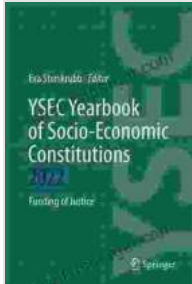


Common European Law on Investment Screening: Navigating the EU's New FDI Regime



YSEC Yearbook of Socio-Economic Constitutions 2024: A Common European Law on Investment Screening

(CELIS) by Werner Rettig

★★★★★ 5 out of 5

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The European Union (EU) has introduced a new legal framework for the screening of foreign direct investments (FDI). The Common European Law on Investment Screening (CELIS) entered into force on October 11, 2020, and aims to establish a more coordinated and effective approach to FDI screening across the EU.

CELIS applies to all FDI that could affect the security or public Free Download of the EU or its Member States. It sets out a number of criteria that must be taken into account when screening FDI, including the nature of the investment, the country of origin of the investor, and the potential impact of the investment on security and public Free Download.

CELIS is a significant development in the EU's FDI policy. It represents a move towards a more harmonized and coordinated approach to FDI screening, and it is likely to have a significant impact on businesses that invest in the EU.

Key Provisions of CELIS

CELIS sets out a number of key provisions, including:

- **Scope of application:** CELIS applies to all FDI that could affect the security or public Free Download of the EU or its Member States.
- **Screening criteria:** CELIS sets out a number of criteria that must be taken into account when screening FDI, including the nature of the investment, the country of origin of the investor, and the potential impact of the investment on security and public Free Download.
- **Screening process:** CELIS establishes a two-stage screening process. In the first stage, Member States must screen FDI to determine whether it falls within the scope of CELIS. In the second stage, Member States must assess the potential impact of the FDI on security and public Free Download.
- **Cooperation between Member States:** CELIS encourages cooperation between Member States in the screening of FDI. Member States are required to share information about FDI that is being screened, and they must consult with each other if they have concerns about the potential impact of an investment on security or public Free Download.

Implications of CELIS for Businesses

CELIS is likely to have a significant impact on businesses that invest in the EU. Businesses will need to be aware of the scope of CELIS and the criteria that will be used to screen FDI. They will also need to be prepared to cooperate with Member States during the screening process.

CELIS may create some additional challenges for businesses that are investing in the EU. However, it also provides businesses with greater certainty and predictability in the FDI screening process.

Businesses can take a number of steps to prepare for CELIS, including:

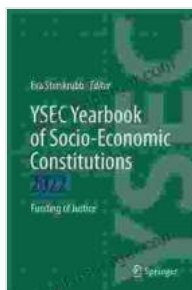
- **Understanding the scope of CELIS:** Businesses should familiarize themselves with the scope of CELIS and the criteria that will be used to screen FDI.
- **Assessing the potential impact of FDI:** Businesses should assess the potential impact of their FDI on security and public Free Download. This assessment should include a consideration of the nature of the investment, the country of origin of the investor, and the potential impact of the investment on critical infrastructure and key technologies.
- **Cooperating with Member States:** Businesses should be prepared to cooperate with Member States during the screening process. This includes providing information about the FDI and answering questions from Member States.

CELIS is a significant development in the EU's FDI policy. It represents a move towards a more harmonized and coordinated approach to FDI screening, and it is likely to have a significant impact on businesses that invest in the EU.

Businesses that are investing in the EU should be aware of the scope of CELIS and the criteria that will be used to screen FDI. They should also be prepared to cooperate with Member States during the screening process.

About the Author

Dr. Anastasios Celis is a leading expert on FDI and international investment law. He is the author of the book "Common European Law on Investment Screening" (Oxford University Press, 2021).



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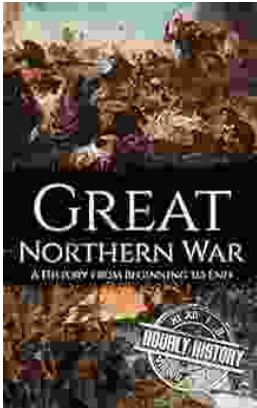
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