



Federal Ministry for Economic Affairs and Energy • D-11019 Berlin • Germany

Poland
Ministry of Economic Development, Labour and
Technology

cc. European Commission

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SUBJECT Comments by the Republic of Poland pursuant to article 7(1) of Regulation (EU) 2019/452 on the investments of Nord Stream 2 AG in the Federal Republic of Germany
RE Assessment of the facts in the light of Regulation (EU) 2019/452 and of the investment screening procedure of the Federal Republic of Germany

Dear colleagues,

Thank you for your comments of 25 November 2021 on the above subject. We have examined the facts of the case in the light of Regulation (EU) 2019/452 and of our national investment screening procedure. The legal basis for the German procedure are the Foreign Trade and Payments Act (AWG) and the Foreign Trade and Payments Ordinance (AWV).

Pursuant to Sec. 55 (1) AWV in conjunction with Sec. 5 (2), first sentence, AWG, the scope of the German investment screening procedure covers the direct or indirect acquisition of a domestic company as well as the direct or indirect acquisition of an interest in a domestic company. Greenfield investments are excluded from the scope of German investment screening procedure.

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As you state in your comments of 25 November 2021 (page 4), the investment of Nord Stream 2 AG, which gives rise to the concerns subject to your comments, constitute a greenfield investment. Neither Nord Stream 2 AG nor PJSC Gazprom acquire an interest in a German company. For this reason, the respective investment falls outside of the scope of the German investment screening procedure. It is hence not possible for the Federal Republic of Germany to take measures under the German investment screening regime.

~~We have, however, forwarded your comments to the bodies in charge of Nord Stream 2 within the Federal Ministry for Economic Affairs and Energy.~~

Best regards,

Division VB1

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