

To: Ministry of Economy, Digitalisation, Entrepreneurship and Tourism  
Directorate for Industrial Policy and Industrial Financing

Subject: *Position of AmCham Romania on the Proposal for a Regulation of the European Parliament and of the Council establishing a framework of measures for the acceleration of industrial capacity and decarbonisation in strategic sectors and amending Regulations (EU) 2018/1724, (EU) 2024/1735 and (EU) 2024/3110*

Esteemed officials,

AmCham Romania represents a business community of more than 600 American, international and Romanian companies, ranging from large enterprises to small and medium-sized enterprises and start-ups, active across 32 sectors of the Romanian economy, whose members have invested more than USD 30 billion in Romania and employ approximately 250,000 people. The composition of that membership is material to the argument developed in this paper, and it is the reason why the position set out here cannot be read as a request for preferential treatment on grounds of corporate nationality.

This paper sets out the assessment of AmCham Romania on the proposal of the European Commission for an Industrial Accelerator Act<sup>1</sup> at a stage of the legislative procedure at which the position of Member States remains capable of shaping the substance of the final instrument. It builds upon the consolidated position transmitted to the Ministry on 30 March 2026,<sup>2</sup> which it neither replaces, narrows nor dilutes: nothing that has occurred since that date — the publication of the Commission's impact assessment, the positions of European and third-country industry associations and of independent research institutes, the reactions of trading partners and the early examination of the file in the Council and in the European Parliament — has caused us to revise our assessment, and the present paper develops its reasoning, enriches it with the evidence now available and translates it into material that Romania can use in negotiation. It also incorporates the evidence and drafting proposals submitted by the automotive industry concerning integrated European supply chains that extend beyond the territory of the Union, and member input on the carbon-storage obligations of the Net-Zero Industry Act.

Our position can be stated in a single proposition: ambition will produce industrial results only where it is matched by cost realism, legal certainty, infrastructure, financing, proportionality and openness to investment. What our members share — producers of primary materials and the downstream manufacturers who buy from them, companies whose parent undertakings are established in the Union and companies whose ultimate parents are established in the United States, Japan, the Republic of Korea, Türkiye or the United Kingdom but whose production, employment, tax contribution and research are located in Romania — is not a preference concerning the origin of capital or of components, but a common interest in predictability, proportionality and cost-efficiency. Its purpose is to demonstrate why the balanced approach

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<sup>1</sup> European Commission, Proposal for a Regulation of the European Parliament and of the Council establishing a framework of measures for the acceleration of industrial capacity and decarbonisation in strategic sectors and amending Regulations (EU) 2018/1724, (EU) 2024/1735 and (EU) 2024/3110, COM(2026) 100 final, 4 March 2026. Hereinafter “the proposal” or “the IAA”. References to draft articles follow the numbering of the proposal as published and should be verified against the consolidated text at the time of use.

<sup>2</sup> AmCham Romania, Consolidated Position on the Industrial Accelerator Act (COM(2026) 100 final), transmitted to the Ministry of Economy, Digitalisation, Entrepreneurship and Tourism on 30 March 2026.

we advocate is not a concession that Romania makes to foreign interests but the Romanian national interest correctly identified.

The paper is organised in two parts. The executive summary that follows sets out our assessment, the propositions and asks that follow from it and the requests that we address to the Ministry. The Annex contains the detailed analysis, following the structure of the full position, to which the Ministry may refer for the reasoning and evidence supporting each proposition and recommendation.

## Executive summary

The Industrial Accelerator Act is among the most consequential instruments of European economic policy proposed in the last decade, and it represents a genuine change of direction: after a long period in which the action of the Union concentrated upon the regulation of the internal market, the Commission now recognises explicitly that competitiveness, strategic autonomy and economic security require an industrial policy and not only a regulatory framework. Its instruments — accelerated permitting, low-carbon lead markets, Union-origin requirements, conditions upon foreign investment and industrial acceleration areas — will shape billions of euro of procurement and public support, will influence the location of investment and will establish a template for future sectoral legislation. AmCham Romania endorses that direction of travel.

Our concern is not with the objectives but with the calibration of the means. The proposal combines decarbonisation, competitiveness and economic security without consistently matching each objective to the least restrictive and most effective instrument capable of serving it: a low-carbon criterion addresses climate performance, a resilience criterion addresses concentrated dependency and a reciprocity criterion addresses unequal market access, but an ownership restriction is not an automatic proxy for any of the three. The result is an instrument ambitious in scope but imprecise in design, whose origin-based costs are certain and security benefits not always demonstrated, and which leaves essential definitions to delegated acts and delivery to national budgets of unequal capacity. The Kiel Institute, Bruegel and Assonime reach the same diagnosis from different directions.

## Why the calibration matters particularly for Romania

Romania's economic structure places it among the Member States most exposed to a rigid European preference, and on this file the pro-European position and the national interest do not diverge. Six characteristics explain why.

- **An industrial economy built by open investment.** Romania's manufacturing base — the automotive complex at Mioveni and Craiova and its several hundred supplier plants, electronics, aerospace components, machinery, tyres, cables and much of chemicals — was created by foreign direct investment of mixed origin, so that an obligation attached to the nationality of capital or to the customs origin of inputs operates in Romania not as a transfer to domestic producers but as a cost imposed upon the domestic production base itself.
- **A supplier economy, in which origin rules travel down the chain.** Premiums imposed upstream are transmitted to Romanian suppliers who absorb rather than set prices, while the incumbents rewarded by an origin-based lead market in steel, aluminium and cement are, for the most part, not Romanian.
- **Exceptional exposure through procurement and support schemes.** Romania is running the largest public investment programme in its modern history, financed largely from Union sources and concentrated in the very materials covered by Annex II, so that a premium upon those inputs

means fewer kilometres of road and fewer substations for each euro. On the Commission's own photovoltaic figures, an origin requirement applied to a fixed support budget reduces installed capacity without removing the dependency at the polysilicon stage.

- **Fiscal and administrative asymmetry.** The obligations are uniform while the capacity to deliver them is not: Romania is among the Member States with the highest share of firms devoting more than a tenth of their staff to regulatory compliance, and it is under budgetary consolidation pressure while the incentive architecture of the instrument is funded nationally. If the obligations are Union obligations, the financing should be Union financing.
- **Energy and the network constraint.** The binding constraint upon Romanian industrial and renewable projects is grid connection rather than the building permit, and for continuous-process industry electricity is a technological condition of production; a permitting reform that accelerates every step except connection will produce faster paperwork and the same connection date.
- **Strategic projects and alliances.** Romania's nuclear programme rests upon Canadian and United States technology and its security upon transatlantic cooperation; a drafting asymmetry treating United States content as equivalent in procurement but not in support schemes could complicate a small modular reactor project that Romania and the Union both regard as strategic.

## Ten propositions

1. **The objectives and the permitting pillar deserve support without reservation.** Faster, digitalised permitting organised around a single access point and a single accountable procedure is the element of the proposal with the highest expected value for Romania and the lowest cost to the Romanian budget; it should be strengthened, and it should not be traded away as the price of agreement on other chapters.
2. **"Union origin" should mean "Europe plus trusted partners", applied consistently across the instrument.** The proposal recognises content from parties to the Agreement on Government Procurement as equivalent in public procurement but restricts equivalence in public support schemes to free-trade and customs-union partners, excluding the United States from support schemes while admitting it to procurement — an asymmetry that is arbitrary, legally exposed and counter-productive for Romania. A narrower gap should be closed at the same time: where a third country is engaged in a customs union with the Union covering industrial products, neither the content originating there nor the assembly and manufacturing operations carried out there are consistently recognised as equivalent. The same logic applies to vehicle assembly: established and integrated operations in customs-union and other closely integrated partner economies, which demonstrably contain substantial Union value added, should not be excluded solely because final assembly takes place outside the EU27, provided that eligibility is protected by ownership, control and cut-off-date safeguards against circumvention.
3. **Blanket preference should be replaced by a value-creation principle.** Public demand should reward manufacturing, research and development, skilled employment, supplier development, verified decarbonisation and resilience located in the Union, irrespective of the passport of the ultimate shareholder; in industrial economic security, the location of production matters more than the nationality of its owner.
4. **Requirements must be gradual, indicative and conditional upon operational methodologies.** Binding shares should await operational methodologies and verification rules, with a transition of at least five years.
5. **The derogations must be usable in practice and not only on paper.** A safeguard triggered only above 25–30% cost or seven months' delay, and justified tender by tender, will not be used by under-

resourced authorities; it should cover availability, competition, timing and programme-level cost, ex ante.

