apply to at least 40% of the volume auctioned per year per Member State or alternatively to at least 8 Gigawatt per year per Member State.~~** Paragraph 1, points (a)(ii) and (iv), shall apply to 100% of the volume auctioned per Member State.' |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | PL<br>(Comments):<br>Poland opposes increasing the requirement to apply non-price criteria from 30% of volume or 6 GW to 40% or 8 GW. Particularly in light of the current situation on the energy market and the geopolitical situation, imposing greater obligations on generators during the auction qualification/bid selection phase may not only slow down the development of renewable energy but also negatively impact the costs borne by Member States. It is reasonable to maintain the percentage and volume caps originally provided for in the NZIA, which give Member States greater flexibility. The provisions regarding non-price criteria introduced by the NZIA take effect on December 30, 2025, and have not yet been applied in practice in renewable energy auctions. |
| | |
| (h) in paragraph 8, the introductory wording is replaced by the following: ‘By 31 December 2027, the Commission shall carry out a comprehensive assessment of the application of the criteria referred to in paragraph 2 and their effect on the accelerated deployment of renewable energy technologies. By 31 December 2029 and every two years thereafter, the Commission shall carry out a comprehensive assessment of the application of the criteria referred to in paragraphs 2 and 2a and their effect on the accelerated deployment of renewable energy technologies. In particular, the Commission shall assess the impact of the criteria on:’ | |
| | SE<br>(Drafting suggestions):<br>Article 28, paragraphs 1, 3 and 4 are amended as follows:<br><br>1. Without prejudice to Articles 107 and 108 TFEU and Article 4 of Directive (EU) 2018/2001 and in line with the Union’s international |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | commitments, when deciding to set up new schemes or ~~to update~~ **materially change** existing schemes benefitting households, companies or consumers which incentivise the purchase of net-zero technology final products, Member States, regional or local authorities, bodies governed by public law or associations formed by one or more such authorities or one or more such bodies governed by public law shall design those schemes in such a way as to promote the purchase by beneficiaries of net-zero technology final products with a high sustainability and resilience contribution as referred in paragraph 4 of this Article, by providing additional proportionate financial compensation or by conditioning the eligibility of the scheme on the basis of the criteria laid down in paragraph 4 of this Article, while considering the accessibility of the schemes for citizens living in energy poverty. **The obligations of this Article shall apply to broader schemes that support not only the purchase of net-zero technology final products, provided that the purchase of the net-zero technology final product is identified as a cost category in the scheme.**<br><br>SE<br>(Comments):<br><br>With the revision of the NZIA, several net-zero technologies will be covered by parallel requirements regarding both resilience contribution and Union origin. This will create a complex regulatory framework and increase administrative burden for both companies and public actors.<br><br>Further, even small technical changes or minor formalities can require a formal decision. The proposal to replace “update” with “materially change” clarifies that the change needs to be significant in character to trigger the below requirements. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | In accordance with the Commission's guidance on Article 28, it should be clarified in the legal text that broader schemes are covered by the article provided that there is a cost category for the net-zero technology final product. |
| (6) The following Articles 28a to 28e are inserted: | |
| | |
| *Article 28a*<br>**Origin requirements for other forms of public intervention** | |
| | |
| 1. Without prejudice to Articles 107 and 108 TFEU, support schemes referred to in Annex II shall include the requirements laid down therein. Requirements relating to specific main specific components shall only apply to the extent that those components are included in the final product. | DE<br>(Drafting suggestions):<br>Without prejudice to Articles 107 and 108 TFEU, support schemes referred to in Annex II shall include the requirements laid down therein. Requirements relating to specific main specific components shall only apply to the extent that those components are included in the final product.<br>**By [entry of force of IAA] the commission shall publish a method how the fulfilment of the requirements can be assessed in a non-bureaucratic manner.**<br>DE<br>(Comments):<br>The commission needs to develop methods for how to access the requirements to be met by other forms of public intervention, attempting to reduce bureaucratic burdens while reaching the goals of this regulation. These methods have to be developed before entry into force of the IAA. Otherwise, implementation of "other forms of public intervention" would be significantly slowed down - thus paralyzing policy development in highly relevant fields. |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Mandating MS to develop these methods would lead to up to 27 different approaches and thus risk contributing to a fragmentation of the single market and would multiply the effort needed. Thus it is a task for the commission to develop appropriate methods.<br><br>IT<br>(Drafting suggestions):<br><br>1.Without prejudice to Articles 107 and 108 TFEU, support schemes **within the scope of Article 28** referred to in **Part III of** Annex II shall include the requirements laid down therein. Requirements relating to specific main specific components shall only apply to the extent that those components are included in the final product.<br><br>IT<br>(Comments):<br><br>It should be clarified the reference to article 28 and Part III of Annex II.<br><br>IT<br>(Drafting suggestions):<br><br>1.Without prejudice to Articles 107 and 108 TFEU, support schemes **within the scope of Article 28** referred to in **Part III of** Annex II shall include the requirements laid down therein. Requirements relating to specific main specific components shall only apply to the extent that those components are included in the final product.<br><br>IT<br>(Comments):<br><br>It should be clarified the reference to article 28 and Part III of Annex II. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | |
| 2. When designing and implementing a scheme pursuant to paragraph 1, the authority shall assess the fulfilment of the requirements on the basis of an open, non-discriminatory and transparent process. | DE<br>(Comments):<br>scrutiny reservation - GER is currently examining how resilience and union-origin requirements should interract |
| | SE<br>(Drafting suggestions):<br>**The term 'support scheme' in this article does not apply to measures within the area of taxation, direct or indirect.**<br>SE<br>(Comments):<br>See comments regarding article 12 above. |
| 3. When additional financial compensation is granted, it shall not exceed 15% of the cost of the final product for the consumer, including transport and installation costs where relevant, with the exception of schemes targeting citizens living in energy poverty, as defined in Article 2, point (1), of Regulation (EU) 2023/955 of the European Parliament and of the Council ([57]), for which the limit shall be 20 %. | DE<br>(Drafting suggestions):<br>When additional financial compensation is granted, it shall not exceed ~~15~~ **30**% of the cost of the final product for the consumer, including transport and installation costs where relevant, with the exception of schemes targeting citizens living in energy poverty, as defined in Article 2, point (1), of Regulation (EU) 2023/955 of the European Parliament and of the Council ([57]), for which the limit shall be ~~20~~ **35** %.<br>DE<br>(Comments):<br>The Impact Assessment Report to the IAA states on page 300: "Specifically, a hydronic heat pump entirely manufactured in the EU can cost twice as much as one made in China." For that reason, the additional financial compensation should be raised from 15% to 30% to be able to react on unfair and distortive competition and price polices, if necessary. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | |
| *Article 28b*<br>**Limitations to high-risk suppliers for other forms of public intervention** | IT<br>(Comments):<br>We ask for alignment between the IAA and CSA2, including the application of cybersecurity prequalification requirements only after CSA2 becomes applicable. We also ask that suppliers and products identified as high-risk be subject to gradual and proportionate phase-out obligations, triggered only where a Union-level risk assessment concludes that the risk cannot be adequately mitigated and poses serious implications for security or operational continuity.<br>IT<br>(Comments):<br>We ask for alignment between the IAA and CSA2, including the application of cybersecurity prequalification requirements only after CSA2 becomes applicable. We also ask that suppliers and products identified as high-risk be subject to gradual and proportionate phase-out obligations, triggered only where a Union-level risk assessment concludes that the risk cannot be adequately mitigated and poses serious implications for security or operational continuity. |
| | |
| For support schemes within the scope of Articles 28 and 28a that include control systems, management control systems, supervisory control and data acquisition systems, remote access systems or firewalls, Member States shall design those schemes in such a way as to ensure that beneficiaries shall be eligible to the scheme only where suppliers identified as high-risk suppliers in accordance with Regulation xxxx/xxxx [CSA2] are not be involved in the following processes: | |
| | |
| (a) the supply of those products or systems; | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | |
| (b) the design, development or production of those products or systems; | |
| | |
| © the management, control or operation of those products or systems; | |
| | |
| (d) the development, maintenance, operation, or updating of their software. | |
| | |
| *Article 28c*<br>**Union origin requirements for Member State support to construction and manufacturing of net-zero technologies** | |
| | |
| 1. Without prejudice to Articles 107 and 108 TFEU and in accordance with the Union's international commitments, when supporting the construction or manufacturing of net-zero technology final products referred to in Annex II of this Regulation, Member States shall ensure that the Union origin requirements laid down in that Annex are met. Requirements relating to specific main specific components shall only apply to the extent that those components are included in the final product. | |
| | |
| 2. Member States may decide not to apply one or several requirements referred to in paragraph 1 where any of the following conditions are fulfilled: | DE<br>(Comments):<br><br>MS cannot be mandated to apply requirements before commission has published a suitable method for their assessment. |
| | |
| (a) the required components can only be supplied by one specific economic operator, and no reasonable alternative or substitute exists, and the absence of competition is not the result of an artificial narrowing down of the parameters of the public procurement procedure; | |
| | |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| (b) their application would result in disproportionate costs or technical incompatibility in operation or maintenance. Estimated cost differences in excess of 25%, based on objective and transparent data, may be presumed to be disproportionate; | DE<br>(Drafting suggestions):<br>(b) their application would result in disproportionate costs or technical incompatibility in operation or maintenance. Estimated cost differences in excess of 25% **for the final product**, based on objective and transparent data, may be presumed to be disproportionate;<br>DE<br>(Comments):<br>It should be made clear that this concerns the final product and not individual components.<br>FR<br>(Drafting suggestions):<br>their application would result in disproportionate costs or technical incompatibility in operation or maintenance. Estimated cost differences in excess of ~~25~~**40**%, based on objective and transparent data, may be presumed to be disproportionate<br>FR<br>(Comments):<br>The 25% threshold proposed by the Commission as a presumption of disproportionate cost is insufficiently dissuasive to ensure the effectiveness of the Union content requirements established by this Chapter, given the structural cost differentials currently observed between Union production and that of certain non-covered third countries, notably China. In several strategic sectors targeted by the Regulation, Chinese producers benefit from production cost advantages frequently estimated up to 40%, driven by a combination of large-scale industrial subsidies, lower energy and labour costs, and structural overcapacity |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | FR<br>(Drafting suggestions):<br>**The Commission shall adopt guidelines specifying the modalities of application of the derogations laid down in points (a) to (c), in particular the methodology for the calculation of the "disproportionate costs" referred to therein**<br>FR<br>(Comments):<br>Such guidelines are necessary to ensure a harmonised application of the derogations across Member States and to prevent their use as a means of circumventing the Union content requirements established by this Article |
| © their application would jeopardise the project or lead to significant delays to the delivery of the project due to the unavailability of the required components or final products. Delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant. | FR<br>(Drafting suggestions):<br>~~their application would jeopardise the project or lead to significant delays to the delivery of the project due to the unavailability of the required components or final products. Delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant~~<br>FR<br>(Comments):<br>The criteria for exemptions (minimum tender volume, additional costs or delays in project delivery) are too lenient and/or poorly defined<br>PL<br>(Drafting suggestions):<br>their application would jeopardise the project or lead to significant delays to the delivery of the project due to the unavailability of the required components or final products. Delays in excess of seven months, based on objective, transparent and verifiable data, may be presumed to be significant. |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | **Delays below that threshold may also be considered significant where they would materially affect the financing, tendering, commissioning, permitting or delivery schedule of a project of strategic importance for energy security, security of supply, industrial decarbonisation or system resilience**<br><br>PL<br>(Comments):<br><br>Critical infrastructure elements may demand shorter delay times, as this could compromise the energy security domain of Member States |
| | DE<br>(Drafting suggestions):<br><br>**(d) the commission has not yet proposed suitable methods how the fulfilment of the respective requirement can be assessed.**<br><br>DE<br>(Comments):<br><br>MS cannot be mandated to apply requirements before commission has published a suitable method for their assessment. |
| 3. Without prejudice to Articles 107 and 108 TFEU and in accordance with the Union's international commitments, when supporting the manufacturing of net-zero technology final products referred to in Annex II of this Regulation and that include control systems, management control systems, supervisory control and data acquisition systems, remote access systems or firewalls, Member States shall ensure that suppliers identified as high-risk suppliers in accordance with Regulation xxxx/xxxx [CSA2] are not involved in the following processes: | |
| | |
| (a) the supply of those products or systems; | |
| | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| (b) the design, development or production of those products or systems; | |
| | |
| © the management, control or operation of those products or systems; | |
| | |
| (d) the development, maintenance, operation, or updating of their software. | |
| | |
| *Article 28d*<br>**Union origin** | AT<br>(Comments):<br>The relationship between Art. 28d and 28e, on the one hand, and Art. 25a, on the other, remains unclear. In particular, it is not evident how contracting authorities and contracting entities proceed where a tenderer from a third country benefiting from market access submits an offer including goods that are not covered by a relevant agreement (e.g. FTA or customs union) —for example, a South Korean company offering, inter alia, goods or components originating in China. AT would welcome clarification from COM in this regard.<br>See also comments to Art. 8 and 9! |
| | |
| 1. For the purposes of Articles 25a, 26 and 28a and 28c, content of Union origin refers to content originating in the Union. | AT<br>(Comments):<br>AT notes that the terminology used in Art. 28d is not fully aligned with the Union Customs Code (e.g. “content of Union origin” / “content originating in the Union” versus “goods brought into or taken out of the customs territory of the Union”). This raises concerns from a terminological and interpretative perspective. Could COM clarify the rationale for this deviation? |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Art. 28d regulates only the origin of goods (products and components). It does not address the origin of services, even though – in AT's view – service contracts are likewise subject to mandatory Union origin requirements in public procurement procedures (see, however, Art. 25a[1], which provides for the exclusion of tenders submitted by economic operators owned or controlled by an entity established in third countries which have not concluded an international agreement with the Union guaranteeing such access; "beneficial ownership"). AT would welcome clarification as to why a definition regarding the origin of services is not included in Art. 28d.<br><br>DE<br>(Comments):<br>Scrutiny reservation für 25a<br>FR<br>(Drafting suggestions):<br>For the purposes of Articles 25a, 26 and 28a and 28c, content of Union origin refers to content originating in ~~the Union~~ **the States which are Contracting Parties to the Agreement on the European Economic Area (EEA)**.<br>FR<br>(Comments):<br>France proposes to explicitly include Norway, Iceland and Liechtenstein, along with the 27 EU Member states in the initial scope of the regulation<br>SI<br>(Drafting suggestions):<br>1. For the purposes of Articles 25a, 26 and 28a and 28c, content equivalent to Union origin refers to content originating in the Union.<br>SI |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Comments):<br><br>Ensurance of coherent wording throughout the text. |
| | FR<br>(Drafting suggestions):<br><br>**For the purposes of this Chapter, content of Partner origin is to be considered as content equivalent to Union origin**<br><br>FR<br>(Comments):<br><br>France proposes to distinguish explicitly, throughout this Chapter, between "Union origin" and "Partner origin" content, in order to enhance the clarity and readability of the text |
| 2. The origin of products and components shall be determined in accordance with Regulation (EU) No 952/2013 of the European Parliament. | AT<br>(Comments):<br><br>Pursuant to Art. 28d(2), the origin of products and components shall be determined in accordance with the Union Customs Code (Regulation [EU] 952/2013). AT notes that the Union Customs Code is highly complex. Most contracting authorities and contracting entities (in particular smaller authorities, such as municipalities) are not in a position to assess the origin of goods in tenders on the basis of its detailed provisions (286 articles; Commission Delegated Regulation [EU] 2015/2446 supplementing the Code, comprising more than 1.100 pages). For example, Art. 60 of the Code (cf. Article 60[2]: "*Goods the production of which involves more than one country or territory shall be deemed to originate in the country or territory where they underwent their last, substantial, economically-justified processing or working, in an undertaking equipped for that purpose, resulting in the manufacture of a new product or representing an important stage of manufacture*.") poses a significant practical challenge for contracting authorities and contracting entities in application, as they are not customs |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | experts. Even tough Art. 25a(4) allows reliance, as a rule, on self-declarations submitted by economic operators, the ultimate responsibility for verification remains with the contracting authorities and contracting entities (see comments above regarding Art. 25a(4)).<br><br>AT notes that, in the reference to the Union Customs Code (Regulation [EU] 952/2013), the wording "*and of the Council*" is missing in para 2.<br><br>FR<br>(Drafting suggestions):<br><br>The origin of products and components shall be determined in accordance with **the primary non-preferential rules of origin laid down in** Regulation (EU) No 952/2013 of the European Parliament and of the Council **and in Commission Delegated Regulation (EU) 2015/2446**.<br><br>**Where the origin of a product or component cannot be determined in accordance with paragraph 2, that product or component shall be deemed not to originate in the Union and shall not qualify as content equivalent to Union origin**<br><br>FR<br>(Comments):<br><br>In order to ensure the effectiveness of the Union content requirements established by Chapter III, the origin of products and components must be determined solely on the basis of the notion of substantial transformation, as operationalised by the primary non-preferential rules of origin set out in Annex 22-01 of Commission Delegated Regulation (EU) 2015/2446. The residual rules of origin should therefore be excluded, as they may confer Union origin |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | on products whose decisive industrial operations have not taken place within the Union, thereby undermining the very purpose of this chapter.<br><br>SI<br>(Drafting suggestions):<br><br>2. The origin of products and components shall be determined in accordance with Article 60 of Regulation (EU) No 952/2013 and provisions of Annex II.<br><br>SI<br>(Comments):<br><br>Reference has to be made to non-preferential rules of origin in the UCC and provisions in Annex II which together define the origin requirements. |
| | |
| *Article 28e* | AT<br>(Comments):<br><br>See also comments to Art. 9<br><br>DE<br>(Comments):<br><br>Scrutiny reservation |
| | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| **Content equivalent to Union origin in public procurement** | AT<br>(Comments):<br>AT questions the choice of the heading "Content equivalent to Union origin". In customs terminology, the notion of "equivalent" is typically used in the context of transit goods. The deviation from established terminology therefore appears unclear and may give rise to interpretative uncertainty. Could COM clarify the rationale for this terminology?<br><br>DE<br>(Comments):<br>Scrutiny reservation<br>FR<br>(Drafting suggestions):<br>Content ~~equivalent to Union~~ **of Partner origin** in public procurement<br>FR<br>(Comments):<br>France proposes to distinguish explicitly, throughout this Chapter, between "Union origin" and "Partner origin" content, in order to enhance the clarity and readability of the text |
