

CELIS Symposium on EU Investment Screening



Wednesday, 29 April 2020

I. THE NEW EU INVESTMENT SCREENING FRAMEWORK

Co-chairs: Steffen Hindelang and Jens Hillebrand Pohl

14:00 CEST **Co-chairs' opening remarks**

14:15 CEST **EU Screening Regulation 2019/452 – Outline**

- Legislative background, principal policy considerations and design choices
- Key elements of the EU screening framework: application, process, redress

Sylvia Baule

15:00 CEST **Towards a harmonised system of EU investment control**

- Multi-jurisdictional screening and the new EU cooperation mechanism
- Informal cooperation and sharing best practices among screening authorities
- Harmonisation with overlapping industry-specific investment reviews

Sylvia Baule, Henning Berger, Dominik Eisenhut, Clémence Largé, Bärbel Sachs

16:00 CEST **The concept of EU security and public order**

- Dual legal relevance as legal basis and as substantive legal criterion
- Distinguishing and delimiting the concepts of security and public order
- Searching for a normative yardstick in (interdisciplinary) security studies

Antonino Ali, Sylvia Baule, Simon Lacey, Clémence Largé, Joachim Pohl, Bärbel Sachs, Jukka Snell, Wolf Zwartkruis

17:00 CEST End of first conference day

Thursday, 30 April 2020

II. EU INVESTMENT SCREENING IN PRACTICE

Co-chairs: Steffen Hindelang and Jens Hillebrand Pohl

10:00 CEST **Identifying risks to EU security and public order**

- How to assess potential impact on critical infrastructure, critical technologies, supply of critical inputs, sensitive data, and free and plural media?
- Risk review of foreign investors: state control, previous activities affecting security or public order, or serious risk of illegal or criminal activities
- Contesting risk assessments and the role of courts and tribunals: justiciability, scope and standard of review
- International law dimension of EU investment screening

Sylvia Baule, Barbara Kaech, Clémence Largé, Yarik Kryvoi, Michele Pastore, Bärbel Sachs, Tatiana Sullivan

11:30 CEST **Investment control proceedings and the role of mitigation**

- Screening authorities' approach to balancing risks to security or public policy against free movement of capital: risk management vs risk elimination
- What challenges will the new screening framework present for EU businesses and foreign investors? What will be the impact on EU firms' access to capital?
- What role for investors and businesses in critical sectors in the screening process. What role for mitigation arrangements?

Sylvia Baule, Jacques Bourgeois, Lourdes Catrain, Clémence Largé, Bärbel Sachs, Philipp Stompfe, Tatiana Sullivan, Naboth van den Broek

12:30 CEST **EU investment control: the emergence of a new area of EU law?**

- Impact on legal and administrative practice: the CFIUS experience
- Special characteristics of EU investment screening, the role of legal or administrative recourse, and the outlook for legal practice

Naboth van den Broek

13:00 CEST End of the conference



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