6. **Core rules belong in the Regulation.** What determines whether a company can comply at all should not be left to delegated acts adopted after capital is committed.
7. **The foreign investment chapter should not create a parallel approval regime, and it should be risk-based.** Unlike merger control, foreign subsidies review and screening, this chapter presumes conditionality irrespective of risk; any added-value assessment should be integrated into the existing architecture, with one notification, one authority and one timetable, and the four-of-six test should give way to negotiated remedies following a finding of risk.
8. **Acceleration areas must be investment products, not designations on a map.** Grid capacity, infrastructure, skills and finance should be in place before an area is designated, with a mandatory pre-feasibility opinion of system operators.
9. **Without competitive, firm and affordable electricity the instrument cannot deliver in Romania.**
10. **The manufacturing share of gross domestic product is the wrong measure of success.** The twenty per cent objective should be removed from the operative provisions or reduced to a direction of travel, and monitoring should report investment, productivity, new capacity, supply concentration, project delivery, competition and downstream cost effects.

### Integrated European automotive supply chains

The automotive sector illustrates with particular clarity why eligibility should follow value creation rather than customs geography, and members of the sector have submitted evidence that Europe's automotive production system already extends beyond the EU27. OECD Trade in Value Added data show that in 2022 12.7% of the value of Türkiye's motor-vehicle exports originated in the Union — above the United Kingdom (11.7%) and roughly four times the share recorded for the United States, India, Japan or China — while the corresponding share for Morocco was 27.5%. Bill-of-materials data submitted by the industry indicate that a leading electric commercial vehicle assembled in Türkiye contains 56.2% identified Union-origin component value, including batteries, cells and packs and powertrain parts from several Member States. The relationship runs in both directions: Türkiye has become the third-largest export market for new Union-made vehicles, whose value rose by 24.8% in 2025 to €18.8 billion, supporting exporting Member States that include Romania.

AmCham Romania therefore supports, as an extension of its position on customs-union partners, four asks advanced by the automotive industry. First, qualifying vehicles assembled in customs-union and other closely integrated partner economies should not be excluded from Articles 8, 9, 13 and 14 and from Annex III solely because final assembly takes place outside the EU27, and United Kingdom production should be recognised under the "made in the EU" criteria for corporate fleets and CO2 credits. Secondly, recognition should be protected against circumvention: it should be confined to economic operators owned or controlled, within the meaning of Article 3 of the Merger Regulation, by entities established in the Union or in a qualifying partner as of 4 March 2026; it should rest upon a self-declaration and verification regime; and it should lapse upon a change of control that breaks the qualifying link, with recovery of any benefit enjoyed thereafter. Thirdly, Union content should be measured from the finished vehicle — its full value less the value originating outside Europe, as in the Union's free trade agreements — and assessed at fleet level, so that a manufacturer whose fleet is 70% compliant in one year qualifies in full in the next. Fourthly, localisation requirements should be paired with incentives that offset their cost, such as super-credits under the CO2 standards for cars and vans, and calibrated separately for trucks and buses, whose battery demand is expected to exceed the entire Union battery manufacturing pipeline by 2030.

These asks are consistent with Romania's interest in a location-based assembly requirement: because recognition would be confined to capacity established before the cut-off date and to operators that remain within a European or trusted-partner ownership structure, it would protect existing integrated supply chains — and the Union suppliers, Romanian suppliers among them, that feed them — without creating an incentive to build new capacity outside the Union purely in order to qualify.

### Carbon-storage obligations under the Net-Zero Industry Act

The revision of the Net-Zero Industry Act through the IAA should also correct the carbon-storage obligation of Articles 20 and 23 of that Act, which requires oil and gas producers to invest their own capital towards a Union objective of at least 50 million tonnes of annual CO<sub>2</sub> injection capacity by 2030. Romanian producers are expected to provide more than 20% of that target without regard to Romania's actual CCS market, and the 2030 deadline is structurally unattainable where the value chain is still at an early stage. We therefore support two asks: individual contributions should be calculated on a methodology that reflects national CCS market potential, by adjusting each producer's 2020–2023 output for the manufacturing-sector emissions of its Member State; and the Union storage objective should be moved to 2035, consistent with the 6.5 to 10 years that an integrated CCS project typically requires.

### The conditions for Romania's support

Three positions should, in our submission, condition Romania's overall support for the instrument: the sequencing of binding thresholds behind operational methodologies; the coherence of trusted-partner equivalence across procurement, support schemes and the amendments to the Net-Zero Industry Act; and the avoidance of a parallel investment-approval procedure. Romania's strongest position is to lead on the constructive asks — networks and permitting, sequencing, Union financing of the incremental cost and review — building coalitions along lines of economic structure, since leadership on those asks purchases the credibility required to hold the defensive positions that matter most to it.

### Consolidated asks

The following table consolidates the asks at the level of detail suitable for an intervention in a Council working party; each is developed in the corresponding section of the Annex.

| No. | Ask                                                                                                                                                                                                                           | Provisions                            | Significance for Romania                                                                                                                                    |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1   | <b>Align origin equivalence across all instruments</b> — extend the procurement equivalence of Article 8 to support schemes under Article 9 and to Annex III, and recognise content and operations in customs-union partners. | Recital 16, Art. 8, Art. 9, Annex III | Protects the investment case of the non-EU manufacturers who built much of Romania's industrial base and avoids reciprocal exposure for Romanian exporters. |
| 2   | <b>Make minimum shares gradual and indicative</b> , conditional upon operational methodologies, with a transition period of at least five years.                                                                              | Art. 11, Art. 12, Annex II            | Romania's public investment programme is at record intensity; premature binding shares translate into cost overruns and absorption risk.                    |
| 3   | <b>Broaden the cost, availability, competition and timing safeguards</b> and permit their ex ante application, with central guidance and templates.                                                                           | Art. 11(3), Art. 12(3)                | Romanian contracting authorities have the least administrative headroom to justify each derogation individually.                                            |

| No. | Ask                                                                                                                                                                                                                                                                                                                                                                                   | Provisions                    | Significance for Romania                                                                                                                                              |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4   | <b>Place the essential definitions in the Regulation:</b> Union origin, level of low-carbon assessment, carbon-content calculation, treatment of final assembly and trusted-partner categories.                                                                                                                                                                                       | Art. 7, Art. 10, Art. 16      | Legal certainty is the precondition of every investment decision to be taken in Romania in the next five years.                                                       |
| 5   | <b>Establish a single foreign-investment procedure and timetable</b> , with mutual recognition of assessments under screening and the Foreign Subsidies Regulation.                                                                                                                                                                                                                   | Art. 17–24                    | Romania operates one of the Union's broadest screening regimes; an additional layer is a Romanian problem first.                                                      |
| 6   | <b>Adopt a risk-based and harm-based framework:</b> conditions only after an evidenced concern and proportionate to it; no default ownership ceiling or compulsory IP licensing.                                                                                                                                                                                                      | Art. 18                       | Romania competes for the marginal project; stricter conditionality than the neighbourhood diverts it beyond the Union.                                                |
| 7   | <b>Bring grid connection within the permitting perimeter</b> , make system-operator involvement mandatory and allow suspension of time limits for upstream reinforcement.                                                                                                                                                                                                             | Art. 3(6)–(7), Art. 4, Art. 5 | Grid access, not the building permit, is the binding constraint upon Romanian industrial projects.                                                                    |
| 8   | <b>Condition acceleration areas upon infrastructure readiness</b> and enable anticipatory network investment with regulated cost recovery.                                                                                                                                                                                                                                            | Art. 25–27                    | Determines whether acceleration areas attract investment or generate expectations that cannot be met.                                                                 |
| 9   | <b>Recognise electro-intensive and continuous-process industry expressly</b> and require assessment of cumulative regulatory cost.                                                                                                                                                                                                                                                    | Recitals, Art. 12, Annex II   | Romania hosts baseload consumers for whom interruption and price volatility are existential.                                                                          |
| 10  | <b>Remove the twenty per cent objective from Article 2</b> and extend monitoring to outcome indicators.                                                                                                                                                                                                                                                                               | Art. 2                        | Prevents a target-driven reallocation of scarce Romanian public resources.                                                                                            |
| 11  | <b>Recognise integrated partner-country vehicle assembly with anti-circumvention safeguards</b> — ownership and control test (Merger Regulation), 4 March 2026 cut-off, self-declaration, loss of treatment on change of control; UK and grandfathered Morocco and Türkiye operations for corporate fleets and CO <sub>2</sub> credits; finished-vehicle and fleet-level calculation. | Art. 8, 9, 13, 14, Annex III  | Protects the integrated value chains that Romanian component plants supply and that feed Union vehicle exports, without incentivising new capacity outside the Union. |

| No. | Ask                                                                                                                                                                                                                                            | Provisions                        | Significance for Romania                                                                                                                |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| 12  | <b>Recalibrate the CO2 storage obligation of the Net-Zero Industry Act</b> — contributions reflecting national CCS market potential (production adjusted for manufacturing-sector emissions); Union storage objective moved from 2030 to 2035. | NZIA (Reg. 2024/1735) Art. 20, 23 | Romanian producers are expected to provide more than 20% of the Union storage target, without regard to Romania's CCS market potential. |

### Requests to the Ministry

AmCham Romania respectfully asks the Ministry to support the balanced position described in this paper and to treat the permitting and network provisions as the core of Romania's interest; to promote "Made with Europe" and coherent trusted-partner equivalence, tabling the alignment of Article 9 with Article 8 as a simplification and legal-certainty measure, and extending that alignment to vehicle assembly and to Articles 13 and 14 subject to the safeguards described above; to defend robust safeguards as to cost, availability, competition, technical compatibility and timing, capable of ex ante application; to seek gradual, sector-specific thresholds whose binding effect depends upon operational methodologies rather than upon a calendar date; to limit delegated powers over core commercial conditions and to protect committed investments; to oppose a duplicative architecture for the approval of foreign investment; to prepare national implementation at an early stage; to carry out a national sectoral impact assessment and assemble the verified Romanian evidence; to establish a joint working group with AmCham Romania and other stakeholders; and to maintain structured consultation throughout the trilogue and the implementation phase.