| | |
| 1. With respect to the Union origin requirements referred to in Article 25a, content originating in third countries with which the Union has concluded an agreement establishing a free trade area or a customs union, or that are parties to the Agreement on Government Procurement, where relevant obligations of the Union exist under that agreement, shall be deemed to be of Union origin . | AT<br>(Comments):<br>Para 1 appears to introduce a concept that differs from the approach under the Union Customs Code, in particular through the wording "*shall be deemed to be of Union origin*". AT would welcome clarification as to the added value and practical implications of this legal presumption. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | DE<br>(Comments):<br><br>Scrutiny reservation<br><br>FR<br>(Drafting suggestions):<br><br>With respect to the ~~Union~~ origin requirements referred to in Article 25a, ~~content originating in third countries with which the Union has concluded an agreement establishing a free trade area or a customs union, or that are parties to the Agreement on Government Procurement, where relevant obligations of the Union exist under that agreement, shall be deemed to be of Union origin~~ **the Commission is empowered to adopt delegated acts in accordance with Article 44 by specifying the third countries whose content is to be deemed to be of Partner origin.**<br><br>FR<br>(Comments):<br><br>France supports an *opt-in* approach whereby content originating in third countries with which the Union has concluded a free trade agreement, when such agreements include relevant obligations, or that are parties to the Agreement on Government Procurement, may be deemed to be of Partner origin, only insofar as the Commission, by delegated act, expressly includes that third country within the scope of Article 28(e).<br><br>Such inclusion should be subject to cumulative conditions ensuring that the third country concerned provides effective and reciprocal national treatment to Union products and economic operators and that the inclusion does not risk aggravating strategic dependencies or threatening the Union's security of supply. This approach reverses the default logic of the Commission's proposal, which would automatically grant equivalent treatment to several dozens of |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | third countries from the entry into force of the Regulation, and which would, in the absence of any prior assessment of reciprocity, significantly undermine the effectiveness of the Union content requirements established by this Chapter. Furthermore, an inclusion-based mechanism also provides the Union with greater negotiating leverage and a more constructive political framing than an exclusion-based one: granting access by positive decision, rather than withdrawing it by sanction, incentivises third countries to demonstrate effective reciprocity *ex ante* and avoids the diplomatic friction inherent in *ex post* exclusion measures**.**<br><br>IT<br>(Drafting suggestions):<br><br>1. With respect to the Union origin requirements referred to in Article 25a, content originating in third countries with which the Union has concluded an agreement establishing a free trade area or a customs union, or that are parties to the Agreement on Government Procurement, shall be deemed to be of Union origin~~.~~ **only where the Commission has determined, by means of an implementing act, that such third country ensures effective reciprocity, regulatory alignment, comparable sustainability requirements, fair competition conditions and does not create risks of circumvention or strategic dependency.**<br><br>IT<br>(Comments):<br><br>Also relatively to NZIA technologies, Italy considers it necessary to reach a definition of a geographical scope that does not undermine the effectiveness of the act itself and its shared objective of industrialisation and the development of NZIA technologies within the Union. |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | The introduction of a monitoring and corrective mechanism based on evidence-based safeguards is necessary to ensure that the Regulation operate in a way that preserve a level playing field. It ensures that the allocation of public resources and market advantages remains aligned with the objective of supporting European competitiveness, rather than inadvertently incentivising the exploitation of preferential trade regimes.<br><br>IT<br>(Drafting suggestions):<br><br>1. With respect to the Union origin requirements referred to in Article 25a, content originating in third countries with which the Union has concluded an agreement establishing a free trade area or a customs union, or that are parties to the Agreement on Government Procurement, shall be deemed to be of Union origin~~.~~ **only where the Commission has determined, by means of an implementing act, that such third country ensures effective reciprocity, regulatory alignment, comparable sustainability requirements, fair competition conditions and does not create risks of circumvention or strategic dependency.**<br><br>IT<br>(Comments):<br><br>Also relatively to NZIA technologies, Italy considers it necessary to reach a definition of a geographical scope that does not undermine the effectiveness of the act itself and its shared objective of industrialisation and the development of NZIA technologies within the Union.<br><br>The introduction of a monitoring and corrective mechanism based on evidence-based safeguards is necessary to ensure that the Regulation operate in a way that preserve a level playing field. It ensures that the allocation of |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | public resources and market advantages remains aligned with the objective of supporting European competitiveness, rather than inadvertently incentivising the exploitation of preferential trade regimes.<br><br>MT<br>(Comments):<br>It is opined that in view that this provision relates to Article 25(a) of NZIA, the provision would best be incorporated directly in Article 25(a), rather than in Article 28e.<br>SI<br>(Drafting suggestions):<br>1. By way of derogaion from Article 28d with respect to the Union origin requirements referred to in Article 25a, content originating in third countries with which the Union has concluded an agreement establishing a free trade area or a customs union, or that are parties to the Agreement on Government Procurement, where relevant obligations of the Union exist under that agreement, shall be deemed to be of Union origin<br>SI<br>(Comments):<br>This Article derogates from Article 28 d and this has to be specified. |
| | SE<br>(Drafting suggestions):<br>**The Commission shall maintain an updated list of countries that are covered by paragraph 1, including exclusions made in accordance with paragraph 2.**<br>SE<br>(Comments): |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Information about which countries are deemed to be of Union origin should be clear and easily accessible in order to reduce complexity for contracting authorities, contracting entities and companies, especially SMEs. |
| 2. The Commission shall adopt delegated acts in accordance with Article 44 to exclude, in whole or in part, a third country from the scope of paragraph 1 based on any of the following criteria: | AT<br>(Comments):<br><br>AT does not support the broad empowerment of COM to adopt delegated acts pursuant to para 2. In addition to Art. 28e(2), the IAA provides for several other far-reaching delegations of powers to the Commission (cf. Art. 8[2], 9[2], 10[2], 16[1], 16[2], 24, as well as Art. 28f, 28g, 28h[1] and 28h[2] of the NZIA). There are significant doubts as to whether these powers (especially if they are exercised in a cumulative manner) can still be considered "non-essential elements" within the meaning of Art. 290 TFEU; a request for a legal opinion of the CLS has already been submitted. In any event, AT takes the view that the MS should be granted comprehensive rights of co-determination and of consent. In this regard, AT notes that the adoption of implementing acts requires consultation of a committee composed of representatives of all MS; AT would therefore favour the use of implementing acts over delegated acts.<br><br>BE<br>(Drafting suggestions):<br><br>2. The Commission shall adopt ~~delegated~~ **implementing** acts in accordance with Article 44 to exclude, in whole or in part, a third country from the scope of paragraph 1 based on any of the following criteria<br><br>BE<br>(Comments):<br><br>BE: Preference for implementing acts instead of delegated acts to maximise MS involvement |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | DE<br>(Comments):<br>Scrutiny reservation<br>FR<br>(Drafting suggestions):<br>The Commission shall ~~adopt delegated acts in accordance with Article 44 to exclude, in whole or in part, a third country from the scope of paragraph 1 based on any of the following criteria:~~ **identify such third countries that are parties to agreements establishing a free trade area and including reciprocal access to public procurement markets, or that are parties to the Agreement on Government Procurement, where relevant obligations of the Union exist under that agreement, provided, that the following conditions are fulfilled:** |
| | |
| (e) that third country has failed to provide national treatment related to Union products or entities under the agreements referred to in paragraph 1 in relation to any of the net-zero technologies listed in Article 4, point (1); | AT<br>(Comments):<br>AT raises the question whether reciprocal retaliatory measures or "cross-retaliation" would be permissible where the relevant agreements provide for dedicated dispute settlement mechanisms or where cross-retaliation is explicitly forbidden under international Union obligations (see Art. XX.3 of the Government Procurement Agreement – GPA). It remains unclear from the text whether COM would be entitled to adopt a delegated act without first having recourse to the dispute settlement mechanism as established under the respective agreement. AT takes the view that the adoption of delegated acts pursuant to para 2(e), without prior recourse to such mechanisms, would risk breaching the Union's international obligations. AT would therefore ask to seek an opinion from the CLS in this regard.<br>DE |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Drafting suggestions):<br>t<br>DE<br>(Comments):<br>Scrutiny reservation<br>FR<br>(Drafting suggestions):<br>that third country ~~has failed to provide national treatment related to Union products or entities under the agreements referred to in paragraph 1 in relation to any of the sectors listed in Annex I;~~ **grants, in law and in practice, effective and reciprocal national treatment to Union products and economic operators under the relevant agreement;**<br>SE<br>(Comments):<br>SE is still analysing wheter article 28 e 2,e is appropriate and will soon come back with comments on this matter. |
| | |
| (f) such exclusion is justified to avoid dependencies or any other developments that may threaten the security of supply in the Union of the products in question; | AT<br>(Comments):<br>AT notes a potential incompatibility with the GPA, in particular Art. III(1) of the GPA. This provision provides for exceptions relating to essential security interests relating to the procurement of arms, ammunition or war materials, or to procurement indispensable for national security or for national defence purposes ("security reasons"), thus relating to public security and order. By contrast, para 2(f) relies on economic considerations. In AT's view, considerations of economic security (such as dependencies or potential security of supply issues) do not fall within the scope of Art. III(1) of the |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | GPA. AT would therefore consider it necessary to obtain a legal opinion from the CLS on the compatibility of this provision. Furthermore, AT questions what criteria would trigger a determination of "*dependencies or any other developments that may threaten the security of supply*". The text does not set out any clear assessment criteria for concepts such as "dependency" or "security of supply". It also remains unclear whether, and on what basis, COM would conduct an assessment or investigation prior to adopting a delegated act, as no procedural framework is provided neither in the NZIA nor in the IAA. Consequently, the basis on which COM would establish the existence of such dependencies or risks remains unclear.<br><br>DE<br>(Comments):<br><br>Scrutiny reservation<br><br>FR<br>(Drafting suggestions):<br><br>~~(f) such exclusion is justified to avoid dependencies or any other developments that may threaten the security of supply in the Union of the products in question;~~ **the inclusion of the third country does not risk aggravating dependencies or otherwise threatening the security of supply in the Union of the products concerned;** |
| | |
| (g) such exclusion is justified under any other exception under the applicable agreement. | DE<br>(Comments):<br><br>Scrutiny reservation<br><br>FR<br>(Drafting suggestions): |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | ~~such exclusion is justified under any other exception under the applicable agreement.~~ **the inclusion of the third country is consistent with any other applicable conditions or exceptions laid down in the relevant agreement**~~.~~ |
| | IT<br>(Drafting suggestions):<br>**3. The Commission shall establish, maintain, and publish, by means of implementing acts, a list of the countries referred to in paragraph 1 . The list shall be reviewed and updated annually monitoring and assessing trade flows and market developments to identify:**<br>• **a significant increase in imports suggests circumvention;**<br>• **distortions identified by trade defense or anti-subsidy investigations;**<br>• **discrepancies between trade flows and production capacity indicating transshipment.**<br>**Where such circumstances are identified, the Commission shall take appropriate measures, including the suspension or limitation of equivalence under paragraph 1, and is empowered to adopt delegated acts in accordance with Article 30 to exclude, in whole or in part, a third country from the scope of paragraph 1.**<br>IT<br>(Drafting suggestions):<br>**3. The Commission shall establish, maintain, and publish, by means of implementing acts, a list of the countries referred to in paragraph 1 . The list shall be reviewed and updated annually monitoring and assessing trade flows and market developments to identify:**<br>• **a significant increase in imports suggests circumvention;**<br>• **distortions identified by trade defense or anti-subsidy investigations;** |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | • **discrepancies between trade flows and production capacity indicating transshipment.**<br><br>**Where such circumstances are identified, the Commission shall take appropriate measures, including the suspension or limitation of equivalence under paragraph 1, and is empowered to adopt delegated acts in accordance with Article 30 to exclude, in whole or in part, a third country from the scope of paragraph 1.** |
| *Article 28f* | |
| | |
| **Content equivalent to Union origin in auctions** | |
| | |
| 3. With respect to the Union origin requirements referred to in Article 26, content originating in third countries with which the Union has concluded an agreement establishing a free trade area or a customs union shall be deemed to be of Union origin. | BE<br>(Comments):<br><br>Is this fully in line with WTO rules?<br><br>FR<br>(Drafting suggestions):<br><br>With respect to the Union origin requirements set out in Article 26, content originating in ~~third countries with which the Union has concluded an agreement establishing a free trade area or a customs union~~ **the States which are Contracting Parties to the Agreement on the European Economic Area (EEA)** shall be deemed to be of Union origin.<br><br>FR<br>(Comments):<br><br>Restricting the default geographic scope to the EEA is the only way to ensure that the substantial public resources mobilised by Member States effectively benefit manufacturing activities physically located within that base, in line with the objectives of competitiveness, resilience and economic security |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | pursued by this Regulation. It is also essential, from a political standpoint, that European citizens and taxpayers can identify a clear and visible link between the public support they finance and the industrial activity, jobs and value creation generated on European territory, a link that would be substantially weakened by the Commission's proposal, under which several dozens of third countries would be automatically treated as equivalent to the Union.<br><br>IT<br>(Drafting suggestions):<br><br>With respect to the Union origin requirements referred to in Article 26, content originating in third countries with which the Union has concluded an agreement establishing a free trade area or a customs union shall be deemed to be of Union origin~~.~~ **only where the Commission has determined, by means of an implementing act, that such third country ensures effective reciprocity, regulatory alignment, comparable sustainability requirements, fair competition conditions and does not create risks of circumvention or strategic dependency.**<br><br>IT<br>(Comments):<br><br>Also relatively to NZIA technologies, Italy considers it necessary to reach a definition of a geographical scope that does not undermine the effectiveness of the act itself and its shared objective of industrialisation and the development of NZIA technologies within the Union.<br><br>The introduction of a monitoring and corrective mechanism based on evidence-based safeguards is necessary to ensure that the Regulation operate in a way that preserve a level playing field. It ensures that the allocation of public resources and market advantages remains aligned with the objective of supporting European competitiveness, rather than inadvertently incentivising the exploitation of preferential trade regimes. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | IT<br>(Drafting suggestions):<br><br>With respect to the Union origin requirements referred to in Article 26, content originating in third countries with which the Union has concluded an agreement establishing a free trade area or a customs union shall be deemed to be of Union origin~~.~~ **only where the Commission has determined, by means of an implementing act, that such third country ensures effective reciprocity, regulatory alignment, comparable sustainability requirements, fair competition conditions and does not create risks of circumvention or strategic dependency.**<br><br>IT<br>(Comments):<br><br>Also relatively to NZIA technologies, Italy considers it necessary to reach a definition of a geographical scope that does not undermine the effectiveness of the act itself and its shared objective of industrialisation and the development of NZIA technologies within the Union.<br><br>The introduction of a monitoring and corrective mechanism based on evidence-based safeguards is necessary to ensure that the Regulation operate in a way that preserve a level playing field. It ensures that the allocation of public resources and market advantages remains aligned with the objective of supporting European competitiveness, rather than inadvertently incentivising the exploitation of preferential trade regimes.<br><br>SI<br>(Drafting suggestions): |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | 3. By way of derogation from Article 28d with respect to the Union origin requirements referred to in Article 26, content originating in third countries with which the Union has concluded an agreement establishing a free trade area or a customs union shall be deemed to be of Union origin.<br><br>SI<br>(Comments):<br><br>This Article derogates from Article 28 d and this has to be specified. |
| | DE<br>(Drafting suggestions):<br><br>**By [entry of force of IAA] the commission shall publish a list with all countries that fall under the provision of this article. The list shall be publicly available and will be updated with every implementating act that is adopted following this article.**<br><br>SE<br>(Drafting suggestions):<br><br>**The Commission shall maintain an updated list of countries that are covered by paragraph 1, including exclusions made in accordance with paragraph 2.**<br><br>SE<br>(Comments):<br><br>Information about which countries are deemed to be of Union origin should be clear and easily accessible in order to reduce complexity for public authorities and companies, especially SMEs. Note that the paragraphs are not numbered correctly in this article. |
| 4. The Commission shall adopt delegated acts in accordance with Article 44 to exclude, in whole or in part, a third country from the scope of paragraph 1 based on any of the following criteria: | BE<br>(Drafting suggestions): |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | 4. The Commission shall adopt ~~delegated~~ **implementing** acts in accordance with Article 44 to exclude, in whole or in part, a third country from the scope of paragraph 1 based on any of the following criteria:<br><br>BE<br>(Comments):<br><br>BE: Preference for implementing acts instead of delegated acts to maximise MS involvement<br><br>DE<br>(Drafting suggestions):<br><br>The Commission ~~shall~~ may adopt ~~delegated~~ **implementing** acts in accordance with Article ~~44~~ to exclude, in whole or in part **with regard to the technological scope**, a third country from the scope of paragraph 1 based on any of the following criteria<br><br>DE<br>(Comments):<br><br>Member States need to be better involved as this provision empowers COM to derive from FTA obligations where MS have been involved by qualified majorty according to Art. 207 TFEU.<br><br>FR<br>(Drafting suggestions):<br><br>~~The Commission shall adopt delegated acts in accordance with Article 30 to exclude, in whole or in part, a third country from the scope of paragraph 1 based on any of the following criteria:~~ |
| | |
| (h) that third country has failed to provide national treatment related to Union products or entities under the agreements referred to in paragraph 1 in relation to any of the net-zero technologies listed in Article 4, point (1); | DE<br>(Drafting suggestions): |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (… [addition in the end:] **and does not comply with a respective decision under the relevant dispute settlement mechanism.**<br><br>DE<br>(Comments):<br><br>Under FTAs, the legal remedy against a breach [of the principle of national treatment] is the use of the respective dispute settlement mechanisms. The IAA must not violate this legally binding principle.<br><br>FR<br>(Drafting suggestions):<br><br>~~that third country has failed to provide national treatment related to Union products or entities under the agreements referred to in paragraph 1 in relation to any of the net-zero technologies listed in Article 4, point (1);~~<br><br>SE<br>(Comments):<br><br>SE is still analysing wheter article 28f. 4 h is appropriate and will soon come back with comments on this matter. |
| | |
| (i) such exclusion is justified to avoid dependencies or any other developments that may threaten the security of supply in the Union of the products in question; | DE<br>(Drafting suggestions):<br><br>such exclusion is justified to avoid **critical** dependencies or any other developments that may threaten the security of supply in the Union of the products in question;<br><br>DE<br>(Comments):<br><br>Scrutiney reservation. See need to define critical dependecies. Ask COM to provide a clear definition. |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | FR<br>(Drafting suggestions):<br>~~such exclusion is justified to avoid dependencies or any other developments that may threaten the security of supply in the Union of the products in question;~~ |
