

EU – The Foreign Subsidies Regulation

For procurement procedures in which the estimated contract value reaches or exceeds €250 million, special rules apply due to Regulation (EU) 2022/2560 on foreign subsidies distorting the internal market (Foreign Subsidies Regulation - in short and hereinafter "**FSR**"). If we enter into such proceedings, you will find a corresponding notice in the announcement text published by us in the Official Journal of the European Union.

If you would like to prepare for the resulting requirements now, we will provide you with important information below. (In the actual award procedure, however exclusively the notices published there by us).

The FSR aims to create fair competitive conditions in the internal market.

The regulation allows the European Commission to carry out extensive checks on applicants and bidders in order to identify distortions of competition caused by subsidies from third countries. If it identifies subsidies from third countries that distort the internal market, it can take action against them through sanctions and remedial measures.

The regulation covers public procurement procedures if:

- The estimated contract value equals or reaches €250 million, or
- In the case of a tender divided into lots, the value of the lot or the total value of the lots for which a bid is submitted equals or exceeds €125 million.

Participation in such procedures triggers an obligation for applicants and bidders (hereinafter referred to as "**participants**") to register with the European Commission. If a participant in the competition has received relevant subsidies (> € 4 million) in the last three years, it must submit a **notification** to the EU Commission. If competition participants have not received any such subsidies, they must submit a **declaration**. The declaration must contain a list of all financial contributions received from third countries.

The applicants/bidders themselves are responsible for compliance with the obligations arising from the FSR.

Participants in the competition must complete the form required by the FSR and submit it to us during the award procedure. We will then forward this to the Commission during the procedure. For this reason, the European Commission requires that participants in the competition contact the European Commission as early as possible. The Commission offers various forms of assistance in the preparation of the declaration/notification through preliminary discussions and the provision of an online version of the FS-PP, which the competition participants can complete online.

We explain these aids in detail and recommend using them:

I. Preliminary discussions on the submission of the FS-PP form

The Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs ("**DG GROW**") is responsible for the public procurement part of the FSR.

Competition participants can hold preliminary talks with the Commission in preparation for submitting a notification or declaration. To do so, they must submit an "*Application for team assignment*". Shortly after the submission of this request, the notifying parties will be informed of the case team that will be dealing with their case. Notifying parties will then be able to contact the case team directly to start pre-notification contacts.

The application for team assignment can be downloaded [here](#). The application should be sent to the DG GROW's functional email grow-fsr-pp-notifications@ec.europa.eu

II. Communication with the EU Commission

To ensure secure communication, the Commission recommends that competition participants use the [EU-Send](#) communication channel instead of simple e-mail. This increases the security of electronic communication but is not mandatory.

To use EU-Send, participants are requested to send their EU login (or their e-mail address to create the EU login) by e-mail to DG GROW, also at: grow-fsr-pp-notifications@ec.europa.eu

When setting up an EU Login, the [EU Login tutorial](#) can be used for support. Upon receipt, DG GROW will set up a communication channel with the economic operator in EU Send to ensure secure communication. An existing channel to other Commission Directorates-General cannot be used; a separate channel must be set up with each Directorate-General.

III. Submission of the FS-PP form

Competition participants submit the FS-PP form (Annex II of Implementing Regulation (EU) 2023/1441) to us as the contracting authority. However, the Commission recommends using the [online version of the FS-PP form](#) provided by the Commission. An EU login is also required here. Here too, the Commission refers to the [EU login tutorial](#) for support in setting up an EU login.

There are also already published Q&As. These are available [here](#).

Further information can be found here:

- [Competition policy](#)
- [Single market and standards](#)