A balanced instrument — open to trusted partners, sequenced to industrial reality, financed at Union level and concentrated upon permitting, infrastructure and energy — is the one that serves Romania. The industrial compact that Romania should support in Brussels can be stated in four propositions: build more in Europe; reward more value in Europe; reduce dependencies that have been demonstrated; and keep Europe open to reliable partners.

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## Annex — Detailed analysis

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### 1. Context and strategic framing

European industry faces structural pressures — high energy costs, weak demand for low-carbon products, subsidised overcapacity abroad, concentrated supply chains, slow permitting and financing gaps — that no single instrument will resolve. The proposal sets in Article 2 an objective that manufacturing should account

for at least 20% of Union gross domestic product by 2035, against approximately 14.3% at present,<sup>3</sup> and organises its action around four pillars: accelerated permitting through single access points and a single procedure; lead markets created by low-carbon and Union-origin requirements in procurement and support schemes; conditions upon certain foreign direct investments; and at least one industrial manufacturing acceleration area in each Member State. It also amends the Net-Zero Industry Act, raising the share of renewable auction volume subject to non-price resilience criteria, now including Union origin, from 30% to 40%, or 8 GW per year.<sup>4</sup>

### **A welcome change of policy direction**

AmCham Romania welcomes the recognition that an industrial transition cannot be delivered through compliance obligations alone, and that Europe requires a business case for industrial investment composed of accessible energy, infrastructure, credible demand, finance, skills, predictable rules and timely public decisions. The proposal correctly acknowledges that procurement and public support may legitimately bridge the green premium that private buyers cannot absorb, and that administrative delay is itself a cost of competitiveness; the extension of the streamlining provisions of the Net-Zero Industry Act to all decarbonisation projects of energy-intensive industries is a particularly useful correction.

### **The central design challenge**

The difficulty lies in the expectation that one set of instruments will serve several objectives at once. Climate, security, competitiveness and reciprocity each call for a different logic, and each has its characteristic error when confused with the others — origin substituting for emissions performance, a Union-only rule creating a new concentration, higher input costs weakening exporters, blanket exclusion penalising compliant investors. The Kiel Institute locates the central weakness of the Act in a lack of precision rather than of ambition;<sup>5</sup> Bruegel observes that resilience measures may raise costs and slow deployment, while least-cost decarbonisation may deepen dependencies;<sup>6</sup> and Assonime criticises the reliance upon a quantitative production target and the absence of a commensurate European fiscal capacity.<sup>7</sup> Our starting point is to support the objective and discipline the instrument. We would ask the Ministry to put one test to the Council at each stage: will the measure cause more factories, research, skills, resilient supply and low-carbon production to be located in Europe, at a cost that the market, public authorities and citizens can sustain? Where it will, Romania should support and strengthen it; where it will not, the measure should be redesigned rather than accepted in the expectation that derogations will later mitigate its effects.

### **The status of the file**

The proposal was presented on 4 March 2026 as file 2026/0068(COD); work in the European Parliament and the Council working party is under way, under the Irish Presidency in the second half of 2026 and the

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<sup>3</sup> COM(2026) 100 final, Article 2. On the trajectory of the ratio, see Assonime, *Acceleratore o freno? La politica industriale europea proposta dall'Industrial Accelerator Act*, Position Paper 10/2026, which records a fall in the Union average from 17.4% in 2000 to 14.3% in 2025, the lowest value of the period apart from 13.8% in 2009.

<sup>4</sup> Regulation (EU) 2024/1735 (Net-Zero Industry Act), as proposed to be amended by COM(2026) 100 final; see also Bruegel, *The flaws in the European Union's proposed Industrial Accelerator Act and how to fix them*, Policy Brief 10/2026, May 2026, section 2.2.

<sup>5</sup> Kiel Institute for the World Economy / Industrial Policy Lab, *Ambition Without Precision: Why the Industrial Accelerator Act Falls Short*, Policy Brief No. 01, March 2026, sections 1, 3 and 5.

<sup>6</sup> Bruegel, Policy Brief 10/2026, section 4.1.

<sup>7</sup> Assonime, Position Paper 10/2026, abstract and section 3.

Lithuanian in the first half of 2027.<sup>8</sup> Adoption within 2026 is widely regarded as ambitious. Since the annex thresholds are tied to 2029, slippage compresses the transition, and since trilogue tends to widen scope, discipline is best asserted early, in the Council's general approach.

## **2. General provisions and strategic objectives**

### **2.1 An industry-centred perspective and the standing of this submission**

A chamber of commerce with a transatlantic name may be read as advancing a national commercial interest; we ask the Ministry to consider the substance rather than the letterhead, on four grounds. The production at stake is located in Romania: those most affected by the inconsistency between Articles 8 and 9 are manufacturers operating Romanian plants whose supply chains include United States content. The principle is general: equivalence should follow demonstrated openness and trusted-partner status, benefiting Japanese, Korean, Canadian, Turkish, British and Australian content on identical terms. The interests of all our constituencies converge on the same conclusion. And, analytically, industrial policy should be judged by where value is created and risk managed: a company that manufactures, employs, develops suppliers and conducts research in Romania contributes to European resilience, whereas a product formally of Union origin but assembled from a concentrated and opaque upstream chain may contribute considerably less. We therefore ask not for an exemption founded upon nationality but for equal, predictable and contribution-based treatment of all companies that create verifiable value within Europe.<sup>9</sup>

### **2.2 The Romanian national-interest case**

Council positions are forming largely along one axis — how much European preference, and how rigidly. Member States with large primary-materials sectors and fiscal room tend to favour more; net importers of capital goods, open traders and fiscally constrained Member States less. Romania belongs unambiguously to the second group, and on this file that position and its European commitment are not in tension.

#### ***(a) An industrial economy built by open investment***

Romania's manufacturing base was created by foreign direct investment from the late 1990s onwards: the automotive complex at Mioveni and Craiova with several hundred supplier plants, electronics, aerospace, machinery, tyres, glass, cables and much of chemicals. That capital is mixed, the National Bank of Romania identifying the United States among the leading ultimate investing countries,<sup>10</sup> while production, employment, tax base, suppliers and increasingly engineering are located in Romania. An obligation attached to the nationality of capital or the customs origin of inputs therefore operates here not as a transfer to domestic producers but as a cost upon the domestic production base itself. Romania requires capital deepening, not a narrower pool of investors.<sup>11</sup>

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<sup>8</sup> European Parliament, Legislative Observatory, procedure 2026/0068(COD); Council of the European Union, public register. The stage of the procedure, the identity of the rapporteur, the allocation of committee competence and the working-party calendar should be verified with the Permanent Representation before this paper is used.

<sup>9</sup> The same distinction is drawn by AmCham EU, Industrial Accelerator Act: keeping Europe competitive and open to investment, 21 April 2026, and by BusinessEurope, The Industrial Accelerator Act — BusinessEurope comments, 25 June 2026.

<sup>10</sup> National Bank of Romania, Foreign Direct Investment in Romania in 2024 (2025). See also AmCham Romania, Economic Relations between Romania and the United States, 8 July 2026.

<sup>11</sup> OECD, OECD Economic Surveys: Romania 2026, chapter on competitiveness and investment; see also OECD work on linkages between foreign investment and small and medium-sized enterprises.

***(b) A supplier economy, in which origin rules travel down the chain***

Romanian industry is characteristically a supplier of intermediate goods, components and sub-assemblies rather than an owner of brands. Origin requirements bite where public money is spent, but their costs travel down the chain: a Union-origin share that raises the input costs of the manufacturers and contractors buying from Romanian plants is transmitted to suppliers who absorb rather than set prices, and weighs on where the next model or capacity expansion is placed. The incumbents rewarded by an origin-based lead market in steel, aluminium and cement are, for the most part, not Romanian; the downstream industries that pay for it very frequently are.