| | |
| (j) such exclusion is justified under any other exception under the applicable agreement. | |
| | DE<br>(Drafting suggestions):<br>**The exclusion of a country may be revised or renewed at least every three years by the Commisison or earlier upon justified request by the Member State.**<br>DE<br>(Comments):<br>To ensure that there is a mechanism where the exclusion is revised so that developments in FTA or trade relations can be reflected. Member States need to be involved .<br>IT<br>(Drafting suggestions):<br>**5. The Commission shall establish, maintain, and publish, by means of implementing acts, a list of the countries referred to in paragraph 1 . The list shall be reviewed and updated annually monitoring and assessing trade flows and market developments to identify:**<br>• **a significant increase in imports suggests circumvention;**<br>• **distortions identified by trade defense or anti-subsidy investigations;** |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | • **discrepancies between trade flows and production capacity indicating transshipment.**<br><br>**Where such circumstances are identified, the Commission shall take appropriate measures, including the suspension or limitation of equivalence under paragraph 1, and is empowered to adopt delegated acts in accordance with Article 30 to exclude, in whole or in part, a third country from the scope of paragraph 1.**<br><br>IT<br>(Drafting suggestions):<br><br>**5. The Commission shall establish, maintain, and publish, by means of implementing acts, a list of the countries referred to in paragraph 1 . The list shall be reviewed and updated annually monitoring and assessing trade flows and market developments to identify:**<br>• **a significant increase in imports suggests circumvention;**<br>• **distortions identified by trade defense or anti-subsidy investigations;**<br>• **discrepancies between trade flows and production capacity indicating transshipment.**<br><br>**Where such circumstances are identified, the Commission shall take appropriate measures, including the suspension or limitation of equivalence under paragraph 1, and is empowered to adopt delegated acts in accordance with Article 30 to exclude, in whole or in part, a third country from the scope of paragraph 1.** |
| | |
| | |
| *Article 28g* | |
| | |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| **Content equivalent to Union origin in other forms of public intervention** | PL<br>(Drafting suggestions):<br>Content equivalent to Union origin in other forms of public intervention **and Member State support to construction and manufacturing of net-zero technologies**<br>PL<br>(Comments):<br>Equivalence should also apply to support for construction and manufacturing of net-zero technologies. This is necessary to preserve technological choice, cooperation with strategic partners and timely delivery of large-scale energy and industrial projects, while maintaining safeguards against new strategic dependencies and against circumvention of the Union origin objective. |
| | |
| 1. With respect the Union origin requirements set out in Article 28a, content originating in third countries with which the Union has concluded an agreement establishing a free trade area or a customs union shall be deemed to be of Union origin. | CZ<br>(Drafting suggestions):<br>With respect the Union origin requirements set out in Article 28a **and 28c,** content originating in third countries with which the Union has concluded an agreement establishing a free trade area or a customs union shall be deemed to be of Union origin.<br>CZ<br>(Comments):<br>The current scope of article is too restrictive, especially for the nuclear fission technologies.<br>These depend on integrated value chains with third countries. Any disruptions of these value chains can have serious negative impacts on the viability of new projects. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | FR<br>(Drafting suggestions):<br><br>With respect to the Union origin requirements set out in Article 26, content originating in ~~third countries with which the Union has concluded an agreement establishing a free trade area or a customs union~~ **the States which are Contracting Parties to the Agreement on the European Economic Area (EEA)** shall be deemed to be of Union origin.<br><br>FR<br>(Comments):<br><br>Restricting the default geographic scope to the EEA is the only way to ensure that the substantial public resources mobilised by Member States effectively benefit manufacturing activities physically located within that base, in line with the objectives of competitiveness, resilience and economic security pursued by this Regulation. It is also essential, from a political standpoint, that European citizens and taxpayers can identify a clear and visible link between the public support they finance and the industrial activity, jobs and value creation generated on European territory, a link that would be substantially weakened by the Commission's proposal, under which several dozens of third countries would be automatically treated as equivalent to the Union<br><br>IT<br>(Drafting suggestions):<br><br>With respect to the Union origin requirements referred to in Article 28a, content originating in third countries with which the Union has concluded an agreement establishing a free trade area or a customs union shall be deemed to be of Union origin~~.~~ **only where the Commission has determined, by means of an implementing act, that such third country ensures effective reciprocity, regulatory alignment, comparable sustainability** |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | **requirements, fair competition conditions and does not create risks of circumvention or strategic dependency.**<br><br>IT<br>(Comments):<br><br>Also relatively to NZIA technologies, Italy considers it necessary to reach a definition of a geographical scope that does not undermine the effectiveness of the act itself and its shared objective of industrialisation and the development of NZIA technologies within the Union.<br><br>The introduction of a monitoring and corrective mechanism based on evidence-based safeguards is necessary to ensure that the Regulation operate in a way that preserve a level playing field. It ensures that the allocation of public resources and market advantages remains aligned with the objective of supporting European competitiveness, rather than inadvertently incentivising the exploitation of preferential trade regimes.<br><br>IT<br>(Drafting suggestions):<br><br>With respect to the Union origin requirements referred to in Article 28a, content originating in third countries with which the Union has concluded an agreement establishing a free trade area or a customs union shall be deemed to be of Union origin~~.~~ **only where the Commission has determined, by means of an implementing act, that such third country ensures effective reciprocity, regulatory alignment, comparable sustainability requirements, fair competition conditions and does not create risks of circumvention or strategic dependency.**<br><br>IT |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Comments):<br><br>Also relatively to NZIA technologies, Italy considers it necessary to reach a definition of a geographical scope that does not undermine the effectiveness of the act itself and its shared objective of industrialisation and the development of NZIA technologies within the Union.<br><br>The introduction of a monitoring and corrective mechanism based on evidence-based safeguards is necessary to ensure that the Regulation operate in a way that preserve a level playing field. It ensures that the allocation of public resources and market advantages remains aligned with the objective of supporting European competitiveness, rather than inadvertently incentivising the exploitation of preferential trade regimes.<br><br>PL<br>(Drafting suggestions):<br><br>1. With respect the Union origin requirements set out in Article 28a **and 28c**, content originating in third countries with which the Union has concluded an agreement establishing a free trade area or a customs union shall be deemed to be of Union origin.<br><br>PL<br>(Comments):<br><br>As above.<br><br>SI<br>(Drafting suggestions):<br><br>1. By way of derogation from Article 28d with respect the Union origin requirements set out in Article 28a, content originating in third countries with |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | which the Union has concluded an agreement establishing a free trade area or a customs union shall be deemed to be of Union origin.<br><br>SI<br>(Comments):<br><br>This Article derogates from Article 28 d and this has to be specified. |
| | DE<br>(Drafting suggestions):<br><br>**By [entry of force of IAA] the commission shall publish a list with all countries that fall under the provision of this article. The list shall be publicly available and will be updated with every delegated act that is adopted following this article.**<br><br>SE<br>(Drafting suggestions):<br><br>**The Commission shall maintain an updated list of countries that are covered by paragraph 1, including exclusions made in accordance with paragraph 2.**<br><br>SE<br>(Comments):<br><br>Information about which countries are deemed to be of Union origin should be clear and easily accessible in order to reduce complexity for public authorities and companies, especially SMEs. |
| 2. The Commission shall adopt delegated acts in accordance with Article 44 to exclude, in whole or in part, a third country from the scope of paragraph 1 based on any of the following criteria: | BE<br>(Drafting suggestions):<br><br>2. The Commission shall adopt ~~delegated~~ **implementing** acts in accordance with Article 44 to exclude, in whole or in part, a third country from the scope of paragraph 1 based on any of the following criteria: |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | BE<br>(Comments):<br><br>BE: Preference for implementing acts instead of delegated acts to maximise MS involvement<br><br>DE<br>(Drafting suggestions):<br><br>The Commission ~~shall~~ may adopt ~~delegated~~ **implementing** acts in accordance with Article 44 to exclude, in whole or in part **with regard to the technological scope**, a third country from the scope of paragraph 1 based on any of the following criteria<br><br>DE<br>(Comments):<br><br>Member States need to be better involved as this provision empowers COM to derive from FTA obligations where MS have been involved by qualified majorty according to Art. 207 TFEU.<br><br>FR<br>(Drafting suggestions):<br><br>~~The Commission shall adopt delegated acts in accordance with Article 30 to exclude, in whole or in part, a third country from the scope of paragraph 1 based on any of the following criteria~~ |
| | |
| (k) that third country has failed to provide national treatment related to Union products or entities under the agreements referred to in paragraph 1 in relation to any of the net-zero technologies listed in Article 4, point (1); | DE<br>(Drafting suggestions):<br><br>(… [addition in the end:] **and does not comply with a respective decision under the relevant dispute settlement mechanism.**<br><br>DE |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Comments):<br><br>Under FTAs, the legal remedy against a breach [of the principle of national treatment] is the use of the respective dispute settlement mechanisms. The IAA must not violate this legally binding principle.<br><br>FR<br>(Drafting suggestions):<br><br>~~that third country has failed to provide national treatment related to Union products or entities under the agreements referred to in paragraph 1 in relation to any of the net-zero technologies listed in Article 4, point (1);~~<br><br>SE<br>(Comments):<br><br>SE is still analysing wheter this article is appropriate and will soon come back with comments on this matter. |
| | |
| (l) such exclusion is justified to avoid dependencies or any other developments that may threaten the security of supply in the Union of the products in question; | DE<br>(Drafting suggestions):<br><br>such exclusion is justified to avoid **critical** dependencies or any other developments that may threaten the security of supply in the Union of the products in question;<br><br>DE<br>(Comments):<br><br>Scrutiney reservation. See need to define critical dependecies. Ask COM to provide a clear definition.<br><br>FR<br>(Drafting suggestions): |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | ~~such exclusion is justified to avoid dependencies or any other developments that may threaten the security of supply in the Union of the products in question;~~ |
| | |
| (m) such exclusion is justified under any other exception under the applicable agreement. | FR<br>(Drafting suggestions):<br>~~such exclusion is justified under any other exception under the applicable agreement.~~ |
| | DE<br>(Drafting suggestions):<br>**The exclusion of a country may be revised or renewed at least every three years by the Commisison or earlier upon justified request by the Member State.**<br><br>Article 28h<br>**Content equivalent to Union origin for Member State support to construction and manufacturing of net-zero technologies**<br><br>1. With respect **to** the Union origin requirements set out in Article 28c, content originating in third countries with which the Union has concluded an agreement establishing a free trade area or a customs union shall be deemed to be of Union origin. **By [entry of force of IAA] the commission shall publish a list with all countries that fall under the provision of this article. The list shall be publicly available and will be updated with every implementating act that is adopted following this article.**<br><br>2. The Commission ~~shall~~ may adopt ~~delegated~~ **implementing** acts in accordance with Article ~~44~~ to exclude, in whole or in part **with regard to the** |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | **technological scope**, a third country from the scope of paragraph 1 based on any of the following criteria<br><br>(a) that third country has failed to provide national treatment related to Union products or entities under the agreements referred to in paragraph 1 in relation to any of the net-zero technologies listed in Article 4, point (1); (… [addition in the end:] **and does not comply with a respective decision under the relevant dispute settlement mechanism.**<br><br>(b) such exclusion is justified to avoid **critical** dependencies or any other developments that may threaten the security of supply in the Union of the products in question;<br><br>(c) such exclusion is justified under any other exception under the applicable agreement.<br>**The exclusion of a country may be revised or renewed at least every three years by the Commisison or earlier upon justified request by the Member State.**<br><br>DE<br>(Comments):<br>To ensure that there is a mechanism where the exclusion is revised so that developments in FTA or trade relations can be reflected. Member States need to be involved .<br><br>For Content equivalent to Union origin for Member State support to construction and manufacturing of net-zero technologies a 'made-with europe' approach should be applied, not EU 27.<br><br>IT |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Drafting suggestions):<br>**3. The Commission shall establish, maintain, and publish, by means of implementing acts, a list of the countries referred to in paragraph 1 . The list shall be reviewed and updated annually monitoring and assessing trade flows and market developments to identify:**<br>• **a significant increase in imports suggests circumvention;**<br>• **distortions identified by trade defense or anti-subsidy investigations;**<br>• **discrepancies between trade flows and production capacity indicating transshipment.**<br><br>**Where such circumstances are identified, the Commission shall take appropriate measures, including the suspension or limitation of equivalence under paragraph 1, and is empowered to adopt delegated acts in accordance with Article 30 to exclude, in whole or in part, a third country from the scope of paragraph 1.**<br>IT<br>(Drafting suggestions):<br>**3. The Commission shall establish, maintain, and publish, by means of implementing acts, a list of the countries referred to in paragraph 1 . The list shall be reviewed and updated annually monitoring and assessing trade flows and market developments to identify:**<br>• **a significant increase in imports suggests circumvention;**<br>• **distortions identified by trade defense or anti-subsidy investigations;**<br>• **discrepancies between trade flows and production capacity indicating transshipment.** |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | **Where such circumstances are identified, the Commission shall take appropriate measures, including the suspension or limitation of equivalence under paragraph 1, and is empowered to adopt delegated acts in accordance with Article 30 to exclude, in whole or in part, a third country from the scope of paragraph 1.** |

PUBLIC

| | |
|---|---|
| *Article 28h*<br>**Delegation of power** | AT<br>(Comments):<br><br>Overall, AT considers that Art. 28h confers a very broad empowerment on COM to amend Annex II and, thereby, the substantive scope of Articles 25a, 26, 28a and 28c. This raises serious questions as to whether the powers conferred can still be regarded as relating to "non-essential elements" within the meaning of Article 290 TFEU. In any event, AT takes the view that the MS should be granted comprehensive rights of co-determination and of consent. In this regard, AT notes that the adoption of implementing acts requires consultation of a committee composed of representatives of all MS; AT would therefore favour the use of implementing acts over delegated acts.<br><br>DE<br>(Comments):<br><br>Article 28h would become Article 28i if suggestion for insertion of Article 28h is agreed with.<br><br>PL<br>(Comments):<br><br>The scope of the powers delegated to the Commission under Article 28h, which concerns the ability to independently modify and expand the requirements regarding EU origin set forth in Annex II, raises serious concerns from the perspective of maintaining an appropriate institutional balance. The key elements of the added Article 28h of the NZIA should be defined at the level of Article 34 of the IAA. With regard to the added Article 28h in the amendment to the NZIA, the delegation of authority for the future adoption of delegated acts by the EC should be underpinned by clear criteria, a comprehensive impact assessment, and ongoing consultation with Member States. Of particular importance is the impact assessment presented by the European Commission regarding the availability of components in the EU, costs to end users and public budgets, SMEs, security of supply, industrial |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | competitiveness, and the pace of implementation of carbon-neutral technologies. |
| | |
| 1. The Commission is empowered to adopt delegated acts in accordance with Article 44 to amend the Union origin requirements laid down in Annex II, taking into account the following criteria: | AT<br>(Comments):<br><br>AT notes that, during the meeting of the CWP on 11 May, COM explained that para 1 would empower COM to amend the Union origin requirements already laid down in Annex II. According to COM, this could include, for example, the addition of further components, the removal of individual components or amendments to the transitional periods. COM further explained that para 2 would empower COM to establish requirements in Annex II for additional net-zero technologies not yet covered. AT would welcome written confirmation from COM that this understanding is correct.<br><br>BE<br>(Drafting suggestions):<br><br>1. The Commission is empowered to adopt ~~delegated~~ **implementing** acts in accordance with Article 44 to amend the Union origin requirements laid down in Annex II, taking into account the following criteria:<br><br>BE<br>(Comments):<br><br>BE: Preference for implementing acts instead of delegated acts to maximise MS involvement<br><br>DE<br>(Drafting suggestions): |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | The Commission is empowered to adopt **implementing** ~~delegated~~ acts in accordance with Article 44 to amend the Union origin requirements laid down in Annex II, taking into account the following criteria:<br><br>DK<br>(Comments):<br><br>How will the Commission ensure consistency between the Union origin criteria in the Industrial Accelerator Act and the Net Zero Industry Act when powers are delegated to the Commission to adjust the requirements in both regulations? |
| | |
| (a) the market situation at Union level including declining Union market shares and Union industry producing below capacity; | |
| | |
| (b) the contribution of the requirements to the Union's objective of public order, economic security, resilience and climate neutrality set out in Regulation (EU) 2021/1119; | |
| | |
| © technological progress; | |
| | |
| (d) demand for the relevant net-zero technologies; | |
| | |
| (e) the impact of setting Union origin requirements on the overall competitiveness and greenhouse gas emissions of the relevant sectors. | |
| | DE<br>(Drafting suggestions):<br><br>(f) **the availibility of European technology and production equipment and their importance for economic security, resilience and sovereignty.**<br><br>DE |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Comments):<br><br>It is important to also monitor the dependancy of technology for final products and production equipment of net zero technologies. The dependancy from one single country for production equipment is in some net zero technologies far beyond 50% market share. |
