

25 February 2014

Mr. Antonio Tajani
Member of the European Commission
rue de la Loi 200
1049 Brussels

Dear Commissioner,

I address this letter to you following a suggestion of a staff member of your cabinet, who felt unable to reply to my question without a letter to you.

The Lisbon Treaty, and more precisely Article 207 of the TFEU, has conferred to the EU the power to act with respect to foreign direct investment in the EU.

There are currently no rules subjecting foreign direct investment in strategic EU industries to some form of control by the EU.

Is it true that, in the absence of control of such investment at EU level, Member States have the right to maintain pre-existing restrictions (by 31 December 1993). Moreover, the freedom of investment provided by the TFEU is without prejudice to the right of Member States to take measures which are justified on the grounds of public policy or public security (Art. 65(1)(b) TFEU). However, such national measures, if taken, are capable of affecting the functioning of the internal market.

Did the Commission take, or does it consider taking, any steps either towards a control at EU level or, at least, towards an effective close cooperation between Member States?

Respectfully yours,

Wilmer Cutler Pickering Hale and Dorr LLP, Bastion Tower, Place du Champ de Mars 5, BE 1050 Brussels, Belgium
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*Associate Member of the Brussels Bar · Rechtsanwalt Berlin · Member of the Bar of England and Wales · Member of the Bar of the District of Columbia · Member of the New York Bar · Member of the Bar of Massachusetts
*Advocate, Member of the Brussels Bar · Avocat, Member of the Brussels Bar · Solicitor, The Law Society, England and Wales · Solicitor, Law Society of Ireland · Advocate, Member of the Brussels Bar, Consultant to WilmerHale ·
*Rechtsanwalt Frankfurt · *Member of the Lecce Bar | VAT BE 0538 341 387