***(c) The procurement and support-scheme channel***

Romania's public investment, financed by the Recovery and Resilience Plan, cohesion policy, the Modernisation Fund and national programmes, makes procurement a larger share of construction and equipment demand than in mature Member States. Cost exposure is amplified, because the low-carbon and Union-origin shares apply to the materials that dominate the infrastructure programme; absorption risk becomes compliance risk, because a tender failing for want of compliant volumes places Union funding in question; and support schemes are more sensitive still, since under Article 12 the criteria would attach to at least 45% of the budget of Annex II schemes and to the whole of that of Annex III schemes.<sup>12</sup> Photovoltaics illustrate the point on the Commission's own evidence: Union-made modules would cost in the order of 19 eurocents per watt-peak against approximately 8.7 eurocents for modules currently sold from China, and excluding Chinese cells would more than double the price paid by European governments while polysilicon dependence persisted.<sup>13</sup> Applied to a fixed Romanian budget, such a requirement lowers the megawatts installed and leaves the upstream dependency untouched, defeating all three objectives of the Act at once.

***(d) Fiscal and administrative asymmetry***

The proposal distributes obligations uniformly and capabilities unevenly. Origin verification, a functioning single access point, network-integrated planning and an investment authority able to monitor complex commitments all demand administrative capacity, and the share of firms devoting more than 10% of their staff to regulatory requirements is highest in Latvia, Estonia and Romania, at approximately 30%, against 4% in Finland.<sup>1415</sup> Assonime warns that objectives entrusted to national capacity and budgets risk different speeds within the internal market.<sup>16</sup> If the obligations are Union obligations, the financing should be Union financing: Romania's support for the lead-market pillar should be conditioned upon a Union instrument covering the incremental cost of low-carbon procurement, recognition that requirements must take account of available support, and Union-funded technical assistance for contracting authorities.

***(e) Energy and the network constraint***

Romania's prospects under this instrument depend less on procurement preferences than on the price and firmness of electricity and the availability of grid connection. Prices remain above historical averages and those of other major regions, and for the continuous-process industries that Romania hosts in metals, chemicals, fertilisers, cement, glass and paper, electricity is a technological condition of production whose

<sup>12</sup> COM(2026) 100 final, Article 12(1).

<sup>13</sup> SWD(2026) 71 final, section 6.1.1.2; Bruegel, Policy Brief 10/2026, section 4.3.

<sup>14</sup> European Investment Bank, EIB Investment Survey 2025: European Union overview. See also OECD, Economic Outlook, Volume 2025 Issue 2, recording that the number of Commission legislative proposals rose from 374 in the period 1999–2004 to 431 in the period 2019–2024, with the average length of each proposal almost doubling.

<sup>15</sup> OECD, Business Licensing Reforms in Romania (2026).

<sup>16</sup> Assonime, Position Paper 10/2026, section 3, “Rafforzare gli strumenti della politica industriale”.

interruption halts the process and, if repeated, relocates capacity. The binding constraint upon Romanian projects is not the building permit but the network — the connection approval, the queue, the cost of upstream reinforcement and its sequencing with the development plan — and a reform accelerating every step except that one will produce faster paperwork and the same connection date.

***(f) The compounding effect upon Romania's screening regime***

Romania operates one of the Union's most wide-reaching screening regimes, with low thresholds across many sectors. A parallel Union regime of conditionality risks compounding notifications, conflicting conditions and waiting periods of three to eight months for a strategic investment — a reversal of a decade of streamlining that investment committees comparing Romania with Serbia, Türkiye or Morocco will read as such (section 6).

***(g) Two national projects that illustrate the drafting risk***

Romania's nuclear programme rests on Canadian CANDU technology at Cernavodă and on a small modular reactor project based on United States technology, and the amended Net-Zero Industry Act annex would require new plants to contain initially two, and later three, main components of Union origin.<sup>17</sup> Canada, a free trade partner, would benefit from equivalence under Articles 8 and 9; the United States, party to the Agreement on Government Procurement without a free trade agreement, would on the face of the text be equivalent in procurement but not in support schemes — and a first-of-a-kind small modular reactor is inconceivable without public support. This reading should be verified by the Ministry's legal service against the consolidated text before it is asserted in the Council; if correct, it is decisive. Grid equipment is the second example, since Romania's network programme depends on globally sourced transformers, switchgear and cables in a tight market.

***(h) The geopolitical dimension***

Romania's membership of the Union and of NATO and its Strategic Partnership with the United States call for resilience through trusted alliances rather than indiscriminate closure. Treating United States content as third-country content in nuclear technology, energy equipment and digitalisation — where transatlantic cooperation is most advanced — creates a friction Romania has no interest in creating.

## **2.3 Open industrial policy and the limits of European preference**

AmCham Romania supports open strategic autonomy: the capacity to act, produce and withstand shocks while remaining connected to the markets, technologies, capital and partners that strengthen the Union. The difference between the cheapest and the preferred supply is a security premium, and there is nothing illegitimate in paying it; what is incoherent is to impose it without naming, quantifying or allocating it, and Bruegel considers that the draft does not meet the risk-based and proportionate standard of the Union's own economic security strategy.<sup>18</sup> As drafted, the premium is paid three times — by taxpayers through procurement prices, by support-scheme beneficiaries through less capacity per euro and by downstream manufacturers through costs they cannot recover in export markets — and all three constituencies are disproportionately represented in Romania.

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<sup>17</sup> New Annex II to Regulation (EU) 2024/1735, as inserted by Article 34(8) of COM(2026) 100 final; see Assonime, Position Paper 10/2026, Appendix.

<sup>18</sup> European Commission and High Representative, European Economic Security Strategy, JOIN(2023) 20 final; Bruegel, Policy Brief 10/2026, sections 4.1 and 4.2.

The alternative is a wider and better-defined perimeter, the "Europe plus trusted partners" approach described by the Kiel Institute, which we adopt:<sup>19</sup> openness presumed for Union production and reciprocal partners, enhanced scrutiny for state-directed overcapacity, coercion or concentrated control, and withdrawal of equivalence only on transparent, evidenced criteria. The corresponding doctrine is a single distinction: in industrial economic security, what matters is where production takes place, not who owns it — location matters more than ownership.<sup>20</sup> A requirement to assemble a vehicle, manufacture a cell or produce a component in the Union rewards capacity, employment and supplier ecosystems, which Romania offers; a requirement that the shareholder be European, or that upstream inputs carry Union customs origin, rewards what Romania is less able to supply. Sequencing completes the doctrine: localisation succeeds where it consolidates emerging capacity at scale-up, and fails where imposed upon capacity that does not yet exist. It should follow credible industrial capacity rather than assume it into existence.

## 2.4 The cross-cutting principles that should govern every instrument

Each of the following principles corresponds to a defect presently identifiable in the text, and together they form the test for every provision of the final Regulation.

- a) **Cost realism.** Account for the full delivered cost borne by authorities, support budgets, developers, downstream firms and consumers, not only the unit price of the preferred product.
- b) **Proportionality.** Limit restrictions to the product, component, sector, country and period necessary to address an evidenced risk.
- c) **Technology neutrality.** Reward measurable outcomes without locking in a decarbonisation route prematurely.
- d) **Legal certainty.** Settle eligibility rules, definitions, country treatment, calculation methods and transition periods before capital is committed.
- e) **Openness to quality investment.** Distinguish value-adding from risk-generating investors, without presumptions founded upon nationality.
- f) **Coherence of the internal market.** Avoid divergent national calculation, verification, permitting or screening practices.
- g) **Administrative simplicity.** Re-use data, keep reporting interoperable and avoid demanding the same evidence under several instruments.
- h) **Sectoral calibration.** Reflect the different supply chains, cycles and substitution possibilities of steel, cement, aluminium, vehicles, batteries and solar.

Before any origin or investment condition is applied, a proportionality check should be recorded: the precise objective; the market failure or security risk addressed; the capacity available in the Union and among trusted partners when the obligation applies; the effects on cost and competition; the less restrictive alternatives considered; and the review and exit mechanism. An obligation failing that check should be indicative rather than binding, or omitted.

## 2.5 The industrialisation objective and the measurement of success

The intention behind Article 2 is legitimate, but the ratio is a poor instrument. The same objective was set in 2012 for 2020 and missed; between 2000 and 2025 the Union average fell from 17.4% to 14.3%, with

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<sup>19</sup> Kiel Institute, Policy Brief No. 01, section 3, policy recommendations on the definition of Union origin.

<sup>20</sup> Bruegel, Policy Brief 10/2026, recommendation 6.

comparable declines in Germany, Italy, Spain and France,<sup>21</sup> and even China's share has fallen by some seven points since the early 2000s.<sup>22</sup> The ratio measures the wrong object, since competitiveness increasingly depends upon integrating manufacturing with services, software and data; and an instrument whose sectors represent approximately 15% of Union manufacturing<sup>23</sup> cannot move it by six points, so that the target invites either disappointment or the progressive extension of scope that Romania should least desire. Romania, already relatively industrialised, has little to gain from an aggregate target; its interest lies in the quality, productivity and technological depth of the activity it attracts. Romania should support removing the objective from the operative provisions and a monitoring framework covering announced and completed investment, productivity, research and engineering intensity, local supplier linkages, energy and carbon intensity, export complexity, permitting and connection times, and supply concentration.