| 2. The Commission is empowered to adopt delegated acts to supplement Annex II with Union origin requirements for additional specific net-zero technology final products referred to in Article 4(1), points (g), (h), (j), (k), (n), (p), and (s), as well as solar thermal technologies referred to in Article 4(1), point (a), nuclear fuel cycle technologies referred to in Article 4(1), point (i), and electric propulsion technologies for transport referred to in Article 4(1), point ®, which shall be required in accordance with Articles 25a, 26, 28a and 28c. In doing so, the Commission shall take the following into account: | AT<br>(Comments):<br><br>According to the wording of para 2, COM would be empowered to supplement Annex II with Union origin requirements for additional specific net-zero technology final products. In response to a question raised by AT during the meeting of the CWP on 11 May as to whether this means that COM would only be empowered to establish additional requirements for final products, but not for components, COM clarified that the empowerment would also cover the establishment of Union origin requirements for components. AT points out, however, that such an interpretation is not clearly reflected in the wording of the current draft, which expressly refers to “final products”. AT therefore considers that a clarification of the text is required.<br><br>AT would welcome further clarification from COM regarding the criteria and methodology used for selecting the net-zero technologies covered by the empowerment under para 2.<br><br>BE<br>(Drafting suggestions):<br><br>2. The Commission is empowered to adopt ~~delegated~~ **implementing** acts to supplement Annex II with Union origin requirements for additional specific net-zero technology final products referred to in Article 4(1), points (g), (h), (j), (k), (n), (p), and (s), as well as solar thermal technologies |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | referred to in Article 4(1), point (a), nuclear fuel cycle technologies referred to in Article 4(1), point (i), and electric propulsion technologies for transport referred to in Article 4(1), point ®, which shall be required in accordance with Articles 25a, 26, 28a and 28c. In doing so, the Commission shall take the following into account:<br><br>BE<br>(Comments):<br><br>BE: Preference for implementing acts instead of delegated acts to maximise MS involvement<br><br>DE<br>(Drafting suggestions):<br><br>The Commission is empowered to adopt **implementing** ~~delegated~~ acts to supplement Annex II with Union origin requirements for additional specific net-zero technology final products referred to in Article 4(1), points (g), (h), (j), (k), (n), (p), and (s), as well as solar thermal technologies referred to in Article 4(1), point (a), nuclear fuel cycle technologies referred to in Article 4(1), point (i), and electric propulsion technologies for transport referred to in Article 4(1), point ®, which shall be required in accordance with Articles 25a, 26, 28a**,** ~~and~~ 28c **and 29**. In doing so, the Commission shall take the following into account:<br><br>DE<br>(Comments):<br><br>To include production equipment as main specific component, needs to change the delegated act of article 29.<br><br>IT<br>(Comments):<br><br>Annex II referred to in Article 25a provides that, three years after the entry into force of the Regulation, certain net-zero technologies covered by public |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | procurement procedures must comply with Union origin requirements. Should this obligation be extended to grid technologies, significant difficulties could arise for transmission system operators in managing procurement processes.<br>In particular, strategic assets such as power transformers, cables and high-voltage equipment are characterised by highly concentrated global supply chains, limited manufacturing capacity and already particularly long lead times. The introduction of mandatory origin requirements could therefore further reduce the number of available suppliers, with potential negative impacts on costs, infrastructure deployment timelines and, more broadly, the achievement of the Union's electrification and decarbonisation objectives.<br><br>IT<br>(Comments):<br><br>Annex II referred to in Article 25a provides that, three years after the entry into force of the Regulation, certain net-zero technologies covered by public procurement procedures must comply with Union origin requirements. Should this obligation be extended to grid technologies, significant difficulties could arise for transmission system operators in managing procurement processes.<br>In particular, strategic assets such as power transformers, cables and high-voltage equipment are characterised by highly concentrated global supply chains, limited manufacturing capacity and already particularly long lead times. The introduction of mandatory origin requirements could therefore further reduce the number of available suppliers, with potential negative impacts on costs, infrastructure deployment timelines and, more broadly, the achievement of the Union's electrification and decarbonisation objectives.<br><br>SE |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Drafting suggestions):<br><br>~~2. The Commission is empowered to adopt delegated acts to supplement Annex II with Union origin requirements for additional specific net-zero technology final products referred to in Article 4(1), points (g), (h), (j), (k), (n), (p), and (s), as well as solar thermal technologies referred to in Article 4(1), point (a), nuclear fuel cycle technologies referred to in Article 4(1), point (i), and electric propulsion technologies for transport referred to in Article 4(1), point ®, which shall be required in accordance with Articles 25a, 26, 28a and 28c. In doing so, the Commission shall take the following into account:~~<br><br>SE<br>(Comments):<br><br>It is important for legal certainty that the scope of the act should be defined in the legal act, rather than in delegated acts. It is crucial that the industry is granted sufficient amount of time to adapt their operations and supply chains and that the process ensures solid impact assessments and influence from Member States. |
| | |
| (a) the market situation at Union level, as identified through monitoring activities, including declining Union market shares and Union industry producing below capacity; | SE<br>(Drafting suggestions):<br><br>~~(a) the market situation at Union level, as identified through monitoring activities, including declining Union market shares and Union industry producing below capacity;~~ |
| | |
| (b) the contribution of the requirements to the Union's objective of public order, economic security, resilience and climate neutrality; | SE<br>(Drafting suggestions):<br><br>~~(b) the contribution of the requirements to the Union's objective of public order, economic security, resilience and climate neutrality;~~ |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | |
| © the impact of setting Union origin requirements, low-carbon requirements, or both on the overall competitiveness and greenhouse gas emissions of the relevant sectors, as well as on downstream costs for consumers and small and medium enterprises and on public budgets. | SE<br>(Drafting suggestions):<br>~~© the impact of setting Union origin requirements, low-carbon requirements, or both on the overall competitiveness and greenhouse gas emissions of the relevant sectors, as well as on downstream costs for consumers and small and medium enterprises and on public budgets.~~ |
| | |
| (d) demand for the relevant products or technologies. | SE<br>(Drafting suggestions):<br>~~(d) demand for the relevant products or technologies.~~ |
| | |
| 1. The delegated acts referred to in paragraph 2 shall set out: | BE<br>(Drafting suggestions):<br>1. The ~~delegated~~ **implementing** acts referred to in paragraph 2 shall set out:<br>BE<br>(Comments):<br>BE: Preference for implementing acts instead of delegated acts to maximise MS involvement<br>DE<br>(Drafting suggestions):<br>The **implementing** ~~delegated~~ acts referred to in paragraph 2 shall set out:<br>SE<br>(Drafting suggestions):<br>~~1. The delegated acts referred to in paragraph 2 shall set out:~~ |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | |
| (a) the products and components to which the minimum Union origin requirements shall apply; | SE<br>(Drafting suggestions):<br>~~(a) the products and components to which the minimum Union origin requirements shall apply;~~ |
| | |
| (b) the scope of application of the minimum Union origin requirements; | SE<br>(Drafting suggestions):<br>~~(b) the scope of application of the minimum Union origin requirements;~~ |
| | |
| (7) Article 42 is amended as follows: | AT<br>(Comments):<br>AT notes that the introduction of additional reporting obligations under paras 2a and 3 is not consistent with the objective of reducing administrative burden. AT would welcome COM's views in this regard. |
| | |
| (a) the following paragraph 2a is inserted: | |
| | |
| '2a. Member States, public authorities, procuring authorities and procuring entities applying Chapter IV of this Regulation shall report on the application of exemptions in accordance with the provisions of that Chapter.' | AT<br>(Comments):<br>As regards para 2a, COM confirmed during the meeting of the CWP on 11 May that the reporting obligation concerning the application of exemptions covers all exemption grounds under Chapter IV, including both the already existing exemptions (e.g. relating to resilience) and the newly introduced exemptions (e.g. relating to Union-origin requirements). AT asks that the reporting on the application of exemptions should be bundled (e.g. through |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | one consolidated annual report) in order to keep the administrative burden to an absolute minimum (see also comments below re para 3). If COM cannot agree to this proposal, AT would welcome further explanation why this proposal would create problems.<br><br>AT notes that the wording in para 2a should refer to "contracting authorities and contracting entities" rather than "procuring authorities and procuring entities", in line with the terminology used in the public procurement directives.<br><br>DE<br>(Drafting suggestions):<br><br>~~2a. Member States, public authorities, procuring authorities and procuring entities applying Chapter IV of this Regulation shall report on the application of exemptions in accordance with the provisions of that Chapter.'~~<br><br>DE<br>(Comments):<br><br>The reporting obligation for the application of exemptions is not supported. In particular, contracting authorities cannot be burdened with ever-new reporting obligations. This applies all the more as there is already a reporting obligation addressed to the Member States in Article 42(3) of the NZIA; this should be sufficient; the intended duplication of reporting obligations is to be rejected.<br><br>Irrespective of this, the reporting obligation in the new paragraph 2a is also unclearly designed, as both the Member States and the contracting authorities are mentioned. It is therefore unclear who exactly has to report what. In addition, it remains unclear how the notification is to be made. The new |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | paragraph 2a refers here to Chapter IV of the NZIA; however, this chapter does not contain any provisions on reporting obligations.<br><br>SE<br>(Drafting suggestions):<br><br>~~'2a. Member States, public authorities, procuring authorities and procuring entities applying Chapter IV of this Regulation shall report on the application of exemptions in accordance with the provisions of that Chapter.'~~<br><br>SE<br>(Comments):<br><br>Paragraph should be deleted since it leads to extensive and unproportional reporting burden for MS, public authorities, contracting authorities and contracting entities, including at a local municipal level.<br><br>SI<br>(Comments):<br><br>Will the methodology for data collection be standardized at the EU level for the purpose of public procurement? Is there perhaps a plan to use the database from existing public procurement forms? |
| | |
| (b) paragraph 3 is replaced by the following: | |
| | |
| '3. Where they are not already included in, or in accordance with the elements of, the national energy and climate plans, each Member State shall submit to the Commission a report setting out the data referred to in paragraphs 2 and 2a by 15 March 2027 and every three years thereafter.'; | AT<br>(Comments):<br><br>As regards para 3, AT notes that the report to be submitted to COM by each MS shall also set out the data referred to in para 2a. AT wonders why an additional reporting obligation for MS concerning the application of the exemptions is necessary, given that para 2a already establishes a reporting obligation for "*Member States, public authorities, procuring authorities and* |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | *procuring entities*" in this regard. AT rejects the introduction of a duplicative reporting obligation and would welcome clarification from COM in this regard.<br><br>SE<br>(Drafting suggestions):<br>~~3. Where they are not already included in, or in accordance with the elements of, the national energy and climate plans, each Member State shall submit to the Commission a report setting out the data referred to in paragraphs 2 and 2a by 15 March 2027 and every three years thereafter.';~~<br>SE<br>(Comments):<br>Redundant due to deletion of paragraph 2.a, see above. |
| | |
| (8) The following Annex II is added: | |
| | |
| 'ANNEX II<br>Union origin requirements for net-zero technologies | IT<br>(Comments):<br>We ask for Made in EU criteria to be differentiated by technology and by component, reflecting the different maturity levels of PV, wind, hydrogen and battery value chains<br>IT<br>(Comments):<br>We ask for Made in EU criteria to be differentiated by technology and by component, reflecting the different maturity levels of PV, wind, hydrogen and battery value chains<br>MT |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Comments):<br><br>Article 34 also introduces a **new Annex II within the NZIA**, imposing new "Union origin" requirements for contracting authorities involved in public procurement, RES auctions and other forms of public intervention, complementing the changes made in Articles 25, 26 and 28 of the NZIA. This will make non-price criteria in public procurement, RES auctions, and RES support schemes even more onerous, whereby this would introduce specific obligations for certain components to originate in the EU. In line with the above, the rules in Annex II are considered as a **red line** and should be deleted.<br><br>PL<br>(Comments):<br><br>The transition periods specified in the IAA (1/3/6 years) should be adapted to the specific characteristics and level of maturity of a given energy sector, including the maturity of the supply chain operating within that sector. In particular, in sectors where project development is a multi-year undertaking involving very high capital expenditures (CAPEX), and where the first implementations are "first-of-a-kind" and take place amid limited availability of the European supply chain, rigid and uniform deadlineso<br>could lead to investment delays and increased costs. |
| | |
| **Part I – Public procurement** | DE<br>(Comments):<br><br>Scrutiny Reservation<br><br>EL<br>(Comments): |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | We repeat the general remark under article 11 of the draft Regulation on fragmentation of the legislative framework for public procurement. |
| | |
| 1. In accordance with Article 25a, for public procurement procedures published after the entry into force of this Regulation falling within the scope of Directives 2014/23/EU, 2014/24/EU or 2014/25/EU where contracts, works contracts or work concessions include the procurement of the following net-zero technologies, procurement documents shall include the requirements laid down below: | AT<br>(Comments):<br><br>AT notes that para 1, introductory part, and point(e) refer to "*public procurement procedures … where the contracts, works contracts or works concessions include*". Since the term "contract" is already defined in Art. 3(26) NZIA as encompassing works contracts and works concessions, AT considers the additional references to "works contracts" and "works concessions" to be redundant and potentially liable to create interpretative uncertainty. AT therefore strongly suggests using only the term "contracts".<br><br>AT assumes that the Union origin requirements constitute technical specifications rather than contract performance conditions (c.f. Recital 23). In this regard, AT refers to the judgments of the ECJ of 16 January 2025 in Case C-424/23, *DYKA Plastics*, and of 16 April 2026 in Case C-568/24, *Sof Medica SA*, according to which technical specifications require the obligatory addition of the words "or equivalent". AT would therefore welcome clarification from COM as to how the Union-origin are intended to operate in light of that case law and, in particular, how the requirement to include the wording "or equivalent" is to be addressed in practice.<br><br>AT notes that the terminology used is not fully aligned with that of the Public Procurement Directives. In particular, the term "published" in para 1, introductory part, and point(e) should be replaced with "commenced" ("… public procurement procedures published after **commenced on or after** …") in line with the terminology used in the procurement acquis (see for example Art. 5(4) of Directive 2014/24/EU). Otherwise, since the draft refers to public |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | procurement procedures „published", public procurement procedures without prior publication would not be covered.<br><br>AT would welcome further written clarification from COM regarding the differentiated entry into force provisions depending on the respective technologies. In particular, AT notes that, for battery energy storage systems as well as for onshore and offshore wind technologies, the requirements become more comprehensive after three years. AT would welcome further explanation from COM regarding the rationale for this differentiated approach and the data on which this proposal was based.<br><br>Could COM clarify which types of documents contracting authorities and contracting entities may request, in addition to self-declarations, in order to verify compliance with the applicable requirements under the Annex?<br><br>CZ<br>(Drafting suggestions):<br><br>1. In accordance with Article 25a, for public procurement procedures ~~published~~ **commenced** after the entry into force of this Regulation **or, where applicable, from the dates of application of the relevant phases set out bellow,** falling within the scope of Directives 2014/23/EU, 2014/24/EU or 2014/25/EU where contracts, works contracts or work concessions include the procurement of the following net-zero technologies, procurement documents shall include the requirements laid down below:<br><br>CZ<br>(Comments):<br><br>CZ comment:<br>In the PP legal environment, commencement is the usual wording. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Transitional periods should also be explicitly provided for the phased application foreseen across individual segments.<br><br>At the same time, however, CZ points out that overly restrictive measures on the use of technologies from third countries could, in the short term, negatively affect the pace of decarbonisation and the availability of solutions in smaller markets, including the Czech Republic.<br>Given the current dominance of non-European manufacturers (of inverters, panels, etc.) and the limited availability of technical and service support from European suppliers in smaller markets, it is therefore necessary to proceed with caution and take into account the specific characteristics of individual markets. This is essential to ensure that adopted measures do not lead to increased investment costs, reduced competition, and a slowdown in the transition away from fossil fuels, rather than its acceleration.<br><br>DE<br>(Comments):<br>Scrutiny Reservation<br><br>MT<br>(Comments):<br>Request for clarification: The provision states that '...where contracts, works contracts or work concessions...'. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Does the first word 'contracts' imply Supplies and Services Public Contracts within the scope of Directives 2014/24/EU and 2014/25/EU as well as Service Concessions within the scope of Directive 2014/23/EU? |
| | |
| (a) Battery energy storage systems: | DE<br>(Comments):<br>Scrutiny Reservation<br><br>DK<br>(Comments):<br>How are 'battery energy storage systems' in this annex to be understood? Is it only stationary batteries or does it also include for exampele batteries for vehicles?<br>IT<br>(Comments):<br>Union-origin requirements for BESS should be gradual, capacity-based and supported by clear definitions, objective criteria and derogations reflecting actual EU manufacturing capabilities and supply-chain constraints.<br>IT<br>(Comments):<br>Union-origin requirements for BESS should be gradual, capacity-based and supported by clear definitions, objective criteria and derogations reflecting actual EU manufacturing capabilities and supply-chain constraints. |
| | |
| From [OP: Please insert the date = 1 year after entry into force of this Regulation] until [3 years after entry into force of this Regulation], the battery energy storage systems shall originate in the Union and, for projects including | DE<br>(Comments): |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| battery energy storage exceeding 1 Megawatt-hour, contain a battery management system that originates in the Union. | Scrutiny Reservation<br><br>IT<br>(Drafting suggestions):<br><br>From [OP: Please insert the date = 1 year after entry into force of this Regulation] until [3 years after entry into force of this Regulation], the battery energy storage systems shall originate in the Union and, for projects including battery energy storage exceeding 1 Megawatt-hour, contain a battery management system **and battery cells** that originates in the Union.<br><br>IT<br>(Comments):<br><br>The proposal aims to bring forward, from the first year of application, the requirement that BESS systems above 1 MWh include not only a Battery Management System (BMS) originating in the Union, but also EU-origin battery cells, whereas the current IAA text provides for this requirement only from the third year after the entry into force of the Regulation. The proposal is based on the consideration that cells represent the core and most strategically valuable component of the battery value chain, directly affecting performance, operational management, system control, and safety and cybersecurity profiles, including through their interaction with the Battery Management System (BMS) and the Power Conversion System (PCS). Cells are also the most economically significant component of the value chain and one of the segments where the Union is most exposed to strategic dependencies on non-EU suppliers.<br>Bringing forward the requirement also appears consistent with the European Union's most recent priorities on industrial competitiveness, economic security and the energy transition. The European Commission increasingly recognises the central role of storage systems in integrating renewable energy sources, ensuring power system flexibility and strengthening security of |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | energy supply. In particular, the AccelerateEU plan highlights the need to increase the Union's electricity storage capacity from the current level of around 55 GW to around 200 GW by 2030, while the recent Tech Package and the Strategic Roadmap for Digitalisation and AI in Energy confirm the strategic role of flexible and digitalised energy infrastructure in supporting the competitiveness and resilience of the European energy system. In this context, it appears essential that the expected significant expansion of the European storage market be accompanied by adequate incentives for the development of a European battery manufacturing value chain and related strategic components, avoiding a situation in which demand growth results in further consolidation of external industrial dependencies. Moreover, since the requirements under Article 26 NZIA apply to auctions and not to the physical delivery of projects, the three-year phase-in envisaged by the IAA could produce concrete industrial effects only several years after the entry into force of the Regulation, thereby significantly delaying the market signal that the legislator intends to generate. The proposal is also practically relevant in light of manufacturing investments currently being developed in Europe in the field of cells for stationary applications, including LFP cell production in Italy. In the absence of a timely and credible market signal, these investments risk being exposed to asymmetric competitive conditions from non-EU producers benefiting from subsidies and distortive measures, with consequent prejudice to the development of an integrated European value chain for stationary batteries.<br><br>IT<br>(Drafting suggestions):<br>From [OP: Please insert the date = 1 year after entry into force of this Regulation] until [3 years after entry into force of this Regulation], the battery energy storage systems shall originate in the Union and, for projects |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | including battery energy storage exceeding 1 Megawatt-hour, contain a battery management system **and battery cells** that originates in the Union.