



## FIEC-EIC

# European Commission Proposal for a Regulation on distortive foreign subsidies

14/09/2021

### KEY MESSAGES

- The Regulation is a major step towards restoring a level playing field in the construction market
- We support the overall architecture of the Regulation
- We support the broad definition of foreign subsidies
- The threshold for distortive foreign subsidies should be the same for all undertakings with a commercial presence in the EU
- The Regulation should outline the procedure to be followed by third parties for initiating a review
- State-owned undertakings from non-market economies should be subject to a rebuttable presumption of the reception of distortive foreign subsidies
- Uncooperative behaviour during an investigation should automatically lead to the adoption of redressive measures
- Redressive measures should include the exclusion from future procurement procedures to reduce market presence
- The threshold for the public procurement tool should be lowered to at least €50 million
- We firmly welcome the inclusion of procurements in the framework of international agreements and call for applying the Regulation's provisions to EU funds under direct and indirect management
- Contracting authorities should be obliged to notify the European Commission where they received an abnormally low tender, presumed to involve foreign subsidies, irrespective of the contract value
- Market investigations should allow for the adoption of sector-specific redressive measures

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