### **3. Enabling conditions for industrial capacity and decarbonisation**

#### **3.1 Industrial decarbonisation must be investable**

Lead markets are necessary because first-of-a-kind projects face higher capital costs, uncertain offtake and a green premium that private buyers cannot absorb, but demand mandates alone cannot close the business case, which also requires affordable and reliable energy, grid capacity, low-carbon feedstocks, transport and storage infrastructure, technological maturity, predictable carbon-pricing and State aid rules, finance and skills. Where one element is missing, a mandatory share raises the project's price without creating the capacity it presupposes. Obligations should therefore follow enabling capacity rather than a calendar, support should address both capital and operating-cost gaps, and methodologies should be aligned across the emissions trading system, the carbon border adjustment mechanism, the taxonomy and State aid.<sup>24</sup>

The revision of the Net-Zero Industry Act through the IAA is the occasion to apply the same principle to the carbon-storage obligations of that Act. Under Articles 20 and 23, oil and gas producers must invest their own capital in CO<sub>2</sub> storage towards a Union objective of at least 50 million tonnes of annual injection capacity by 2030, each contribution being calculated pro rata to cumulative production between 1 January 2020 and 31 December 2023.<sup>25</sup> Members active in the sector report that Romanian producers are expected to provide more than 20% of the Union target, without regard to Romania's actual CCS market potential, and that the framework raises concerns of proportionality, investment efficiency and equitable burden-sharing: readiness of CCS markets and value chains differs markedly between Member States, so that the 2030 deadline is structurally unattainable in the Romanian context; capture, transport and storage capacity are insufficiently synchronised; and the economic realities and infrastructure limitations of CCS deployment are inadequately reflected. A storage obligation that runs ahead of the demand for storage creates precisely the risk of stranded capacity against which this paper warns.

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<sup>21</sup> European Commission, A Stronger European Industry for Growth and Economic Recovery, COM(2012) 582 final, 10 October 2012; Assonime, Position Paper 10/2026, section 1 and Figure 2 (Eurostat data).

<sup>22</sup> Bruegel, Policy Brief 10/2026, section 4.4 and Figure 2 (World Bank data).

<sup>23</sup> COM(2026) 100 final, as reported in Bruegel, Policy Brief 10/2026, section 2.

<sup>24</sup> On the design of low-carbon lead markets and the interaction between demand-side instruments and carbon pricing see Florence School of Regulation, The Industrial Accelerator Act, industrial policy and EU security of supply, 18 May 2026; and Bruegel, Policy Brief 10/2026, section 3.3, on the complementarity between the carbon border adjustment mechanism and low-carbon procurement requirements.

<sup>25</sup> Regulation (EU) 2024/1735 (Net-Zero Industry Act), Articles 20 and 23; member input on the Net-Zero Industry Act submitted to AmCham Romania in the context of the Industrial Accelerator Act, September 2026.

**Recommendation 1. Proportionality between demand-side obligations and enabling conditions.**

Decarbonisation requirements should be accompanied by adequate financing, enabling infrastructure and a stable framework, and applied in the light of available Union and national support and of technological maturity, with particular consideration for trade-exposed electro-intensive industries.

**Recommendation 1a. A methodology for storage contributions reflecting national CCS market potential.** The methodology for the pro-rata contributions of obligated entities should adjust each entity's cumulative production over 2020–2023 by a factor equal to the manufacturing-sector CO<sub>2</sub> emissions of its Member State over the same period divided by the average manufacturing-sector emissions across Member States, each entity's share being its adjusted production divided by the total adjusted production of all obligated entities.

**Recommendation 1b. A realistic timeline for the Union CO<sub>2</sub> storage objective.** The deadline for the Union-level storage objective should be extended from 2030 to 2035, reflecting the 6.5 to 10 years typically required to develop an integrated CCS project and the fact that a final investment decision can generally be taken only once permits for the entire value chain have been obtained.

### 3.2 Energy, grids and infrastructure as industrial policy

A project may obtain an accelerated permit and remain unbildable for years because the network cannot connect it, which is why, for Romania, the network provisions rather than the origin provisions are the substance of this file. The principal instrument is anticipatory investment: operators should be able to invest ahead of fully contracted demand, with timely cost recovery, including through distribution tariffs and before firm connection requests — essential for acceleration areas, where projects emerge only once infrastructure is visible. Transparent need assessment, staging, monitoring of utilisation and fair cost allocation are required, but waiting for certainty is frequently more expensive; and planning should cover transport, water, hydrogen or carbon dioxide networks and digital connectivity without assuming that continuous-process plants can interrupt production.

**Recommendation 2. Anticipatory grid investment with regulated cost recovery.** The framework should enable anticipatory investment in transmission and distribution grids with timely cost recovery, including before firm connection requests, subject to transparent need assessment and monitoring.

**Recommendation 3. Mandatory involvement of system operators.** System operators should participate in the permitting of industrial projects and the planning of acceleration areas, and issue a mandatory pre-feasibility opinion on capacity, reinforcements, timelines and cost allocation.

**Recommendation 4. Integration into grid development planning.** Strategic projects and acceleration areas should be reflected in national network development plans and the corresponding regulatory allowances.

### 3.3 Permitting and the single access point

The permitting chapter is among the strongest elements of the proposal and the one Romania should defend most vigorously: highest expected benefit, lowest budgetary cost, no external legal exposure and no distributional conflict. A designated authority coordinates a single procedure through the access point and confirms completeness within 45 days, with the European Business Wallet supporting once-only re-use of data.<sup>26</sup> Two qualifications are needed. The text accelerates the permits authorities control while leaving

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<sup>26</sup> COM(2026) 100 final, Articles 3 to 5; on the Business Wallet see European Commission, Proposal for a Regulation on the establishment of European Business Wallets, COM(2025) 838 final, 19 November 2025, and Assonime, Verso il Business Wallet europeo, Position Paper 6/2026.

untouched the one that sets the timetable, the grid connection, which the definition of the procedure should therefore include. And an access point succeeds only if the applicant experiences one coordinated procedure, one evidentiary set and one accountable timetable; a portal forwarding files to unreformed parallel processes reproduces the old timetable behind a better interface. In Romania the hard part is coordinating local authorities, environmental, water, heritage and fire-safety bodies, utilities, operators and the regulator, not buying software. A documented, time-limited suspension of deadlines where upstream reinforcement is beyond anyone's control preserves their credibility, and aggregated permits presuppose completed area-level assessments, for which Romania should prepare standard data packages for brownfield sites and industrial zones.

**Recommendation 5. Grid connection within the definition of the permit-granting procedure.** The procedure should cover all permits to build, expand, convert and operate industrial projects, expressly including grid connection permits, clearly defined and aligned with Union legislation.

**Recommendation 6. A confined suspension of time limits.** Where connection depends on upstream reinforcement beyond the operator's control, authorities should be able to suspend time limits temporarily, with documentation, a maximum duration and an action plan.

**Recommendation 7. Specified functionality of single access points, including data access for operators.** Access points should ensure interoperability, once-only re-use of data, cybersecurity, transparency, and free and automated access for distribution operators to cadastral and urban-planning data.

**Recommendation 8. Implementation support and protection of the pillar in negotiation.** Romania should seek Union-funded technical assistance and a common reference architecture, and state that it will not accept dilution of the permitting pillar as the price of agreement elsewhere.

#### 4. Lead markets: low-carbon and Union-origin requirements

##### 4.1 The demand signal and the conditions for its success

Procurement and public support can create early demand for low-carbon products, improve bankability and establish reference markets. We support in particular low-carbon shares in procurement for steel, aluminium and cement, which are overdue: these sectors produce about half of industrial emissions, and while the emissions trading system and the carbon border adjustment mechanism create cost pressure, they create no premium rewarding deep decarbonisation, for which low-carbon procurement is the complementary demand-pull instrument.<sup>27</sup> The impact assessment anticipates higher procurement costs in all Member States, and the 25% presumption of disproportionate cost is not a complete safeguard, since smaller increases may be material at programme level. Our conditions therefore concern execution: prompt definitions, a specified level of assessment, a harmonised methodology and achievable benchmarks that do not penalise efficient installations already using low-carbon electricity.

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<sup>27</sup> Bruegel, Policy Brief 10/2026, sections 2.3 and 3.3; and, on green public procurement as an under-used instrument, A. Sapir, T. Schraepen and S. Tagliapietra, 'Green Public Procurement: A Neglected Tool in the European Green Deal Toolbox?', *Intereconomics* 57(3), 2022.

## 4.2 Union-origin requirements

By 2029 at least 25% of steel and aluminium and 5% of concrete and mortar would have to be low-carbon, combined with Union origin for aluminium and for concrete and mortar but not steel;<sup>28</sup> Annex III requires Union assembly, at least 70% Union-origin value of non-battery components and at least three main battery components including cells of Union origin, rising after three years.<sup>29</sup> Targeted origin requirements may be justified where a strategic dependency is demonstrated and alternatives can be developed, but should not become a presumption that Union origin is invariably safer, cheaper, cleaner or more innovative. The text is also inconsistent: equivalence is broader in procurement than elsewhere, treatment differs across materials, vehicles and net-zero technologies without rationale, and business-critical exclusions may be made by delegated act.