<br><br>IT<br>(Comments):<br><br>The proposal aims to bring forward, from the first year of application, the requirement that BESS systems above 1 MWh include not only a Battery Management System (BMS) originating in the Union, but also EU-origin battery cells, whereas the current IAA text provides for this requirement only from the third year after the entry into force of the Regulation. The proposal is based on the consideration that cells represent the core and most strategically valuable component of the battery value chain, directly affecting performance, operational management, system control, and safety and cybersecurity profiles, including through their interaction with the Battery Management System (BMS) and the Power Conversion System (PCS). Cells are also the most economically significant component of the value chain and one of the segments where the Union is most exposed to strategic dependencies on non-EU suppliers.<br>Bringing forward the requirement also appears consistent with the European Union's most recent priorities on industrial competitiveness, economic security and the energy transition. The European Commission increasingly recognises the central role of storage systems in integrating renewable energy sources, ensuring power system flexibility and strengthening security of energy supply. In particular, the AccelerateEU plan highlights the need to increase the Union's electricity storage capacity from the current level of around 55 GW to around 200 GW by 2030, while the recent Tech Package and the Strategic Roadmap for Digitalisation and AI in Energy confirm the strategic role of flexible and digitalised energy infrastructure in supporting the competitiveness and resilience of the European energy system. In this context, it appears essential that the expected significant expansion of the European storage market be accompanied by adequate incentives for the |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | development of a European battery manufacturing value chain and related strategic components, avoiding a situation in which demand growth results in further consolidation of external industrial dependencies. Moreover, since the requirements under Article 26 NZIA apply to auctions and not to the physical delivery of projects, the three-year phase-in envisaged by the IAA could produce concrete industrial effects only several years after the entry into force of the Regulation, thereby significantly delaying the market signal that the legislator intends to generate. The proposal is also practically relevant in light of manufacturing investments currently being developed in Europe in the field of cells for stationary applications, including LFP cell production in Italy. In the absence of a timely and credible market signal, these investments risk being exposed to asymmetric competitive conditions from non-EU producers benefiting from subsidies and distortive measures, with consequent prejudice to the development of an integrated European value chain for stationary batteries.<br><br>MT<br>(Comments):<br><br>Request for Clarification: What is meant by 'projects'? Is one to understand Procurement Procedures?<br><br>PL<br>(Drafting suggestions):<br><br>From [OP: Please insert the date = ~~1 year after~~ **from** the entry into force of this Regulation] until [3 years after entry into force of this Regulation], the battery energy storage systems shall originate in the Union, contain a battery cells battery modules that originates in the Union<br><br>PL<br>(Comments): |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | The proposed adjustments reflect the current production capacities of the European battery industry and ensure that origin requirements support, rather than distort, the development of the EU value chain.<br><br>For battery cells and modules, the Union already has sufficient and growing manufacturing capacity. Applying a "Union origin" requirement from entry into force is therefore justified and ensures that public procurement and support mechanisms directly reinforce EU-based production.<br><br>For battery management systems (BMS), production capacity in the Union and integrated partners is already adequate. Introducing such a requirement within one year is feasible without creating supply risks or significant cost increases.<br><br>This approach ensures a balanced alignment between industrial capacity and regulatory ambition, while safeguarding supply chains and supporting the gradual development of the European battery ecosystem |
| | |
| From [OP: Please insert the date = 3 years after entry into force of this Regulation], the battery energy storage systems shall originate in the Union and contain battery cells, a battery management system as well as one additional main specific component that originate in the Union. | DE<br>(Comments):<br><br>Scrutiny Reservation |
| | |
| (b) Solar PV technologies: From [OP: Please insert the date = 3 years after entry into force of this Regulation], the PV inverter and the PV cells or equivalent shall originate in the Union. | DE<br>(Comments):<br><br>Scrutiny Reservation<br><br>FR<br>(Drafting suggestions): |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Solar PV technologies: **From [OP: Please insert the date = 1 year after entry into force of this Regulation] until [OP: Please insert the date = 3 years after entry into force of this Regulation], PV inverter shall originate in the Union**.<br><br>From [OP: Please insert the date = 3 years after entry into force of this Regulation], the PV inverter, **the PV module**, ~~and~~ the PV cells or equivalent **and one other main specific component** shall originate in the Union<br><br>FR<br>(Comments):<br><br>Given the production capacity already available within Europe and in order to ensure a sufficient level of local content, the number of components must be increased. To take account of the gradual ramp-up of European production capacity, an interim requirement must be included on the same footing as other technologies.<br><br>IT<br>(Drafting suggestions):<br><br>(b) Solar PV technologies: From [OP: Please insert the date = ~~3 years~~ **1 year** after entry into force of this Regulation], the PV inverter and the PV cells or equivalent shall originate in the Union.<br><br>IT<br>(Drafting suggestions):<br><br>(b) Solar PV technologies: From [OP: Please insert the date = ~~3 years~~ **1 year** after entry into force of this Regulation], the PV inverter and the PV cells or equivalent shall originate in the Union. |
| | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| © Hydronic heat pumps: From [OP: Please insert: 3 years after the entry into force of this Regulation] the hydronic heat pump shall originate in the Union. | DE<br>(Comments):<br>Scrutiny Reservation<br><br>FR<br>(Drafting suggestions):<br>Hydronic heat pumps: **From [OP: Please insert the date = 1 year after entry into force of this Regulation] until [3 years after entry into force of this Regulation], the final assembly of the refrigerant circuit, or at least one of its subassemblies, takes place within the Union.**<br><br>From [OP: Please insert the date = 3 years after the entry into force of this Regulation], the hydronic heat pump shall originate within the Union.<br><br>FR<br>(Comments):<br>Utilizing the final assembly of the refrigerant circuit, or at least one of its subassemblies, provides a clear, technically sound, and inclusive framework that comprehensively covers both monobloc and split units that are currently manufactured in EU. The introduction of this two-year transition period provides the regulatory clarity and phased approach necessary for the success of the Industrial Accelerator Act.<br>IT<br>(Drafting suggestions):<br>© ~~Hydronic heat pumps: From [OP: Please insert: 3 years after the entry into force of this Regulation] the hydronic heat pump shall originate in the Union.~~ **Heat pump technologies: From [OP: Please insert: 3 years after the entry into force of this Regulation], heat pump technologies,** |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | **including hydronic heat pumps, air-air heat pumps, industrial heat pumps and high-temperature heat pumps, shall originate in the Union.**<br><br>IT<br>(Comments):<br><br>The current reference limited to hydronic heat pumps risks excluding other heat pump technologies that are already commercially available and play a significant role in achieving the European Union's decarbonisation, energy security and industrial competitiveness objectives. A technology-specific approach may not adequately reflect the diversity of applications and market developments within the heating, cooling, domestic hot water and industrial sectors. In particular, air-air heat pumps, domestic hot water heat pumps, industrial heat pumps and high-temperature heat pumps are increasingly contributing to the electrification of energy demand and the reduction of greenhouse gas emissions across residential, commercial and industrial applications. The proposed amendment therefore introduces a more technology-neutral approach, consistent with the objectives of the Net-Zero Industry Act and the Industrial Accelerator Act, by recognising the contribution of the entire heat pump value chain to Europe's clean industrial transition. Broadening the scope to all heat pump technologies would support investment certainty, strengthen European manufacturing capacity, foster innovation and skills development, and avoid creating unintended market distortions between technologies that contribute to the same decarbonisation objectives.<br><br>IT<br>(Drafting suggestions):<br><br>© ~~Hydronic heat pumps: From [OP: Please insert: 3 years after the entry into force of this Regulation] the hydronic heat pump shall originate in the~~ |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | ~~Union.~~ **Heat pump technologies: From [OP: Please insert: 3 years after the entry into force of this Regulation], heat pump technologies, including hydronic heat pumps, air-air heat pumps, industrial heat pumps and high-temperature heat pumps, shall originate in the Union.**<br><br>IT<br>(Comments):<br><br>The current reference limited to hydronic heat pumps risks excluding other heat pump technologies that are already commercially available and play a significant role in achieving the European Union's decarbonisation, energy security and industrial competitiveness objectives. A technology-specific approach may not adequately reflect the diversity of applications and market developments within the heating, cooling, domestic hot water and industrial sectors. In particular, air-air heat pumps, domestic hot water heat pumps, industrial heat pumps and high-temperature heat pumps are increasingly contributing to the electrification of energy demand and the reduction of greenhouse gas emissions across residential, commercial and industrial applications. The proposed amendment therefore introduces a more technology-neutral approach, consistent with the objectives of the Net-Zero Industry Act and the Industrial Accelerator Act, by recognising the contribution of the entire heat pump value chain to Europe's clean industrial transition. Broadening the scope to all heat pump technologies would support investment certainty, strengthen European manufacturing capacity, foster innovation and skills development, and avoid creating unintended market distortions between technologies that contribute to the same decarbonisation objectives. |
| | |
| (d) Onshore and offshore wind technologies: | DE |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Comments):<br>Scrutiny Reservation<br><br>FR<br>(Drafting suggestions):<br>(d) Onshore ~~and offshore~~ wind technologies<br>FR<br>(Comments):<br>Considering that the production capacities for onshore and offshore wind technologies are very different, the French authorities would like to differentiate the technologies, as in the NZIA. |
| | |
| From [OP: Please insert the date = 1 year after the entry into force of this Regulation] until [OP: Please insert the date = 3 years after entry into force of this Regulation], one main specific component shall originate in the Union. | DE<br>(Comments):<br>Scrutiny Reservation<br><br>FR<br>(Drafting suggestions):<br>From [OP: Please insert the date = 1 year after the entry into force of this Regulation] until [OP: Please insert the date = 3 years after entry into force of this Regulation], ~~one~~ **three** main specific components shall originate in the Union.<br>FR<br>(Comments): |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Given the production capacity already available within Europe and in order to ensure a sufficient level of local content, the number of components must be increased. |
| | |
| From [OP: Please insert the date = 3 years after the entry into force of this Regulation], two main specific components shall originate in the Union. | DE<br>(Comments):<br>Scrutiny Reservation<br><br>FR<br>(Drafting suggestions):<br>From [OP: Please insert the date = 3 years after the entry into force of this Regulation], ~~two~~ **four** main specific components shall originate in the Union.<br>FR<br>(Comments):<br>Given the production capacity already available within Europe and in order to ensure a sufficient level of local content, the number of components must be increased. |
| | FR<br>(Drafting suggestions):<br>**(e) Offshore wind technologies:**<br><br>**From [OP: Please insert the date = 1 year after the entry into force of this Regulation] until [OP: Please insert the date = 3 years after entry into force of this Regulation], four main specific components shall originate in the Union.** |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | **From [OP: Please insert the date = 3 years after the entry into force of this Regulation], five main specific components shall originate in the Union**.<br><br>FR<br>(Comments):<br><br>Given the production capacity already available within Europe and in order to ensure a sufficient level of local content, the number of components must be increased. |
| (e) Nuclear fission technologies: | BE<br>(Drafting suggestions):<br><br>(e) Nuclear fission energy technologies**, <u>including nuclear fuel cycle technologies</u>**<br><br>BE<br>(Comments):<br><br>BE: proposal to align with NZIA art 4 (i) (list of technologies)<br><br>DE<br>(Comments):<br><br>Scrutiny Reservation<br><br><br>PL<br>(Comments):<br><br>Given the nuclear power plant construction projects that have already begun and the extensive investment and construction process in this area, it is necessary to define the term “new nuclear power plant” (for example, by specifying the stage<br>of the investment and construction process at which a given power plant project |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | as new) or to define more precisely the scope of public procurement procedures<br>that are subject to the requirement regarding EU origin |
| | |
| For public procurement procedures published after [OP: Please insert the date = 4 years after entry into force of this Regulation] where works contracts or work concessions include the construction on a new-build nuclear power plant, including small modular nuclear reactors (SMR), at least two main specific components shall originate in the Union. | BE<br>(Drafting suggestions):<br><br>For public procurement procedures published after [OP: Please insert the date = 4 years after entry into force of this Regulation] where works contracts or work concessions include the construction ~~on~~ **of** a new-build nuclear power plant, including small modular nuclear reactors (SMR), at least two main specific components shall originate in the Union.<br><br>BE<br>(Comments):<br><br>BE: Shall originate in the Union ➔ what is the scope, only within EU member states, or also with EU partners (Custom Union + Free Trade Agreement)?<br><br>CZ<br>(Drafting suggestions):<br><br>For public procurement procedures published after [OP: Please insert the date = 4 years after entry into force of this Regulation] where works contracts or work concessions include the construction on a new-build nuclear power plant, ~~**including small modular nuclear reactors (SMR),**~~ at least two main specific components shall originate in the Union<br><br>CZ<br>(Comments): |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | As the small modular reactors represent a new technology, we do not see the rationale behind including it in the Annex II Part IV. As there are no current substantial capacities for this technology in the EU, prescribing required main specific components may result in damaging possible deployment of this technology in the EU.<br>We propose deleting any reference to SMR from the text. This technology can be taken into account during the evaluation and revision of the regulation, and included into the scope of the regulation after such an evaluation, provided the analysis and studies show it is mature enough with sufficient capacities in the EU.<br><br>DE<br>(Comments):<br><br>Scrutiny Reservation<br><br><br>FR<br>(Drafting suggestions):<br><br>For public procurement procedures published after [OP: Please insert the date =~~4~~ **3** years after entry into force of this Regulation] where works contracts or work concessions include the construction on a new-build nuclear power plant, including small modular nuclear reactors (SMR), at least ~~two~~ **four** main specific components shall originate in the Union.]<br><br>FR<br>(Comments):<br><br>Given the production capacity already available within Europe and in order to ensure a sufficient level of local content, the number of components must be increased. In a context of growing competition with international players, there is an important need to secure and to strengthen the European nuclear supply chain. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | |
| For public procurement procedures published after [OP: Please insert the date = 6 years after entry into force of this Regulation] where works contracts or work concessions include the construction on a new-build nuclear power plant, including small modular nuclear reactors (SMR), at least three main specific components shall originate in the Union. | BE<br>(Comments):<br><br>BE: Shall originate in the Union ➔ what is the scope, only within EU member states, or also with EU partners (Custom Union + Free Trade Agreement)?<br><br>CZ<br>(Drafting suggestions):<br><br>For public procurement procedures published after [OP: Please insert the date = 6 years after entry into force of this Regulation] where works contracts or work concessions include the construction on a new-build nuclear power plant, ~~**including small modular nuclear reactors (SMR)**~~, at least three main specific components shall originate in the Union.<br><br>CZ<br>(Comments):<br><br>As the small modular reactors represent a new technology, we do not see the rationale behind including it in the Annex II Part IV. As there are no current substantial capacities for this technology in the EU, prescribing required main specific components may result in damaging possible deployment of this technology in the EU.<br>We propose deleting any reference to SMR from the text. This technology can be taken into account during the evaluation and revision of the regulation, and included into the scope of the regulation after such an evaluation, provided the analysis and studies show it is mature enough with sufficient capacities in the EU.<br><br>DE<br>(Comments): |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Scrutiny Reservation<br><br>FR<br>(Drafting suggestions):<br>~~For public procurement procedures published after [OP: Please insert the date = 6 years after entry into force of this Regulation] where works contracts or work concessions include the construction on a new-build nuclear power plant, including small modular nuclear reactors (SMR), at least three main specific components shall originate in the Union.~~ |
| | |
| These requirements shall not apply to research, development and innovation projects including first industrial deployment of nuclear power plants. | BE<br>(Comments):<br>BE: Will there be a clarification on what is implied by "first industrial deployment"? Will there be a determination of the (amount of) adaptations necessary for a project not to be considered anymore as a 'first deployment'?<br>DE<br>(Comments):<br>Scrutiny Reservation<br><br>FR<br>(Drafting suggestions):<br>These requirements shall ~~not~~ apply to research, development and innovation projects including first industrial deployment of nuclear power plants~~.~~<br><br>FR<br>(Comments): |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | There is a special need to cover research, development and first industrial deployment of nuclear power plants with this regulation to avoid the creation of dependencies to foreign supply chain for the next nuclear power plants.<br><br>MT<br>(Comments):<br><br>Request for Clarification: What is meant by 'projects'? Is one to understand Procurement Procedures?<br><br>PL<br>(Comments):<br><br>Criteria regarding Union origin must take market realities into account and be aligned with technological conditions. The European Union currently does not possess advanced nuclear fission technologies for small modular reactors, and their development is essential for achieving the EU's decarbonisation goals and reducing energy prices. Therefore, any restrictions on the use of technologies from third countries should be conditional on the level of development of such technologies within the EU and should apply only to new SMR projects. |
