**Practical Information for foreign subsidies in notifiable foreign financial contributions in public procurement procedures**

According to Article 5(1) of the Commission Implementing Regulation (EU) 2023/1441, notifications of foreign financial contributions in the context of public procurement procedures shall be submitted to the contracting authority or contracting entity in charge of the relevant public procurement procedure. This submission shall take place through means used for the submission of the tender. Notifying parties are invited to fill out the eForm provided by the Commission when submitting notifications, available here (as of 12 October)

LINK

or the Word version of Annex II of the Commission Implementing Regulation (EU) 2023/1441.



According to Article 26(1) of the [Commission Implementing Regulation (EU) 2023/1441](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2023.177.01.0001.01.ENG) transmission of documents between the contracting authority or contracting entity in charge of the relevant public procurement procedure and the Commission shall take place through digital means, save where the Commission exceptionally agrees that other means may be used. For secure digital communication with the Commission, please use EU Send (requires prior registration), available under <https://eusendweb.eusfx.ec.europa.eu/> (see instructions under point 2 below).

For more information regarding the format of notifications, comments following the opening of an in-depth investigation, commitments offered by the undertakings concerned and observations on the Commission’s grounds on which it intends to adopt its decision, please see [Commission’s Communication C(2023)4749](https://competition-policy.ec.europa.eu/document/download/0c25a423-6b73-4a3c-a3e4-e26f09bfbc8b_en?filename=FSR_EC_communication_C_2023_4749.zip) of 12 July 2023, applicable mutatis mutandis to public procurement procedures, except for the fact that the use of digital signatures under Article 26(2) of [Commission Implementing Regulation (EU) 2023/1441](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2023.177.01.0001.01.ENG) is not mandatory.

**1. Allocation of cases**

Before (pre) notifying, economic operators are invited to send this case team allocation request



to the Foreign Subsidies Team by [email](mailto:GROW-FSR-PP-NOTIFICATIONS@ec.europa.eu).

Due to technical constraints, the size of a single email sent to DG for Internal Market, Industry, Entrepreneurship and SMEs should not exceed 15 MB.

**2. Digital submissions**

Economic Operator (EO)/Contracting Authority (CA), Contracting Entity (CE)

* EO/CA has **no** EU-Login 🡪 Create EU-Login
* EO/CA has EU-Login 🡪 See below

Economic Operator

Step 1: **Fill-in the FS-PP form** Link

In the form, please provide the EU-Login and/or the e-mail address used when creating the EU Login account.

If you choose to send document(s) as a password-protected annex, please send the password to the COM via EU Send (<https://eusendweb.eusfx.ec.europa.eu/>).

Step 2: **Send FS-PP form (with attachments) to CA** (through the means used for the submission of the tender).

Contracting Authority/Contracting Entity

Step 1: **Send the EU-Login and/or the e-mail address** provided when creating the EU Login account by [email](mailto:GROW-FSR-PP-NOTIFICATIONS@ec.europa.eu).

Step 2: **Register to EU Send**, following the instructions in the registration invitation email received from COM.

Step 3: After registration confirmation by email, **Send notification/declaration (with attachments) to COM.**

Transmissions below 10 gigabytes but exceeding the size limitations of EU Send (4 gigabytes) should be transmitted in two or three parts. A transmittal form provided by EU Send must be completed correctly and diligently. For more information on EU Send see .

EU Send can be used to send to the Commission:

* Draft FS-PP form
* Responses to Requests for Information
* Responses to requests for internal documents, if smaller than 4 GB
* Comments following the opening of an in-depth investigation
* Observation on the Commission’s grounds on which it intends to adopt its decision
* Submission of commitments
* Any other submission to the Commission

**Opening hours for processing digital submissions in EU Send:**

* Notifications filed electronically on Mondays to Thursdays before 17:00 CET and on Fridays and days preceding Commission holidays before 16:00 CET will have the date of receipt as the notification date.
* Notifications arriving after 17:00 CET or 16:00 CET for Fridays and days preceding Commission holidays will be dealt with the following working day, which will accordingly be considered the notification date.