EUROFER has asked that low-carbon and European-origin criteria be combined for steel, defined as melted and poured in the Union and the European Economic Area.<sup>30</sup> We accept the observation but not the conclusion: the inconsistency should be resolved downwards, anchoring all three materials in verifiable carbon performance with origin as a secondary, phased criterion, rather than upwards, which would raise the cost of every Romanian construction project and downstream user in grades of which the Union is a net importer. For aluminium the case is stronger, since shielding upstream producers raises costs for vehicle manufacturers whose electric models use materially more aluminium;<sup>31</sup> an instrument protecting an upstream sector at the expense of a downstream sector it also purports to support has not been calibrated. Disciplined origin rules would target demonstrably strategic products, assess capacity before each threshold, phase shares over investment cycles, count trusted-partner content consistently, protect existing investments and be reviewed for whether they created capacity or merely reallocated supply at a higher price.

**Recommendation 9. Gradual and indicative minimum shares in the first phase.** Minimum low-carbon and Union-origin shares should be introduced gradually and indicatively, in the light of availability, cost and Union capacity, and not as rigid thresholds where they risk shortages, disproportionate cost or harm to electro-intensive industries.

**Recommendation 10. A general cost safeguard.** Minimum shares should not cause disproportionate increases in project costs, particularly for energy infrastructure, renewables and industrial decarbonisation, nor a loss of competitiveness for trade-exposed electro-intensive industries, including through cumulative effects along the chain.

**Recommendation 11. No extension of Union-origin requirements to steel.** Romania should resist amendments adding Union origin to the steel provisions of Annex II: a verified low-carbon requirement achieves the climate objective, whereas an origin requirement adds cost for every downstream user.

**Recommendation 12. A feasibility condition for concrete and mortar.** In Annex II, Part I, point (b), the share should be low-carbon and, unless verifiable data show unavailability, critical-path delay, technical incompatibility or disproportionate cost, of Union origin.

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<sup>28</sup> COM(2026) 100 final, Annex II, Parts I and II; Assonime, Position Paper 10/2026, Appendix, 'Le soglie minime di contenuti di origine UE'.

<sup>29</sup> COM(2026) 100 final, Annex III, Part I; Kiel Institute, Policy Brief No. 01, section 3.

<sup>30</sup> EUROFER, note of 26 February 2026, as reported in Assonime, Position Paper 10/2026, Appendix, note 38.

<sup>31</sup> Bruegel, Policy Brief 10/2026, section 4.5, and note 24 therein.

#### 4.3 A coherent framework of trusted-partner equivalence

Article 7 defines Union origin through the non-preferential rules of the Customs Code.<sup>32</sup> Article 8 deems content from free-trade and customs-union partners, and from parties to the Agreement on Government Procurement where relevant obligations exist, to be of Union origin in procurement; Article 9 extends equivalence in other intervention only to free-trade and customs-union partners.<sup>33</sup> The procurement definition thus excludes China, whereas the support-scheme definition excludes both the United States and China.<sup>34</sup> Identical products would thus be treated alike if bought by a Romanian authority and differently if supported by a Romanian scheme, although a component's dependency profile does not change with the channel of public money.

The consequences are legal, economic and strategic. Linking subsidies to FTA-based equivalence risks challenge before the World Trade Organization, since the exceptions to Article III GATT are unlikely to justify excluding countries for want of a free trade agreement;<sup>35</sup> and the asymmetry tells established non-Union investors that their Union-based production is foreign for the purposes of Union support. Equivalence should instead be assessed against six evidenced criteria — reciprocity, rules-based conduct, security and reliability, diversification value, contribution to the Union and climate equivalence. Romania should seek a consistent solution for the United States, the case of greatest consequence, without an unconditional exemption for any partner; Japanese<sup>36</sup> and Chinese<sup>37</sup> reactions confirm the difficulty is general. Retaliation falls on whichever exporters a partner selects, and Romania's exports are concentrated in vehicles, parts, electrical equipment and machinery, the categories most often chosen. Our objection is not to the withdrawal mechanism on grounds of reciprocity or dependency that the proposal already contains, but to a structural exclusion operating automatically and before any assessment.

**Recommendation 13. Alignment of origin equivalence across all instruments of the Regulation.**

The equivalence in Article 8 — free trade agreements, customs unions and parties to the Agreement on Government Procurement — should extend to support schemes under Article 9 and to Annex III, any exclusion being made by delegated act on narrow and evidenced grounds.

**Recommendation 14. Procedural safeguards governing the withdrawal of equivalence.**

Withdrawal should require published evidence and reasons, sector- and product-specific scope, proportionate duration with review, adequate notice, grandfathering of signed contracts and committed investments, consultation and judicial review, and should apply prospectively.

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<sup>32</sup> Regulation (EU) No 952/2013, Article 60; see Assonime, Position Paper 10/2026, section 2.2, which also notes the ambiguity as to whether preferential origin rules established by the Union's agreements with third countries should apply instead in this context.

<sup>33</sup> COM(2026) 100 final, Articles 7 to 9; Kiel Institute, Policy Brief No. 01, note 3, which sets out the architecture of the three provisions.

<sup>34</sup> Bruegel, Policy Brief 10/2026, section 2.1.

<sup>35</sup> Bruegel, Policy Brief 10/2026, section 3.2. The same source concludes that the procurement conditions, by contrast, appear consistent with the Union's obligations under the World Trade Organization agreements and its free trade agreements.

<sup>36</sup> Japan Business Council in Europe, Position paper on the proposal for an Industrial Accelerator Act, 8 May 2026.

<sup>37</sup> Ministry of Commerce of the People's Republic of China, press statement of 27 April 2026. Not all of the claims advanced are justified, and the Union should respond firmly to threats of retaliation; the point of substance is that the exposure in the support-scheme channel is identified independently by Bruegel and can be cured by drafting.

**Recommendation 15. Clarification of the vehicle provisions and of customs-union treatment.** The Regulation itself should clarify how Union origin or equivalence applies to vehicle assembly and whether vehicles assembled by free-trade partners qualify. AmCham Romania supports a requirement of final assembly in the Union, a location-based criterion favourable to Romania's plants, while opposing the exclusion of trusted-partner components, and products assembled in customs-union countries should be equivalent to products of Union origin, in line with Union trade commitments. That equivalence should be confined to established and integrated operations meeting the safeguards in Recommendation 16a, so that it protects existing European value chains without diluting the incentive to locate new assembly mandates in the Union.

### ***The specific case of a customs union covering industrial products***

A customs union covering industrial products differs qualitatively from a free trade agreement: customs barriers are abolished, a common external tariff applies and the partner is integrated into the acquis on the free movement of goods, in certain cases being barred from measures equivalent to quantitative restrictions or from ringfencing its procurement, so that a single industrial space already hosts European value chains. Two drafting consequences follow. Content from such a country should be equivalent in every instrument, which Article 8 achieves but Article 9 does not. And several Annex III requirements are expressed by reference to where an operation takes place — assembly or manufacturing in the Union — with no provision for operations in a customs-union partner, so that assembly forming part of an integrated European chain falls outside the equivalence regime altogether: an unintended gap rather than a policy choice. Romanian vehicle and component manufacturing operates within supply relationships extending across the customs union, and the gap can be closed while preserving the Commission's safeguard powers under Articles 8(2) and 9(2). Article 9(1) should at the same time refer to Articles 12, 13 and 14, which together constitute the demand-side engine of the lead-market strategy, and not to Article 12 alone.

The evidence submitted by members of the automotive sector shows that the gap has immediate practical consequences.<sup>38</sup> OECD Trade in Value Added data measure integration objectively: in 2022, 12.7% of the value of Türkiye's motor-vehicle exports originated in the Union — below Switzerland (21.9%), above the United Kingdom (11.7%) and roughly four times the share for the United States, India, Japan or China, each around 3% — while Morocco's share was 27.5%.<sup>39</sup> Company data are stronger still: bill-of-materials data for a leading electric commercial vehicle assembled in Türkiye identify 56.2% of total component value as of Union origin (Poland 40.8%, Hungary 6.8%, other Member States 8.5%), against 29.3% from Türkiye and 5.1% from the United Kingdom, the high-voltage battery and control unit being sourced from the Union; the plug-in hybrid version contains almost 40%. Such operations belong to European manufacturing and engineering networks that also include sites in several Member States, Romania among them.

The relationship runs both ways. Türkiye is now the third-largest export market for new Union-made vehicles, exports having risen by 24.8% in 2025 to €18.8 billion and Türkiye's share of Union vehicle export value from 8.3% to 11.1%, supporting exporting Member States including Germany, France, Italy, Spain and Romania;<sup>40</sup> and the Union content of partner-country assembly — batteries, cells and packs, engines,

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<sup>38</sup> Member contribution from the automotive industry submitted to AmCham Romania, September 2026, including bill-of-materials data. The contribution is confidential; the reproduction of company-level figures in a paper addressed to the Ministry is subject to the contributing member's confirmation.