| | AT<br>(Drafting suggestions):<br><br>**(f) Electric charging infrastructure for transport: From [OP: Please insert the date = 2 years after entry into force of this Regulation], charging infrastructure for electric vehicles, shore-side electric charging equipment, and electric air transport supply equipment shall originate in the Union.**<br><br>**(g) Hydro technolgy**<br><br>AT |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Comments):<br>In our view it is not clear why we should create lead markets for e-mobility withouth considering the charging infrastructure which is a prerequisit for rollout of electric vehicles.<br><br>For AT hydropower is an important energy source, therefore hydropower technologies should be re-included in Art 25 NZIA as well as in the Made in Europe criteria of Annex II.<br><br>FR<br>(Drafting suggestions):<br>**(f) Electricity grid technologies :**<br><br>**From [OP: Please insert the date = 1 year after the entry into force of this Regulation], smart meters, electric vehicle supply equipment, cables and lines for electricity transmission and distribution, and cables connecting net-zero technologies to the electricity grid (overhead lines, underground and undersea cables, including HVDC and HVAC), power transformers, switchgears, circuit breakers and capacitors shall originate in the Union.**<br><br>**From [OP: Please insert the date = 3 years after entry into force of this Regulation], advanced metering and control infrastructures, high- and medium-voltage power electronics equipment and components (including DC technology), inverters and converters shall ori ginate in the Union.**<br>FR<br>(Comments): |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | It is essential to explicitly recognize the strategic nature of electricity grid technologies whilst providing for a mechanism to periodically review the scope of equipment covered by the IAA.<br><br>To this end, the regulation should provide for the possibility of extending, by means of delegated acts and on the basis of objective criteria, the scope of technologies subject to the IAA's requirements.<br><br>Proposed criteria for inclusion within the scope:<br>• Strategic affiliation with the major families of Net Zero Technologies and<br>• Current high dependence on non-EU sources (market share <40%) or a high risk of a decline in market share within five years (>30%).<br>• Competition from outside the EU with a competitive gap >20% at an equivalent technological level and industrial overcapacity and/or<br>• Maintenance of technologies and know-how at a critical level enabling resilience in the face of crises.<br><br>IT<br>(Drafting suggestions):<br>**(f) Geothermal technologies: From [OP: Please insert: 3 years after the entry into force of this Regulation], geothermal heating, cooling and power generation technologies, including hydrothermal systems, binary-cycle Organic Rankine Cycle systems, Enhanced Geothermal Systems and Advanced Geothermal Systems, shall originate in the Union.**<br><br>**(g) Electricity grid technologies:**<br>**From [OP: Please insert the date = 1 year after entry into force of this Regulation], cables and lines for electricity transmission and distribution, and cables connecting net-zero technologies to the** |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | **electricity grid (overhead lines, underground and undersea cables, including HVDC and HVAC) shall originate in the Union.**<br><br>IT<br>(Comments):<br><br>(f) Geothermal technologies are recognised as net-zero technologies under the Net-Zero Industry Act and will be addressed by the forthcoming EU Geothermal Action Plan. Their inclusion in the IAA procurement framework would ensure regulatory coherence and provide a clear market signal for low-carbon, dispatchable energy solutions and European manufacturing value chains.<br><br>(g) We support the reintroduction of power cables for electricity transmission and distribution within the scope of the Union-origin requirements under the IAA. Power cables are a core component of electricity grid technologies and play a strategic role in the deployment of transmission and distribution infrastructure, the integration of renewable energy sources and the achievement of the Union's decarbonisation objectives.<br><br>Their inclusion would contribute to strengthening the resilience, security and strategic autonomy of the Union in a critical technology area, while supporting the development of secure and reliable European value chains for electricity grid infrastructure.<br><br>---<br><br>We also ask to include electric charging technologies for transport / EVSE among the net-zero technologies subject to Union-origin requirements in public procurement. EVSE are already part of electricity grid technologies under Article 4(1)(h) NZIA and are critical infrastructure for high-power |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | public charging, cybersecurity, resilience and remote-control risk management.<br><br>IT<br>(Drafting suggestions):<br>**(f) Geothermal technologies: From [OP: Please insert: 3 years after the entry into force of this Regulation], geothermal heating, cooling and power generation technologies, including hydrothermal systems, binary-cycle Organic Rankine Cycle systems, Enhanced Geothermal Systems and Advanced Geothermal Systems, shall originate in the Union.**<br><br>**(g) Electricity grid technologies:**<br>**From [OP: Please insert the date = 1 year after entry into force of this Regulation], cables and lines for electricity transmission and distribution, and cables connecting net-zero technologies to the electricity grid (overhead lines, underground and undersea cables, including HVDC and HVAC) shall originate in the Union.**<br><br>IT<br>(Comments):<br>(f) Geothermal technologies are recognised as net-zero technologies under the Net-Zero Industry Act and will be addressed by the forthcoming EU Geothermal Action Plan. Their inclusion in the IAA procurement framework would ensure regulatory coherence and provide a clear market signal for low-carbon, dispatchable energy solutions and European manufacturing value chains.<br><br>(g) We support the reintroduction of power cables for electricity transmission and distribution within the scope of the Union-origin requirements under the |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | IAA. Power cables are a core component of electricity grid technologies and play a strategic role in the deployment of transmission and distribution infrastructure, the integration of renewable energy sources and the achievement of the Union's decarbonisation objectives.<br><br>Their inclusion would contribute to strengthening the resilience, security and strategic autonomy of the Union in a critical technology area, while supporting the development of secure and reliable European value chains for electricity grid infrastructure.<br><br>------<br><br>We also ask to include electric charging technologies for transport / EVSE among the net-zero technologies subject to Union-origin requirements in public procurement. EVSE are already part of electricity grid technologies under Article 4(1)(h) NZIA and are critical infrastructure for high-power public charging, cybersecurity, resilience and remote-control risk management. |
| **Part II – Auctions** | IT<br>(Comments):<br><br>See comments above, in the new article 26<br><br>IT<br>(Comments):<br><br>See comments above, in the new article 26 |
| | |
| In accordance with Article 26, when auctions have the following net-zero technologies as part of their subject-matter, Member States shall include the pre-qualification or award criteria laid down below: | BE<br>(Comments): |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | BE: What is the price impact and limits on availability of CRM and components of these technologies? |
| | |
| (a) Battery energy storage systems: | IT<br>(Comments):<br>Union-origin requirements for BESS should be gradual, capacity-based and supported by clear definitions, objective criteria and derogations reflecting actual EU manufacturing capabilities and supply-chain constraints.<br>IT<br>(Comments):<br>Union-origin requirements for BESS should be gradual, capacity-based and supported by clear definitions, objective criteria and derogations reflecting actual EU manufacturing capabilities and supply-chain constraints. |
| | |
| For auctions published from [OP: Please insert the date = 1 year after entry into force of this Regulation] until [OP: Please insert the date = 3 years after entry into force of this Regulation], the battery energy storage system shall originate in the Union and, for projects including battery energy storage exceeding 1 Megawatt-hour, contain a battery management system that originates in the Union. | IT<br>(Drafting suggestions):<br>For auctions published from [OP: Please insert the date = 1 year after entry into force of this Regulation] until [OP: Please insert the date = 3 years after entry into force of this Regulation], the battery energy storage system shall originate in the Union and, for projects including battery energy storage exceeding 1 Megawatt-hour, contain a battery management system **and battery cells** that originate~~s~~ in the Union.<br>IT<br>(Comments):<br>The proposal aims to bring forward, from the first year of application, the requirement that BESS systems above 1 MWh include not only a Battery Management System (BMS) originating in the Union, but also EU-origin |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | battery cells, whereas the current IAA text provides for this requirement only from the third year after the entry into force of the Regulation. The proposal is based on the consideration that cells represent the core and most strategically valuable component of the battery value chain, directly affecting performance, operational management, system control, and safety and cybersecurity profiles, including through their interaction with the Battery Management System (BMS) and the Power Conversion System (PCS). Cells are also the most economically significant component of the value chain and one of the segments where the Union is most exposed to strategic dependencies on non-EU suppliers. Bringing forward the requirement also appears consistent with the European Union's most recent priorities on industrial competitiveness, economic security and the energy transition. The European Commission increasingly recognises the central role of storage systems in integrating renewable energy sources, ensuring power system flexibility and strengthening security of energy supply. In particular, the AccelerateEU plan highlights the need to increase the Union's electricity storage capacity from the current level of around 55 GW to around 200 GW by 2030, while the recent Tech Package and the Strategic Roadmap for Digitalisation and AI in Energy confirm the strategic role of flexible and digitalised energy infrastructure in supporting the competitiveness and resilience of the European energy system. In this context, it appears essential that the expected significant expansion of the European storage market be accompanied by adequate incentives for the development of a European battery manufacturing value chain and related strategic components, avoiding a situation in which demand growth results in further consolidation of external industrial dependencies. Moreover, since the requirements under Article 26 NZIA apply to auctions and not to the physical delivery of projects, the three-year phase-in envisaged by the IAA could produce concrete industrial effects only several years after the entry into force of the Regulation, thereby significantly delaying the market signal that the legislator intends to generate. The proposal is also practically relevant in light |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | of manufacturing investments currently being developed in Europe in the field of cells for stationary applications, including LFP cell production in Italy. In the absence of a timely and credible market signal, these investments risk being exposed to asymmetric competitive conditions from non-EU producers benefiting from subsidies and distortive measures, with consequent prejudice to the development of an integrated European value chain for stationary batteries.<br><br>IT<br>(Drafting suggestions):<br><br>For auctions published from [OP: Please insert the date = 1 year after entry into force of this Regulation] until [OP: Please insert the date = 3 years after entry into force of this Regulation], the battery energy storage system shall originate in the Union and, for projects including battery energy storage exceeding 1 Megawatt-hour, contain a battery management system **and battery cells** that originate~~s~~ in the Union.<br><br>IT<br>(Comments):<br><br>The proposal aims to bring forward, from the first year of application, the requirement that BESS systems above 1 MWh include not only a Battery Management System (BMS) originating in the Union, but also EU-origin battery cells, whereas the current IAA text provides for this requirement only from the third year after the entry into force of the Regulation. The proposal is based on the consideration that cells represent the core and most strategically valuable component of the battery value chain, directly affecting performance, operational management, system control, and safety and cybersecurity profiles, including through their interaction with the Battery Management System (BMS) and the Power Conversion System (PCS). Cells are also the most economically significant component of the value chain and one of the segments where the Union is most exposed to strategic |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | dependencies on non-EU suppliers. Bringing forward the requirement also appears consistent with the European Union's most recent priorities on industrial competitiveness, economic security and the energy transition. The European Commission increasingly recognises the central role of storage systems in integrating renewable energy sources, ensuring power system flexibility and strengthening security of energy supply. In particular, the AccelerateEU plan highlights the need to increase the Union's electricity storage capacity from the current level of around 55 GW to around 200 GW by 2030, while the recent Tech Package and the Strategic Roadmap for Digitalisation and AI in Energy confirm the strategic role of flexible and digitalised energy infrastructure in supporting the competitiveness and resilience of the European energy system. In this context, it appears essential that the expected significant expansion of the European storage market be accompanied by adequate incentives for the development of a European battery manufacturing value chain and related strategic components, avoiding a situation in which demand growth results in further consolidation of external industrial dependencies. Moreover, since the requirements under Article 26 NZIA apply to auctions and not to the physical delivery of projects, the three-year phase-in envisaged by the IAA could produce concrete industrial effects only several years after the entry into force of the Regulation, thereby significantly delaying the market signal that the legislator intends to generate. The proposal is also practically relevant in light of manufacturing investments currently being developed in Europe in the field of cells for stationary applications, including LFP cell production in Italy. In the absence of a timely and credible market signal, these investments risk being exposed to asymmetric competitive conditions from non-EU producers benefiting from subsidies and distortive measures, with consequent prejudice to the development of an integrated European value chain for stationary batteries.<br><br>PL |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Drafting suggestions):<br><br>For auctions published from [OP: Please insert the date = ~~1 year after~~ the entry into force of this Regulation] until [3 years after entry into force of this Regulation], the battery energy storage systems shall originate in the Union, contain a battery cells battery modules that originates in the Union<br><br>PL<br>(Comments):<br><br>The proposed adjustments reflect the current production capacities of the European battery industry and ensure that origin requirements support, rather than distort, the development of the EU value chain.<br><br>For battery cells and modules, the Union already has sufficient and growing manufacturing capacity. Applying a "Union origin" requirement from entry into force is therefore justified and ensures that public procurement and support mechanisms directly reinforce EU-based production.<br><br>For battery management systems (BMS), production capacity in the Union and integrated partners is already adequate. Introducing such a requirement within one year is feasible without creating supply risks or significant cost increases.<br><br>This approach ensures a balanced alignment between industrial capacity and regulatory ambition, while safeguarding supply chains and supporting the gradual development of the European battery ecosystem |
| | |
| For auctions published after [OP: Please insert the date = 3 years after entry into force of this Regulation], the battery energy storage system shall originate in the Union and contain battery cells, a battery management system as well as one additional main specific components that originate in the Union. | |
| | |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| (b) Solar PV technologies: For auctions published after [OP: Please insert the date = 3 years after entry into force of this Regulation], PV inverter and the PV cells or equivalent shall originate in the Union. | DE<br>(Drafting suggestions):<br><br>(b) Solar PV technologies: For auctions published after [OP: Please insert the date = 3 years after entry into force of this Regulation], PV inverter**,** ~~and~~ the PV cells, **the Polysilicon and Production equipment for the PV Cell** or equivalent shall originate in the Union.<br><br>DE<br>(Comments):<br><br>To reduce existing critical dependencies from one country, it is importante to preserve the european production equipment landscape. Current investiment decisions show, that without a resilince criteria, production equipment from a dominate country will be used.<br><br>DE<br>(Drafting suggestions):<br><br>(<br><br>FR<br>(Drafting suggestions):<br><br>Solar PV technologies: **For auctions published after [OP: Please insert the date = 1 year after entry into force of this Regulation] until [OP: Please insert the date = 3 years after entry into force of this Regulation], PV inverter shall originate in the Union**.<br><br>For auctions published after [OP: Please insert the date = 3 years after entry into force of this Regulation], the PV inverter, **the PV module**, ~~and~~ the PV cells or equivalent **and one other main specific component** shall originate in the Union.<br><br>FR |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Comments):<br><br>Given the production capacity already available within Europe and in order to ensure a sufficient level of local content, the number of components must be increased. To take account of the gradual ramp-up of European production capacity, an interim requirement must be included on the same footing as other technologies.<br><br>IT<br>(Drafting suggestions):<br><br>(b) Solar PV technologies: For auctions published after [OP: Please insert the date = ~~3 years~~ **1 year** after entry into force of this Regulation], PV inverter and the PV cells or equivalent shall originate in the Union.<br><br>IT<br>(Drafting suggestions):<br><br>(b) Solar PV technologies: For auctions published after [OP: Please insert the date = ~~3 years~~ **1 year** after entry into force of this Regulation], PV inverter and the PV cells or equivalent shall originate in the Union. |
| | |
| © Hydrogen: | BE<br>(Comments):<br><br>BE: Belgium is supportive of establishing European lead market mechanisms that create demand and distribute decarbonisation costs across the European market<br>create stable and credible long-term demand for renewable hydrogen, low-carbon hydrogen and hydrogen-based products is key.<br><br>IT<br>(Comments): |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | We ask to exclude hydrogen, at this stage, from Made in EU criteria in auctions because the supply chain is not sufficiently mature, procurement lead times are already long, and origin constraints could increase costs and delay project implementation.<br><br>IT<br>(Comments):<br><br>We ask to exclude hydrogen, at this stage, from Made in EU criteria in auctions because the supply chain is not sufficiently mature, procurement lead times are already long, and origin constraints could increase costs and delay project implementation. |
| | |
| For auctions published after [OP: Please insert the date = 1 year after the entry into force of this Regulation], the electrolysers used to produce the hydrogen shall originate in the Union, and the stacks as well as one additional main specific component shall originate in the Union. | BE<br>(Comments):<br><br>BE: Shall originate in the Union ➔ what is the scope, only within EU member states, or also with EU partners (Custom Union + Free Trade Agreement)?<br><br>DE<br>(Drafting suggestions):<br><br>For auctions published after [OP: Please insert the date = 1 year after the entry into force of this Regulation], the **stacks of the** electrolysers used to produce the hydrogen ~~shall originate in the Union and the stacks~~ as well as ~~one~~ **at least two ~~out of four~~** ~~additional~~ **~~of the~~** main specific component**s** **of the stacks** shall originate in the Union.<br><br>DE<br>(Comments):<br><br>Reference to the electrolyser originating in the Union risks including non-strategic Balance of Plant elements. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Focus on stack and its main components incentivizes meaningful European value creation, thereby ensuring that the Union Origin criterion cannot be satisfied by final assembly alone.<br><br>PL<br>(Drafting suggestions):<br>"For auctions published after [OP: Please insert the date = ~~1~~ **3** years after entry into force of this Regulation]", the electrolysers used to produce the hydrogen shall originate in the Union, and the stacks as well as one additional main specific component shall originate in the Union<br><br>PL<br>(Comments):<br>The proposed one-year deadline is not realistic for hydrogen technologies. It could reduce competition in support schemes and auctions, increase public support costs and delay projects due to insufficient availability of Union-origin electrolysers, stacks and components.<br><br>The development of Union manufacturing capacity for hydrogen technologies is important, but the requirements must be aligned with actual market availability. A market availability review and a non-retroactivity safeguard are necessary to avoid delaying ongoing hydrogen projects, reducing participation in auctions and increasing the cost of public support. |
| | |
| For auctions published after [OP: Please insert the date = 3 years after the entry into force of this Regulation], the electrolysers used to produce the hydrogen shall originate in the Union, and the stacks as well as two additional main specific components shall originate in the Union. | DE<br>(Drafting suggestions): |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | For auctions published after [OP: Please insert the date = 3 years after the entry into force of this Regulation], the **stacks of the** electrolysers used to produce the hydrogen ~~shall originate in the Union and the stacks~~ as well as at least ~~two~~ **three ~~out of four~~** ~~additional~~ **~~of the~~** main specific components **of the stacks** shall originate in the Union.<br><br>DE<br>(Comments):<br><br>Reference to the electrolyser originating in the Union risks including non-strategic Balance of Plant elements.<br><br>Focus on stack and its main components incentivizes meaningful European value creation, thereby ensuring that the Union Origin criterion cannot be satisfied by final assembly alone. |
| | |
| (d) Onshore and offshore wind technologies: | FR<br>(Drafting suggestions):<br><br>(d) Onshore ~~and offshore~~ wind technologies<br><br>FR<br>(Comments):<br><br>Considering that the production capacities for onshore and offshore wind technologies are very different, the French authorities would like to differentiate the technologies, as in the NZIA. |
| | |
| For auctions published from [OP: Please insert the date = 1 year after entry into force of this Regulation] until [OP: Please insert the date = 3 years after entry into force of this Regulation], one main specific component of the wind turbine shall originate in the Union. | BE<br>(Comments): |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | BE: Shall originate in the Union ➔ what is the scope, only within EU member states, or also with EU partners (Custom Union + Free Trade Agreement)?<br><br>FR<br>(Drafting suggestions):<br><br>For auctions published from [OP: Please insert the date = 1 year after the entry into force of this Regulation] until [OP: Please insert the date = 3 years after entry into force of this Regulation], ~~one~~ **three** main specific components shall originate in the Union.<br><br>FR<br>(Comments):<br><br>Given the production capacity already available within Europe and in order to ensure a sufficient level of local content, the number of components must be increased |
| | |