**3. Submissions by hand / post**

|  |  |
| --- | --- |
| Submissions sent by **registered post** | Submissions **delivered by hand/direct delivery** to the Commission’s Central Mail |
| European Commission  Directorate General for Internal Market, Industry, Entrepreneurship and SMEs  Foreign Subsidies (CASE@EC) – CAD  BE-1049 Brussels | European Commission  Directorate General for Internal Market, Industry, Entrepreneurship and SMEs  Foreign Subsidies (CASE@EC) – CAD  Avenue du Bourget, 1  BE-1140 Evere  *Commission working days between 7:00 CET and 16:30 CET.* |

*Addressing documents to other Commission departments may result in delays.*

**Electronic submissions delivered by hand or sent by registered post**

* Transmissions of over 10 gigabytes in size may be put on external storage devices, such as, USB, CD, or DVD, or hard disk drives formatted in Microsoft Windows-compatible, uncompressed data in a USB 2.0 or 3.0 external enclosure. The documents may be digitally signed with a QES. The external storage devices may be hand delivered or sent by registered post to the address mentioned above.
* Transmissions of under 10 gigabytes in size may be delivered or sent by using external storage devices only if the Commission exceptionally agrees that other means than digital means of transmission may be used (e.g*.* if EU Send is not available). These documents may be digitally signed with a QES.

**Paper submissions delivered by hand or sent by registered post**

Exceptionally, if the Commission agrees that submitting documents digitally as required under article 26 of the [Commission Implementing Regulation (EU) 2023/1441](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2023.177.01.0001.01.ENG) is not feasible, a paper submission may be hand delivered or sent by registered post to the address mentioned above. In this case, the following must be submitted:

* a hand signed paper copy of the complete submission;
* two digital copies of the full submission in external storage devices for information (not signed);
* a hand signed declaration stating that the signed paper copy and the digital copies are identical; and
* power of Attorney, if relevant.

Prior to delivery, the law firm or the legal representative of the notifying company must send an email to [GROW-CAD@ec.europa.eu](mailto:GROW-CAD@ec.europa.eu) to give an estimated delivery time and the name of the individual who will be making the delivery along with a description of the items to be delivered (number of envelopes, packages or boxes).

**4. Signing documents electronically**

The notification form (FS-PP) and commitments offered by the undertaking under investigation may be signed using at least one Qualified Electronic Signature (QES) complying with the requirements set out in [Regulation (EU) No 910/2014](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2014.257.01.0073.01.ENG) (the “eIDAS Regulation”), however this is not mandatory in line with Article 26(2) of [Commission Implementing Regulation (EU) 2023/1441](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2023.177.01.0001.01.ENG). Other types of electronic signatures, such as scanned signatures or Advanced Electronic Signatures as defined in the eIDAS Regulation that do not meet the requirements of QES are not accepted. For more information regarding QES, please see [Commission’s Communication C(2023)4749](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52023XC0713%2801%29&qid=1689319344544) of 12 July 2023.

Only paper submissions delivered by hand to the Commission or sent by registered post can be hand signed.

**5. Format of notifications and templates**

For notifications or declarations, please make submissions in line with Article 26 and Annex II of [Commission Implementing Regulation (EU) 2023/1441](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2023.177.01.0001.01.ENG) of 10 July 2023.

**Templates**

* Model power of attorney for notifications



* Template for listing the supporting documents attached to FS-PP form



**6. Languages**

Notifications must be drafted in one of the official languages of the Union, as specified in Article 5 (4) of the [Commission Implementing Regulation (EU) 2023/1441](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2023.177.01.0001.01.ENG) of 10 July 2023. For more information about the language regime of the Union, please consult [Languages, multilingualism, language rules | European Union (europa.eu)](https://european-union.europa.eu/principles-countries-history/languages_en)

**Useful information**

**Contact**

For queries, please contact  [GROW-FSR-PP-NOTIFICATIONS@ec.europa.eu](mailto:GROW-FSR-PP-NOTIFICATIONS@ec.europa.eu)   
In all your correspondence, please specify the case number and the name of the case.

**Privacy statement**

[Privacy statement relating to the application of the Foreign Subsidies Regulation](https://single-market-economy.ec.europa.eu/document/719218e7-0d0a-442f-9b6f-da683406ab9a_en)

**Commission holidays**

[Holidays in 2023 - Official Journal C 201I, 28.05.2021](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.CI.2021.201.01.0002.01.ENG&toc=OJ%3AC%3A2021%3A201I%3ATOC)

[Holidays in 2024 - Official Journal C 440/15, 21.11.2022](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022D1121(01)&from=EN)