<sup>39</sup> OECD, Trade in Value Added (TiVA) Database, 2025 edition, origin of value added in gross exports, manufacture of motor vehicles, trailers, semi-trailers and other transport equipment, as reported in the member contribution cited above.

<sup>40</sup> EU new vehicle export data 2024–2025, as reported in the member contribution.

powertrain parts — represents supplier activity and employment inside the EU27, so that access for genuinely integrated assembly sustains demand for Union inputs rather than displacing it. As to circumvention, Türkiye has imposed additional tariffs and restrictive import requirements on Chinese vehicles, no significant Chinese manufacturing footprint exists there and announced investments have stalled; above all, recognition founded upon integration would extend the benefits of the Regulation not to Turkish production generally but only to operators meeting objective conditions of ownership, control and established investment.

The automotive industry's draft amendments to Articles 8, 9, 13 and 14 set out those conditions.<sup>41</sup> Equivalent treatment of assembly in a qualifying third country would require the economic operator to be owned or controlled, solely or jointly, directly or indirectly, by an entity established in a Member State or a qualifying third country, "control" having the meaning of Article 3 of the Merger Regulation; qualifying countries would be fixed as of 4 March 2026; a self-declaration would identify each owning or controlling entity and commit the operator to notify changes, with verification methods set by implementing act; and a change breaking the qualifying link would entail immediate loss of treatment and, in support schemes, recovery of the benefit from that date, without prejudice to Articles 107 and 108 TFEU. Under Articles 13 and 14, the "made in the EU" criteria for corporate fleets and CO2 credits would be deemed satisfied for vehicles of United Kingdom origin and for vehicles produced in Morocco or Türkiye by grandfathered operators meeting the same conditions, through a deeming provision confined to those Articles that leaves Article 7 unaffected. These safeguards answer the pass-through objection and confine the benefit to established integration, without creating an incentive to build new capacity outside the Union purely in order to qualify.

**Recommendation 16. Equivalence for customs-union partners, in respect of both content and operations.** Recital 16 and Articles 8 and 9 should provide that content originating in, and assembly or manufacturing operations carried out in, a customs-union partner covering industrial products are equivalent to Union content and operations for Chapter III; that Article 9(1) extends to Articles 12, 13 and 14; and that the exclusion powers in Articles 8(2) and 9(2) apply to the new paragraphs and cover products, entities and operations. The full drafting is set out in Annex I.

**Recommendation 16a. Recognition of integrated partner-country vehicle assembly, subject to anti-circumvention safeguards.** Articles 8 and 9 should treat vehicle assembly in a customs-union or other qualifying partner economy as equivalent to Union assembly where the operator is owned or controlled, within the meaning of Article 3 of Regulation (EC) No 139/2004, by entities established in the Union or in a qualifying country as of 4 March 2026; where it declares its ownership and control structure and undertakes to notify changes; and where a change breaking the qualifying link entails immediate loss of treatment and, in support schemes, recovery of the benefit, the form of declaration and verification being set by implementing act.

**Recommendation 16b. Coherent application to corporate fleets and CO2 credits, including the United Kingdom.** Articles 13 and 14 should deem the "made in the EU" criteria satisfied for vehicles of United Kingdom origin and for vehicles produced in Türkiye or Morocco by operators meeting Recommendation 16a in respect of capacity established before the cut-off date, through a deeming provision confined to those Articles that does not modify Article 7.

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<sup>41</sup> Draft amendments to Articles 8, 9, 13 and 14 of the proposal submitted by the automotive industry together with its position on the Industrial Accelerator Act. The reference date of 4 March 2026 corresponds to the publication of the proposal.

#### 4.4 From ownership to measurable contribution: "Made with Europe"

The Regulation conflates the origin of a product, the location of production and the nationality of an investor. We propose that European value creation be made operational through a limited set of auditable dimensions — production, innovation, employment and skills, supply chain, decarbonisation, resilience, permanence and conduct — decarbonisation being mandatory where the climate objective applies, conduct an eligibility safeguard and the rest positive weightings. The model must not become a new bureaucracy: few indicators, sector-specific weighting, re-use of data already submitted under other regimes and verification of outcomes rather than industrial plans from every bidder. So designed, it serves Romanian industry better than any origin test, because it distinguishes a shell presence from a durable industrial anchor. That is the content of "Made with Europe": production and innovation located in the Union, developed through European workers and suppliers, operating under Union rules and reinforced by reliable partners.

The automotive evidence shows that such a test can be objective and workable: the industry proposes that substantial Union value added in partner-country production be assessed against clear thresholds and a transparent methodology, referencing OECD Trade in Value Added data as the sector benchmark alongside company bill-of-materials evidence where available.

**Recommendation 17. A value-creation principle in the operative provisions.** Eligibility for procurement and support should recognise a supplier's or project's contribution to Union production, innovation, employment, supplier development, verified decarbonisation and resilience, alongside or in place of content origin, on a limited set of auditable indicators and existing data.

#### 4.5 Cost, availability, competition and timing safeguards

Derogation is permitted where only one supplier exists, no suitable tenders are received or application would create disproportionate cost or technical incompatibility, with presumptions at a 25% cost difference in procurement, 30% in support schemes and seven months' delay.<sup>42</sup> The thresholds are too blunt — a 10% premium on a high-value material can materially affect an infrastructure programme, and repeated small premiums can exhaust a support budget — and the burden of justification rests on the individual contracting authority, which, where capacity is limited, will either absorb the cost or restructure the procurement to escape the obligation. The observation that these exceptions make the instrument less binding than strict localisation<sup>43</sup> supports our position: a requirement whose practical effect is limited but whose administrative and legal cost is not is a compliance burden rather than an industrial policy. Safeguards should cover availability, competition, cost at product, project and programme level, timing, technical compatibility and public interest, with publication of their aggregate use; and a Member State should not have to finance fewer projects because origin conditions raise unit costs — where the Union mandates a premium, it should also finance it.

The automotive industry makes the same point from the manufacturer's side: localisation of assembly and components will raise vehicle costs and, without a corresponding incentive, would raise the cost of producing in Europe without improving the business case for doing so; it proposes offsetting measures

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<sup>42</sup> COM(2026) 100 final, Articles 11(3) and 12(3); the figures are as reported in Kiel Institute, Policy Brief No. 01, section 3, 'Risk of higher input costs and downstream distortions'.

<sup>43</sup> Kiel Institute, Policy Brief No. 01, section 3, 'Risk of higher input costs and downstream distortions'.

such as super-credits for battery-electric cars and vans under the CO2 standards, or direct support for public entities procuring Union-made trucks and buses.<sup>44</sup>

**Recommendation 18. A broadened and operational derogation.** Derogation grounds should cover availability, competition, cost at product, project and programme level, timing, technical compatibility and public interest; presumption thresholds should be lowered or made indicative; derogation should be available ex ante at scheme or product-category level; and the Commission should publish templates and market-availability data.

**Recommendation 19. Union financing of the incremental cost, and technical assistance.** Romania's support for the lead-market pillar should be conditioned upon a Union instrument covering the incremental cost of low-carbon procurement, including through the European Competitiveness Fund, the Innovation Fund and the Modernisation Fund, and upon technical assistance for contracting authorities with the least capacity. For vehicles, localisation requirements should be paired with offsetting incentives, such as super-credits under the CO2 standards and support for procuring Union-made trucks and buses.

#### 4.6 Definitions, methodologies and transition periods

Low-carbon classes, thresholds, calculation methods and partner treatment are largely left to delegated and implementing acts, which Assonime notes creates uncertainty capable of harming investment.<sup>45</sup> An element is essential, and belongs in the Regulation, if an undertaking cannot tell whether it complies without knowing it: product and component scope, baseline thresholds, partner categories and exclusion criteria, origin calculation principles, system boundaries and emissions data hierarchy, derogation grounds, minimum transition periods, protection of committed investments and review indicators. We maintain our call for a transition of at least five years and consider the 2029 deadline unfeasible.

Two further points follow from the automotive industry's position. Union content in vehicles should be calculated from the full value of the finished vehicle less the value originating outside Europe, consistent with the last-substantial-transformation rule proposed by the Commission and the method of the Union's free trade agreements, rather than from components alone, which ignores the value created by vehicle manufacturing, research and engineering. And low-carbon materials requirements for vehicles should not apply while their definitions are unavailable, while the requirement to source Union-made e-powertrain and electronic components merits further examination, being unclearly defined and ill-suited to supply shocks that require immediate changes in procurement.

**Recommendation 20. Essential definitions in the Regulation.** Article 7 should state whether Union origin refers to the final product or to components, defaulting to the final product; Article 10 and the annexes should set the level of low-carbon assessment on harmonised, technology-neutral methodologies and realistic benchmarks. For vehicles, Union content should be calculated from the value of the finished vehicle less the value of non-European inputs.