| For auctions published after [OP: Please insert the date = 3 years after entry into force of this Regulation], two main specific components of the wind turbine shall originate in the Union. | BE<br>(Comments):<br><br>BE: How to prove? Which documents? When to prove?<br>Uncertainty creates risk premiums borne by the developer, which lead to higher prices that are ultimately passed on to the consumer<br><br>FR<br>(Drafting suggestions):<br><br>For auctions published after [OP: Please insert the date = 3 years after the entry into force of this Regulation], ~~two~~ **four** main specific components shall originate in the Union.<br><br>FR<br>(Comments): |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Given the production capacity already available within Europe and in order to ensure a sufficient level of local content, the number of components must be increased. |
| | FR<br>(Drafting suggestions):<br>**(e) Offshore wind technologies:**<br><br>**For auctions published from [OP: Please insert the date = 1 year after the entry into force of this Regulation] until [OP: Please insert the date = 3 years after entry into force of this Regulation], four main specific components shall originate in the Union.**<br><br>**For auctions published after [OP: Please insert the date = 3 years after the entry into force of this Regulation], five main specific components shall originate in the Union.**<br>FR<br>(Comments):<br>Given the production capacity already available within Europe and in order to ensure a sufficient level of local content, the number of components must be increased |
| **Part III – Other forms of public intervention** | |
| | |
| In accordance with Article 28b, when deciding to set up new schemes or to update existing schemes benefitting households or companies that support the demand for net-zero technology final products listed in this paragraph, Member States, regional or local authorities, bodies governed by public law or associations formed by one or more such authorities or one or more such bodies governed by public law, shall design the schemes in such a way as to ensure that beneficiaries shall be eligible to the scheme or to additional | SE<br>(Drafting suggestions):<br>In accordance with Article ~~28b~~ **28a**, when deciding to set up new schemes or to ~~update~~ **materially change** existing schemes benefitting households or companies that support the demand for net-zero technology final products listed in this paragraph, Member States, regional or local authorities, bodies |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| financial compensation only where the requirements laid down below are fulfilled: | governed by public law or associations formed by one or more such authorities or one or more such bodies governed by public law, shall design the schemes in such a way as to ensure that beneficiaries shall be eligible to the scheme or to additional financial compensation only where the requirements laid down below are fulfilled:<br><br>SE<br>(Comments):<br><br>Clarification, Union origin requirements are covered in Article 28a, not 28b.<br><br>Further, even small technical changes or minor formalities can require a formal decision. This proposal clarifies that the change needs to be significant in character to trigger the below requirements. |
| | |
| (a) Battery energy storage systems: | IT<br>(Comments):<br><br>We ask that any Union-origin requirements for BESS be gradual, capacity-based and supported by clear definitions, objective criteria and derogations reflecting actual EU manufacturing capabilities and supply-chain constraints.<br><br>IT<br>(Comments):<br><br>We ask that any Union-origin requirements for BESS be gradual, capacity-based and supported by clear definitions, objective criteria and derogations reflecting actual EU manufacturing capabilities and supply-chain constraints. |
| | |
| For schemes set up or updated between [OP: Please insert the date = 1 year after entry into force of this Regulation] and [OP: Please insert the date = 3 years after entry into force of this Regulation], the battery energy storage systems shall originate in the Union and, for projects including battery energy | IT<br>(Drafting suggestions): |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| storage exceeding 1 Megawatt-hour, contain a battery management system that originates in the Union. | For schemes set up or updated between [OP: Please insert the date = 1 year after entry into force of this Regulation] and [OP: Please insert the date = 3 years after entry into force of this Regulation], the battery energy storage systems shall originate in the Union and, for projects including battery energy storage exceeding 1 Megawatt-hour, contain a battery management system **and battery cells** that originates in the Union.<br><br>IT<br>(Comments):<br><br>The proposal aims to bring forward, from the first year of application, the requirement that BESS systems above 1 MWh include not only a Battery Management System (BMS) originating in the Union, but also EU-origin battery cells, whereas the current IAA text provides for this requirement only from the third year after the entry into force of the Regulation. The proposal is based on the consideration that cells represent the core and most strategically valuable component of the battery value chain, directly affecting performance, operational management, system control, and safety and cybersecurity profiles, including through their interaction with the Battery Management System (BMS) and the Power Conversion System (PCS). Cells are also the most economically significant component of the value chain and one of the segments where the Union is most exposed to strategic dependencies on non-EU suppliers. Bringing forward the requirement also appears consistent with the European Union's most recent priorities on industrial competitiveness, economic security and the energy transition. The European Commission increasingly recognises the central role of storage systems in integrating renewable energy sources, ensuring power system flexibility and strengthening security of energy supply. In particular, the AccelerateEU plan highlights the need to increase the Union's electricity storage capacity from the current level of around 55 GW to around 200 GW by 2030, while the recent Tech Package and the Strategic Roadmap for Digitalisation and AI in Energy confirm the strategic role of flexible and |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | digitalised energy infrastructure in supporting the competitiveness and resilience of the European energy system. In this context, it appears essential that the expected significant expansion of the European storage market be accompanied by adequate incentives for the development of a European battery manufacturing value chain and related strategic components, avoiding a situation in which demand growth results in further consolidation of external industrial dependencies. Moreover, since the requirements under Article 26 NZIA apply to auctions and not to the physical delivery of projects, the three-year phase-in envisaged by the IAA could produce concrete industrial effects only several years after the entry into force of the Regulation, thereby significantly delaying the market signal that the legislator intends to generate. The proposal is also practically relevant in light of manufacturing investments currently being developed in Europe in the field of cells for stationary applications, including LFP cell production in Italy. In the absence of a timely and credible market signal, these investments risk being exposed to asymmetric competitive conditions from non-EU producers benefiting from subsidies and distortive measures, with consequent prejudice to the development of an integrated European value chain for stationary batteries.<br><br>IT<br>(Drafting suggestions):<br><br>For schemes set up or updated between [OP: Please insert the date = 1 year after entry into force of this Regulation] and [OP: Please insert the date = 3 years after entry into force of this Regulation], the battery energy storage systems shall originate in the Union and, for projects including battery energy storage exceeding 1 Megawatt-hour, contain a battery management system **and battery cells** that originates in the Union.<br><br>IT |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Comments):<br><br>The proposal aims to bring forward, from the first year of application, the requirement that BESS systems above 1 MWh include not only a Battery Management System (BMS) originating in the Union, but also EU-origin battery cells, whereas the current IAA text provides for this requirement only from the third year after the entry into force of the Regulation. The proposal is based on the consideration that cells represent the core and most strategically valuable component of the battery value chain, directly affecting performance, operational management, system control, and safety and cybersecurity profiles, including through their interaction with the Battery Management System (BMS) and the Power Conversion System (PCS). Cells are also the most economically significant component of the value chain and one of the segments where the Union is most exposed to strategic dependencies on non-EU suppliers. Bringing forward the requirement also appears consistent with the European Union's most recent priorities on industrial competitiveness, economic security and the energy transition. The European Commission increasingly recognises the central role of storage systems in integrating renewable energy sources, ensuring power system flexibility and strengthening security of energy supply. In particular, the AccelerateEU plan highlights the need to increase the Union's electricity storage capacity from the current level of around 55 GW to around 200 GW by 2030, while the recent Tech Package and the Strategic Roadmap for Digitalisation and AI in Energy confirm the strategic role of flexible and digitalised energy infrastructure in supporting the competitiveness and resilience of the European energy system. In this context, it appears essential that the expected significant expansion of the European storage market be accompanied by adequate incentives for the development of a European battery manufacturing value chain and related strategic components, avoiding a situation in which demand growth results in further consolidation of external industrial dependencies. Moreover, since the requirements under Article 26 NZIA apply to auctions and not to the physical delivery of |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | projects, the three-year phase-in envisaged by the IAA could produce concrete industrial effects only several years after the entry into force of the Regulation, thereby significantly delaying the market signal that the legislator intends to generate. The proposal is also practically relevant in light of manufacturing investments currently being developed in Europe in the field of cells for stationary applications, including LFP cell production in Italy. In the absence of a timely and credible market signal, these investments risk being exposed to asymmetric competitive conditions from non-EU producers benefiting from subsidies and distortive measures, with consequent prejudice to the development of an integrated European value chain for stationary batteries.<br><br>PL<br>(Drafting suggestions):<br><br>For schemes set up or updated between [OP: Please insert the date = ~~1 year after~~ the entry into force of this Regulation] and [3 years after entry into force of this Regulation], the battery energy storage systems shall originate in the Union, and, for projects including battery energy storage exceeding 1 Megawatt-hour, contain a battery management system that originates in the Union.<br><br>SE<br>(Drafting suggestions):<br><br>For schemes set up or ~~updated~~ **materially changed** between [OP: Please insert the date = 1 year after entry into force of this Regulation] and [OP: Please insert the date = 3 years after entry into force of this Regulation], the battery energy storage systems shall originate in the Union and, for projects including battery energy storage exceeding 1 Megawatt-hour, contain a battery management system that originates in the Union.<br><br>SE |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Comments):<br>Even small technical changes or minor formalities can require a formal decision. The proposal to replace "update" with "materially change" clarifies that the change needs to be significant in character to trigger the below requirements. |
| | |
| For schemes set up or updated from [OP: Please insert the date = 3 years after entry into force of this Regulation], the battery energy storage systems shall originate in the Union and contain battery cells, a battery management system as well as one additional main specific components that originate in the Union. | SE<br>(Drafting suggestions):<br>For schemes set up or ~~updated~~ **materially changed** from [OP: Please insert the date = 3 years after entry into force of this Regulation], the battery energy storage systems shall originate in the Union and contain battery cells, a battery management system as well as one additional main specific components that originate in the Union.<br>SE<br>(Comments):<br>Even small technical changes or minor formalities can require a formal decision. The proposal to replace "update" with "materially change" clarifies that the change needs to be significant in character to trigger the below requirements. |
| | |
| (b) Solar PV technologies: For schemes set up or updated from [OP: Please insert the date = 3 years after entry into force of this Regulation], the PV inverter and the PV cells or equivalent shall originate in the Union. | DE<br>(Drafting suggestions):<br>(b) Solar PV technologies: For auctions published after [OP: Please insert the date = 3 years after entry into force of this Regulation], PV inverter**,** ~~and~~ |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | the PV cells, **<u>the Polysilicon</u>** **<u>and Production equipment for the PV Cell</u>** or equivalent shall originate in the Union.<br><br>FR<br>(Drafting suggestions):<br><br>Solar PV technologies: **For schemes set up or updated from [OP: Please insert the date = 1 year after entry into force of this Regulation] until [OP: Please insert the date = 3 years after entry into force of this Regulation], the PV inverter, the PV module and the PV cells or equivalent shall originate in the Union**.<br><br>For schemes set up or updated from [OP: Please insert the date = 3 years after entry into force of this Regulation], the PV inverter, **the PV module**, ~~and~~ the PV cells or equivalent **and one other main specific component** shall originate in the Union.<br><br>FR<br>(Comments):<br><br>Given the production capacity already available within Europe and in order to ensure a sufficient level of local content, the number of components must be increased.To take account of the gradual ramp-up of European production capacity, an interim requirement must be included on the same footing as other technologies.<br><br>IT<br>(Drafting suggestions):<br><br>(b) Solar PV technologies: For schemes set up or updated from [OP: Please insert the date = ~~3 years~~ **1 year** after entry into force of this Regulation], the PV inverter and the PV cells or equivalent shall originate in the Union. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | IT<br>(Drafting suggestions):<br>(b) Solar PV technologies: For schemes set up or updated from [OP: Please insert the date = ~~3 years~~ **1 year** after entry into force of this Regulation], the PV inverter and the PV cells or equivalent shall originate in the Union.<br><br>SE<br>(Drafting suggestions):<br>(b) Solar PV technologies: For schemes set up or ~~updated~~ **materially changed** from [OP: Please insert the date = 3 years after entry into force of this Regulation], the PV inverter and the PV cells or equivalent shall originate in the Union.<br>SE<br>(Comments):<br>Even small technical changes or minor formalities can require a formal decision. The proposal to replace "update" with "materially change" clarifies that the change needs to be significant in character to trigger the below requirements. |
| | |
| © Hydronic heat pumps: For schemes set up or updated from [OP: Please insert the date = 3 years after entry into force of this Regulation], the hydronic heat pump shall originate in the Union. | DE<br>(Drafting suggestions):<br>(c) Hydronic heat pumps: For schemes set up or updated from [OP: Please insert the date = 3 years after entry into force of this Regulation], the hydronic heat pump shall originate in the Union. **Additionally, for schemes set up or updated from [OP: Please insert date of entry into force of this** |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | **Regulation] the hydronic heat pump and two main specific components may originate in the Union.**<br><br>DE<br>(Comments):<br><br>Expecting a very dynamic market development, it shall be possible to add component requirements to heat pump promoting schemes if needed. As this is a voluntary requirement (may-clause), it shall take effect immediately.<br><br>FR<br>(Drafting suggestions):<br><br>(c) Hydronic heat pumps: **For schemes set up or updated from [OP: Please insert the date = 1 year after entry into force of this Regulation] until [3 years after entry into force of this Regulation], the final assembly of the refrigerant circuit, or at least one of its subassemblies, takes place within the Union.**<br><br>For schemes set up or updated from [OP: Please insert the date = 3 years after the entry into force of this Regulation], the hydronic heat pump shall originate within the Union.<br><br>FR<br>(Comments):<br><br>Utilizing the final assembly of the refrigerant circuit, or at least one of its subassemblies, provides a clear, technically sound, and inclusive framework that comprehensively covers both monobloc and split units that are currently manufactured in EU. |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | The introduction of this two-year transition period provides the regulatory clarity and phased approach necessary for the success of the Industrial Accelerator Act.<br><br>IT<br>(Drafting suggestions):<br><br>~~© Hydronic heat pumps: For schemes set up or updated from [OP: Please insert the date = 3 years after entry into force of this Regulation], the hydronic heat pump shall originate in the Union.~~<br>**Heat pump technologies: From [OP: Please insert: 3 years after the entry into force of this Regulation], heat pump technologies, including hydronic heat pumps, air-air heat pumps, industrial heat pumps and high-temperature heat pumps, shall originate in the Union.**<br><br>IT<br>(Comments):<br><br>The current reference limited to hydronic heat pumps risks excluding other heat pump technologies that are already commercially available and play a significant role in achieving the European Union's decarbonisation, energy security and industrial competitiveness objectives. A technology-specific approach may not adequately reflect the diversity of applications and market developments within the heating, cooling, domestic hot water and industrial sectors. In particular, air-air heat pumps, domestic hot water heat pumps, industrial heat pumps and high-temperature heat pumps are increasingly contributing to the electrification of energy demand and the reduction of greenhouse gas emissions across residential, commercial and industrial applications. The proposed amendment therefore introduces a more technology-neutral approach, consistent with the objectives of the Net-Zero Industry Act and the Industrial Accelerator Act, by recognising the |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | contribution of the entire heat pump value chain to Europe's clean industrial transition. Broadening the scope to all heat pump technologies would support investment certainty, strengthen European manufacturing capacity, foster innovation and skills development, and avoid creating unintended market distortions between technologies that contribute to the same decarbonisation objectives.<br><br>IT<br>(Drafting suggestions):<br><br>~~© Hydronic heat pumps: For schemes set up or updated from [OP: Please insert the date = 3 years after entry into force of this Regulation], the hydronic heat pump shall originate in the Union.~~<br>**Heat pump technologies: From [OP: Please insert: 3 years after the entry into force of this Regulation], heat pump technologies, including hydronic heat pumps, air-air heat pumps, industrial heat pumps and high-temperature heat pumps, shall originate in the Union.**<br><br>IT<br>(Comments):<br><br>The current reference limited to hydronic heat pumps risks excluding other heat pump technologies that are already commercially available and play a significant role in achieving the European Union's decarbonisation, energy security and industrial competitiveness objectives. A technology-specific approach may not adequately reflect the diversity of applications and market developments within the heating, cooling, domestic hot water and industrial sectors. In particular, air-air heat pumps, domestic hot water heat pumps, industrial heat pumps and high-temperature heat pumps are increasingly contributing to the electrification of energy demand and the reduction of greenhouse gas emissions across residential, commercial and industrial |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | applications. The proposed amendment therefore introduces a more technology-neutral approach, consistent with the objectives of the Net-Zero Industry Act and the Industrial Accelerator Act, by recognising the contribution of the entire heat pump value chain to Europe's clean industrial transition. Broadening the scope to all heat pump technologies would support investment certainty, strengthen European manufacturing capacity, foster innovation and skills development, and avoid creating unintended market distortions between technologies that contribute to the same decarbonisation objectives.<br><br>SE<br>(Drafting suggestions):<br><br>© Hydronic heat pumps: For schemes set up or ~~updated~~ **materially changed** from [OP: Please insert the date = 3 years after entry into force of this Regulation], the hydronic heat pump shall originate in the Union<br><br>SE<br>(Comments):<br><br>Even small technical changes or minor formalities can require a formal decision. The proposal to replace "update" with "materially change" clarifies that the change needs to be significant in character to trigger the below requirements. |
