



FEPORT reply to the Roadmap on the White Paper on Foreign subsidies

FEPORT welcomes the opportunity to provide a feedback on the Commission's roadmap regarding the White Paper on Foreign subsidies.

FEPORT believes that it is essential to tackle the fundamental regulatory gap in existing EU legislation on competition, trade, public procurement and in EU funding as regards distortions arising from foreign subsidies in the Internal Market, which the White Paper itself recognised.

With respect to the policy options presented in the Inception impact assessment, FEPORT believes that taking legislative action at EU level (Option 2) would be the most effective response.

This approach would promote the long-awaited adaptation of the EU acquis on competition, trade and public procurement, which FEPORT considers to be necessary as the *acquis Communautaire* should reflect the current situation in the EU Internal Market.

Moreover, Option 2 would require the review and refit of State Aid guidelines to factor-in foreign subsidies when assessing aid intensities, a change that FEPORT has been advocating and asking for since a long time.

Finally, this option would develop new legal instruments complementing the existing EU acquis, such as compulsory notification mechanisms of foreign financial contributions; assessment mechanisms to establish potential distortive effects of foreign subsidies; adequate redressive measures to guarantee a level playing field for all economic operators and the institutional set up for the implementation and enforcement of the mechanisms.

FEPORT believes that indeed there is an enforcement gap relating to the distortive impact of foreign subsidies on the EU's internal market and that new measures are needed.

Nevertheless, these new measures should be complementary to EU merger control and EU antitrust rules, as well as to EU trade defence instruments, FDI screening mechanisms and WTO Agreements.

Additionally, the European Commission should undertake a thorough review and refit of all EU-Third countries trade agreements to make sure that will take into account the new rules once adopted.

Last but not least, FEPORT believes that there is a need for a more effective response. Europeans must acquire a better capacity to anticipate potential risks from FDI, including a common perspective regarding strategic assets and ecosystems.

FEPORT hopes that the inclusion of the port sector as part of the ecosystem “Mobility-Transport-Automotive” will translate into policies that recognize the strategic nature of ports.