| | FR<br>(Drafting suggestions):<br><br>**(d) Stationary hydrogen fuel cells system : For schemes set up or updated between [OP: Please insert the date = 1 year after entry into force of this Regulation] and [OP: Please insert the date = 3 years after entry into force** |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | **of this Regulation], the stationary hydrogen fuel cells system unit shall originate in the Union,**<br><br>**For schemes set up or updated from [OP: Please insert the date = 3 years after entry into force of this Regulation], the stationary hydrogen fuel cells system unit shall originate in the Union and stacks shall originate in the Union.**<br><br>FR<br>(Comments):<br><br>It is important to introduce a requirement relating to fuel cells in light of the ongoing development of the European fuel cell sector and its increasing strategic importance within the energy transition framework. Such a requirement would also support the expanding deployment and use of fuel cell technologies across a wide range of industrial and energy-related applications.<br><br>IT<br>(Drafting suggestions):<br><br>**(d) High efficiency household appliances: For schemes set up or updated from [OP: Please insert the date = 1 year after entry into force of this Regulation], High efficiency household appliances shall originate in the Union.**<br><br>--------<br><br>**(e) Geothermal technologies: From [OP: Please insert: 3 years after the entry into force of this Regulation], geothermal heating, cooling and power generation technologies, including hydrothermal systems, binary-cycle Organic Rankine Cycle systems, Enhanced Geothermal Systems and Advanced Geothermal Systems, shall originate in the Union**<br><br>IT |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Comments):<br><br>(d) High efficiency household appliances acount for a high share of electicity home consuption. Supporting European high efficiency domestic appliances will preserve our industry, accelerate the green transition and reduce energy bills for consumers.<br><br>---<br><br>(e) Geothermal technologies are recognised as net-zero technologies under the Net-Zero Industry Act and will be addressed by the forthcoming EU Geothermal Action Plan. Their inclusion in the IAA procurement framework would ensure regulatory coherence and provide a clear market signal for low-carbon, dispatchable energy solutions and European manufacturing value chains.<br><br>-------<br><br>The same request made for Part I applies for public support schemes: we ask to include EVSE among the technologies eligible only where Union-origin requirements are met, with targeted and proportionate application. Excluding EVSE could direct public resources, incentives and support programmes towards extra-EU suppliers, distorting competition and weakening European industrial autonomy.<br><br>IT<br>(Drafting suggestions):<br><br>**(d) High efficiency household appliances: For schemes set up or updated from [OP: Please insert the date = 1 year after entry into force of this Regulation], High efficiency household appliances shall originate in the Union.** |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | --------<br><br>**(e) Geothermal technologies: From [OP: Please insert: 3 years after the entry into force of this Regulation], geothermal heating, cooling and power generation technologies, including hydrothermal systems, binary-cycle Organic Rankine Cycle systems, Enhanced Geothermal Systems and Advanced Geothermal Systems, shall originate in the Union**<br><br>IT<br>(Comments):<br><br>(d) High efficiency household appliances acount for a high share of electicity home consuption. Supporting European high efficiency domestic appliances will preserve our industry, accelerate the green transition and reduce energy bills for consumers.<br><br>---<br><br>(e) Geothermal technologies are recognised as net-zero technologies under the Net-Zero Industry Act and will be addressed by the forthcoming EU Geothermal Action Plan. Their inclusion in the IAA procurement framework would ensure regulatory coherence and provide a clear market signal for low-carbon, dispatchable energy solutions and European manufacturing value chains.<br><br>-------<br><br>The same request made for Part I applies for public support schemes: we ask to include EVSE among the technologies eligible only where Union-origin requirements are met, with targeted and proportionate application. Excluding EVSE could direct public resources, incentives and support programmes |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | towards extra-EU suppliers, distorting competition and weakening European industrial autonomy. |
| **IV – Member State support to construction or manufacturing of net-zero technologies** | |
| | |
| In accordance with article 28c, when supporting the construction or manufacturing of the following net-zero technology final products, Member States shall ensure that the Union origin requirements laid down below are fulfilled: | |
| | |
| (a) Hydrogen: | |
| | |
| From [OP: Please insert the date = 1 year after entry into force of this Regulation] when setting up new support schemes for investments into supporting the manufacturing capacity of electrolysers, Member States shall ensure that the electrolyser originates in the Union and the stack and at least one additional main specific component of the electrolyser originate in the Union. | DE<br>(Drafting suggestions):<br><br>From [OP: Please insert the date = 1 year after entry into force of this Regulation] when setting up new support schemes for investments into supporting the manufacturing capacity of electrolysers, Member States shall ensure that the ~~electrolyser originates in the Union and~~ ~~the~~ stack**s** **of the electrolysers** ~~and~~ **as well as** at least ~~one~~ **two ~~of four~~** ~~additional~~ main specific components **of the stacks** ~~of the electrolyser~~ originate in the Union<br><br>DE<br>(Comments):<br><br>Reference to the electrolyser originating in the Union risks including non-strategic Balance of Plant elements.<br><br>Focus on stack and its main components incentivizes meaningful European value creation, thereby ensuring that the Union Origin criterion cannot be satisfied by final assembly alone.<br><br>PL |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | (Drafting suggestions):<br><br>From [OP: Please insert the date = ~~1~~ **3** years after entry into force of this Regulation] when setting up new support schemes for investments into supporting the manufacturing capacity of electrolysers, Member States shall ensure that the electrolyser originates in the Union and the stack and at least one additional main specific component of the electrolyser originate in the Union.<br><br>PL<br>(Comments):<br><br>The proposed one-year deadline is not realistic for hydrogen technologies. It could reduce competition in support schemes and auctions, increase public support costs and delay projects due to insufficient availability of Union-origin electrolysers, stacks and components.<br><br>The development of Union manufacturing capacity for hydrogen technologies is important, but the requirements must be aligned with actual market availability. A market availability review and a non-retroactivity safeguard are necessary to avoid delaying ongoing hydrogen projects, reducing participation in auctions and increasing the cost of public support |
| | |
| From [OP: Please insert the date = 3 years after entry into force of this Regulation] when setting up new support schemes for investments into supporting the manufacturing capacity of electrolysers, Member States shall ensure that the electrolyser originates in the Union and the stack and at least two additional main specific components of the electrolyser originate in the Union. | DE<br>(Drafting suggestions):<br><br>From [OP: Please insert the date = 3 years after entry into force of this Regulation] when setting up new support schemes for investments into supporting the manufacturing capacity of electrolysers, Member States shall ensure that ~~the electrolyser originates in the Union and~~ the stack**s** **of the electrolysers** ~~and~~ **as well as** at least ~~two~~ **three** ~~**of four**~~ additional main specific components **of the stacks** ~~of the electrolyser~~ originate in the Union. |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | DE<br>(Comments):<br><br>Reference to the electrolyser originating in the Union risks including non-strategic Balance of Plant elements.<br><br>Focus on stack and its main components incentivizes meaningful European value creation, thereby ensuring that the Union Origin criterion cannot be satisfied by final assembly alone.<br><br>PL<br>(Drafting suggestions):<br><br>From "[OP: Please insert the date = ~~3~~ **5** years after entry into force of this Regulation] when setting up new support schemes for investments into supporting the manufacturing capacity of electrolysers, Member States shall ensure that the electrolyser originates in the Union and the stack and at least two additional main specific components of the electrolyser originate in the Union.<br><br>PL<br>(Comments):<br><br>As above.<br><br>SE<br>(Drafting suggestions):<br><br>From [OP: Please insert the date = 3 years after entry into force of this Regulation] when setting up new support schemes for investments into supporting the manufacturing capacity of electrolysers, Member States shall ensure that ~~the electrolyser originates in the Union and~~ the stack and at least |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | two additional main specific components of the electrolyser originate in the Union.<br><br>SE<br>(Comments):<br><br>Clarification. The paragraph applies to MS support for manufacturing, i.e. support for a facility manufacturing electrolysers (not deployment of electrolysers). Our understanding is that such support will be directed towards facilities within the EU and the electrolysers manufactured in such facilities will therefore automatically originate in the Union. Hence, union origin requirement for the electrolyser is redundant. |
| | |
| (b) Nuclear: | AT<br>(Comments):<br><br>AT cannot support references to nuclear technologies within the IAA<br><br>BE<br>(Drafting suggestions):<br><br>(b) Nuclear ~~:~~ **fission energy technologies, including nuclear fuel cycle technologies**<br><br>BE<br>(Comments):<br><br>BE: to align with NZIA art 4 (i)<br><br>SE<br>(Drafting suggestions):<br><br>~~(b) Nuclear:~~ |
| | |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| For projects for which the application for support takes place after [OP: Please insert the date = 4 years after entry into force of this Regulation] when supporting the construction of new-build nuclear power plants, including small modular nuclear reactors (SMR), Member States shall ensure that at least two main specific components of the nuclear fission technology final products originate in the Union. | CZ<br>(Drafting suggestions):<br><br>For projects for which the application for support takes place after [OP: Please insert the date = 4 years after entry into force of this Regulation] when supporting the construction of new-build nuclear power plants~~**, including small modular nuclear reactors (SMR),**~~ Member States shall ensure that at least ~~**two**~~ **one** main specific component~~**s**~~ of the nuclear fission technology final products originate in the Union.<br><br>CZ<br>(Comments):<br><br>Nuclear energy investments involve capital commitment horizons of 60-80 years and development cycles of 10-20 years. Subjecting nuclear-specific requirements to revision every 3 years or any short term time-frame creates regulatory instability incompatible with the investment certainty required for new nuclear builds. We would therefore propose at least 10-year review cycle as the minimum required for an adequate stable regulatory framework. As the small modular reactors represent a new technology, we do not see the rationale behind including it in the Annex II Part IV. As there are no current substantial capacities for this technology in the EU, prescribing required main specific components may result in damaging possible deployment of this technology in the EU.<br>We propose deleting any reference to SMR from the text. This technology can be taken into account during the evaluation and revision of the regulation, and included into the scope of the regulation after such an evaluation, provided the analysis and studies show it is mature enough with sufficient capacities in the EU..<br><br>FR<br>(Drafting suggestions): |

PUBLIC

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | For projects for which the application for support takes place after [OP: Please insert the date ~~= 4~~ = **3** years after entry into force of this Regulation] when supporting the construction of new-build nuclear power plants, including small modular nuclear reactors (SMR), Member States shall ensure that at least ~~two~~ **four** main specific components of the nuclear fission technology final products originate in the Union]<br><br>FR<br>(Comments):<br><br>Given the production capacity already available within Europe and in order to ensure a sufficient level of local content, the number of components must be increased. In a context of growing competition with international players, there is an important need to secure and to strengthen the European nuclear supply chain<br><br>SE<br>(Drafting suggestions):<br><br>~~For projects for which the application for support takes place after [OP: Please insert the date = 4 years after entry into force of this Regulation] when supporting the construction of new-build nuclear power plants, including small modular nuclear reactors (SMR), Member States shall ensure that at least two main specific components of the nuclear fission technology final products originate in the Union.~~<br><br>SE<br>(Comments):<br><br>Union origin requirements risks hindering the build out of fossil free energy production, in light of the structure of the supply chains for nuclear technologies and the substantial limitation of suppliers that these requirements would entail. |
| | |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| For projects for which the application for support takes place after [OP: Please insert the date = 6 years after entry into force of this Regulation] when supporting the construction of new-build nuclear power plants, including small modular nuclear reactors (SMR), Member States shall ensure that at least three main specific components of the nuclear fission technology final products originate in the Union. | CZ<br>(Drafting suggestions):<br><br>For projects for which the application for support takes place after [OP: Please insert the date = **610** years after entry into force of this Regulation] when supporting the construction of new-build nuclear power plants, ~~**including small modular nuclear reactors (SMR),**~~ Member States shall ensure that at least ~~**three**~~**two** main specific components of the nuclear fission technology final products originate in the Union.<br><br>CZ<br>(Comments):<br><br>For the reason mentioned in para 1, we propose deleting second subparagraph of Annex II Part IV letter b) setting up requirements for nuclear fission technologies for the support of construction after 6 years after entry into force, or extending it to at least 10 years. As the small modular reactors represent a new technology, we do not see the rationale behind including it in the Annex II Part IV. As there are no current substantial capacities for this technology in the EU, prescribing required main specific components may result in damaging possible deployment of this technology in the EU.<br>We propose deleting any reference to SMR from the text. This technology can be taken into account during the evaluation and revision of the regulation, and included into the scope of the regulation after such an evaluation, provided the analysis and studies show it is mature enough with sufficient capacities in the EU.<br><br>FR<br>(Drafting suggestions):<br><br>~~For projects for which the application for support takes place after [OP: Please insert the date = 6 years after entry into force of this Regulation] when supporting the construction of new-build nuclear power plants, including small~~ |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | ~~modular nuclear reactors (SMR), Member States shall ensure that at least three main specific components of the nuclear fission technology final products originate in the Union.~~ |
| | |
| These requirements shall not apply to research, development and innovation projects including first industrial deployment of nuclear power plants. | BE<br>(Comments):<br><br>BE: Will there be a clarification on what is implied by "first industrial deployment"? Will there be a determination of the (amount of) adaptations necessary for a project not to be considered anymore as a 'first deployment'?<br><br>FR<br>(Drafting suggestions):<br><br>These requirements shall ~~not~~ apply to research, development and innovation projects including first industrial deployment of nuclear power plants~~.~~<br><br>FR<br>(Comments):<br><br>There is a special need to cover research, development and first industrial deployment of nuclear power plants with this regulation to avoid the creation of dependencies to foreign supply chain for the next nuclear power plants.<br><br>PL<br>(Drafting suggestions):<br><br>These requirements shall not apply to research, development and innovation projects including first industrial deployment of nuclear power plants **as well as projects supported by a Decision in Principle, undergoing advanced environmental assessments and undertaking advanced design activities under concluded agreements with the technology supplier.**<br><br>PL<br>(Comments): |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Criteria regarding Union origin must take market realities into account and be aligned with technological conditions. The European Union currently does not possess advanced nuclear fission technologies for small modular reactors, and their development is essential for achieving the EU's decarbonisation goals and reducing energy prices. Therefore, any restrictions on the use of technologies from third countries should be conditional on the level of development of such technologies within the EU and should apply only to new SMR projects. |
| | DE<br>(Drafting suggestions):<br><br>**In accordance with article 29, the following lists main specific componetns for net-zero technology final products are adapeted:**<br>**(a) Solar PV technologies**<br>- **Productions equipment for the main specific componets PV Modul, PV Cell, Ingot and wafer**<br>- **Polysilicon**<br>- **Ingot or equivilient**<br>- **Wafer or equivilient**<br>- **PV Cell or equivilient**<br>- **PV Modul**<br>**Trackers and their mountings**<br><br>**NEW: Article 6 is amended as follows:**<br><br>1. ~~By 30 December 2024~~ Member States **may** ~~shall~~ establish or designate one or more authorities as single points of contact at the relevant administrative level. Each single point of contact**, where established,** shall be responsible for facilitating and coordinating the permit-granting process for net-zero technology manufacturing projects, including for net-zero strategic projects, |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | and for providing information on streamlining the administrative processes in accordance with Article 7, including information on when an application is considered to be completed in accordance with Article 9(10).<br>2. Where a Member State establishes or designates more than one single point of contact pursuant to paragraph 1 of this Article the Member State shall provide tools to help project promoters identify the appropriate established or designated contact point on the online web page set up in accordance with Article 7.<br>3. **Where a** ~~A~~ single point of contact **is** established or designated pursuant to paragraph 1, **it** shall be the sole point of contact for the project promoter in the permit-granting process for a net-zero technology manufacturing project, including a net-zero strategic project. It shall coordinate and facilitate the submission of all relevant documents and information and shall notify the project promoter of the outcome of the comprehensive decision.<br>4. Project promoters shall be allowed to submit any documents relevant to the permit-granting process in electronic form.<br>5. The competent authorities shall ensure that any relevant studies carried out, or permits or authorisations issued, for a given project are taken into account and that no duplicate studies, permits or authorisations are required, unless otherwise required under Union or national law.<br>6. Member States shall ensure that applicants have easy access to information on and procedures for the settlement of disputes concerning the permit-granting process including, where applicable, alternative dispute resolution mechanisms, if such procedures are provided for by national law.<br>7. Member States shall ensure that the single point of contact**, where established,** and all competent authorities responsible for any step along the permit-granting processes, including all procedural steps, have a sufficient number of qualified staff and sufficient financial, technical and technological resources necessary, including, where appropriate, for up- skilling and re-skilling, for the effective performance of their tasks under this Regulation. |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | 8. The Platform referred to in Articles 38 and 39 shall periodically discuss the implementation of this Section and Articles 15 and 16 and share best-practices for organising single points of contact.<br>9. The authorities involved in the permit-granting process and other authorities concerned shall specify and **where relevant** make available to the single point of contact concerned, the requirements and extent of information requested of a project promoter before the permit-granting process commences.<br><br>DE<br>(Comments):<br>PV production equipment will be added as new main spefic component to Solar Technologies.<br><br>Different EU proposals are currently introducting Single Points of Contact. This leads to additional bureaucracy without added value. In Germany, the Single Points of Contact established under NZIA are little used and have proven to have no acceleration effect. With the Single Access Point |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | established by the IAA, we believe that establishing a single point of contact under the NZIA should no longer be mandatory, but voluntary. We therefore suggest an amendement to Art. 6 NZIA. The relevant recitals would also need to be adjusted accordingly; and in the rest of the document (e.g. Art. 9 and 10) would need to read the single point of contact or the competent authority. |
| *Article 35*<br>**Amendments to Regulation (EU) 2024/3110** | |
| | |
| In Article 22(9) of Regulation (EU) 2024/3110, the first subparagraph is replaced by the following: | |
| | |
| 'In order to ensure transparency for users and to promote sustainable products, the Commission is empowered to adopt delegated acts in accordance with Article 89 to supplement this Regulation, by establishing specific environmental sustainability labelling requirements for particular product families and product categories.'. | FR<br>(Comments):<br>. |
| | |
| *Article 36*<br>**Entry into force and application** | |
| | |
| This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*. | EL<br>(Comments):<br>Adequate time should be allowed for contracting authorities and entities to familiarise themselves with the new regulation. Gradual implementation based on the subject matter of the contract should be considered. |
| | |
| Articles 4 and 5 shall apply from [OP: Please insert the date = [one] year after the date of entry into force of this Regulation]. | CZ<br>(Drafting suggestions): |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| | Articles 4 and 5 shall apply from [OP: Please insert the date = [one] year after the date of entry into force of this Regulation].<br>**Article 11 shall not apply to contracts based on framework agreements or specific procurement under the dynamic purchasing systems established before that date.**<br><br>CZ<br>(Comments):<br><br>It is necessary to clarify this point explicitly in the Regulation.<br>From the current drafting, the application of Article 11 to specific contracts awarded under framework agreements and dynamic purchasing systems remains unclear<br><br>SI<br>(Drafting suggestions):<br><br>Articles 4 and 5 shall apply from [OP: Please insert the date = [one] year after the date of entry into force of this Regulation].<br>**Chapter IV shall apply from [OP: Please insert the date = [six] months after the date of entry into force of this Regulation].**<br><br>SI<br>(Comments):<br><br>The Commission will adopt implementing act 6 months after entry into force of this Regulation. Please see paragraph five of Article 18. |
| | |

| Commission proposal | Drafting suggestions and Comments |
|---|---|
| This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties. | |
| | |
| Done at Brussels, | |
| | |
| *For the European Parliament*<br>*The President* | |
| | |
| *For the Council*<br>*The President* | |
| | |

PUBLIC