**Recommendation 21. Binding effect conditional upon operational methodologies.** Minimum requirements should become binding only once sectoral methodologies, verification rules and compliance systems are operational, with a transition of at least five years, low-carbon materials requirements for vehicles being deferred until defined.

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<sup>44</sup> Automotive industry position on the Industrial Accelerator Act, point 1.

<sup>45</sup> Assonime, Position Paper 10/2026, section 3, 'Evitare che la politica industriale produca nuova complessità regolatoria'.

**Recommendation 22. Limitation of delegated powers over core commercial conditions.** Key definitions and methodologies should be fixed in the Regulation or in secondary acts adopted before obligations apply; delegated acts should update technical detail, not determine the viability of committed investments.

**Recommendation 23. Coherence with the wider Union framework.** Methodologies and reporting should be aligned with existing Union legislation, including the emissions trading system and the carbon border adjustment mechanism, to avoid duplicative reporting and verification.

## 5. Cross-sectoral considerations

The annexes name few products, but the effects of the instrument reach every sector connected to them; three contexts are most immediate for Romania.

### 5.1 Energy-intensive industries

Steel, cement, aluminium, chemicals and other continuous-process industries underpin construction, mobility, energy, defence and manufacturing, and for many installations stable electricity and heat are a condition of the process itself: outages, volatility or uncompetitive prices damage equipment and accelerate relocation. The proposal does not adequately recognise this category, although its lead-market pillar depends on it, since affordable as well as low-carbon electricity is a precondition of decarbonisation. The perspective most consistently absent is cumulative cost: the Regulation's obligations interact with emissions allowance costs, the carbon border adjustment mechanism, energy and network charges, financing costs, product standards and State aid conditions, and each may be defensible alone while the combined burden makes a Union plant uncompetitive.

**Recommendation 24. Express recognition of electro-intensive and continuous-process industry.** The Regulation should give particular consideration to continuous-process industries relying on stable baseload supply, and be designed to preserve security of supply, avoid excessive volatility and prevent relocation of capacity outside the Union.

**Recommendation 25. Assessment of cumulative regulatory cost.** The Commission should assess, in its delegated acts and review, the cumulative effect of this Regulation with the emissions trading system, the carbon border adjustment mechanism, energy and network charges and State aid conditions on trade-exposed sectors and downstream users, and propose adjustment where it is disproportionate.

### 5.2 Automotive, batteries and mobility

Batteries, powertrains, electronics, software, charging, metals, logistics and suppliers form a single automotive ecosystem. Romania hosts both assembly and a large supplier base, and should support requirements founded upon where assembly and manufacturing take place while resisting the exclusion of trusted-partner components, which penalises the same plants; the division between manufacturers, who welcome preference for vehicles but not for the components they buy, and suppliers, who welcome it, maps this conflict precisely.<sup>46</sup> A single trajectory does not fit cars, vans, buses and heavy-duty vehicles. Battery localisation needs a realistic ramp-up, bearing in mind that Korean companies operate more than three-

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<sup>46</sup> See the position of the European automotive industry on the Industrial Accelerator Act, 1 July 2026; and, for the underlying division, Bruegel, Policy Brief 10/2026, section 4.3 and notes 19 and 20 therein.

quarters of operational Union cell capacity and Chinese companies account for more than two-thirds of that under construction.<sup>47</sup>

The automotive industry's position adds proposals of direct relevance to Romanian production.<sup>48</sup> For heavy-duty vehicles, no realistic timeline for mandatory battery localisation can yet be set, because that segment's battery demand alone is expected to exceed the entire Union battery manufacturing pipeline by 2030, so that a mandate would add a premium that procurement and subsidies could not offset. The industry proposes a fleet-level compliance target: where 70% of a manufacturer's fleet meets the battery, component and assembly requirements in one year, the whole fleet would benefit in the next, the geographic scope being strictly the EU27, the European Economic Area and the United Kingdom, with the grandfathered operations in Morocco and Türkiye, recognition of European-built vehicles destined for export and safeguards against business models undermining the Act. And since manufacturers will have to collect evidence from potentially thousands of suppliers and bear the legal responsibility for it, reporting must be lean and easily auditable.

**Recommendation 26. Segment-specific differentiation and alignment with development cycles.**

Requirements and timelines should reflect sector-specific supply chains and development cycles, particularly for heavy-duty vehicles, and eligibility criteria should be applied proportionately in the light of availability and cost. For trucks and buses, mandatory battery localisation should not apply until Union supply is demonstrably sufficient.

**Recommendation 27. Layered and capacity-linked treatment of the battery value chain.**

The battery provisions should distinguish cells, modules, packs, active materials and raw materials, reward Union assembly and system integration, link each threshold increase to verified capacity data and grandfather existing integrated supply relationships.

**Recommendation 27a. Fleet-level compliance and lean reporting for vehicles.**

Compliance should be assessable at fleet level, so that a manufacturer meeting the requirements for a defined share of its fleet (70% in the industry's proposal) in one year qualifies in full in the next, within a defined geographic scope and subject to anti-circumvention safeguards, and reporting should be lean, auditable and proportionate to the number of suppliers involved.

### 5.3 Net-zero technologies, digital systems and cross-sector spillovers

Net-zero technologies depend on power electronics, semiconductors, software, cloud services, critical minerals and global component networks, so origin rules on the final technology propagate into sectors the instrument does not address, and if eligibility rules shrink supply or raise costs too fast the deployment pipeline — and with it the market for European manufacturers — contracts. In the digital dimension, where preference is most likely to be applied under another name, security criteria should be risk-based and open standards preserved.

**Recommendation 28. Risk-based treatment of digital and security criteria, and protection of confidential information.**

Security criteria should rest on demonstrable technical and governance risk, preserve open standards, recognise where software is developed and maintained, and protect source code, architecture, trade secrets and supplier information.

<sup>47</sup> Bruegel, Policy Brief 10/2026, section 3.4 and Figure 1 (Bruegel Dataset, European Clean Tech Tracker).

<sup>48</sup> Automotive industry position on the Industrial Accelerator Act, points 5, 6, 7 and 8.

## 6. The foreign direct investment framework

AmCham Romania supports the objective of strengthening resilience and economic security, but a new screening mechanism should be proportionate, predictable and aligned with existing frameworks. As designed, it raises concerns of proportionality, regulatory overlap and predictability that, uncorrected, would reduce the attractiveness of Romania and the Union for the investment industrial development requires.

### 6.1 The objective, and the nature of the shift

The chapter covers investments above EUR 100 million in batteries and storage, electric and fuel-cell vehicles and components, photovoltaics and critical raw materials, where the investor's country holds more than 40% of global capacity in the sector. Such investments require express approval; notification is also triggered by acquiring 30% of capital or voting rights; and approval requires four of six value-added conditions, a Union workforce of at least 50% with training being mandatory.<sup>49</sup> The objective is legitimate, but the chapter moves Union screening from defensive security review towards rule-based authorisation conditioned on industrial upgrading, and should be judged against the standards applicable to industrial-policy conditionality rather than to security screening.

### 6.2 Proportionality

The framework is disproportionate in scope and design, for four reasons. **The mandatory "four out of six" criteria** impose industrial-policy conditions without regard to sector or project, and an arithmetical test cannot distinguish a cell plant from a raw materials facility, or a greenfield project from an acquisition. **The 49% ownership ceiling** may deny investors the operational control that lenders to a first-of-a-kind facility require, preventing financial close rather than redistributing control — a serious concern for Romania, which relies on large greenfield investment. **The 30% control threshold** is lower than many existing instruments and captures minority stakes conferring no effective control. And **the absence of a risk-based and harm-based framework** is structural: merger control, foreign subsidies review and screening identify a concern and then assess whether remedies are necessary, whereas this framework presumes conditionality irrespective of risk — a licensing regime with industrial-policy conditions attached.

The conditions are not of equal merit, which indicates a landing zone. The workforce and 1%-of-turnover research requirements are location-based, capability-building and verifiable, acceptable subject to clarification of measurement, phasing and recognition of group-level Union research. The 30% Union sourcing strategy is origin-based and should become a progressive best-efforts commitment assessed against availability. The ownership ceiling bears no relation to value created in the Union, and mandatory licensing of intellectual property with default co-ownership of joint patents amounts to compulsory technology transfer that would deter the advanced investment the Act seeks.

### 6.3 Duplication and regulatory coherence

The proposal adds a layer of review alongside merger control, the Foreign Subsidies Regulation and Union and national screening, each already able to impose tailored commitments.<sup>50</sup> Since those three instruments

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<sup>49</sup> COM(2026) 100 final, Articles 17 to 19; the conditions are set out in Article 18(2) and (3). See Kiel Institute, Policy Brief No. 01, section 4, and Assonime, Position Paper 10/2026, section 2.3.

<sup>50</sup> Council Regulation (EC) No 139/2004 on the control of concentrations between undertakings; Regulation (EU) 2022/2560 on foreign subsidies distorting the internal market; and Regulation (EU) 2019/452 establishing a framework for the screening of foreign direct investments into the Union, together with its recast — a recast to which certain

are themselves under revision, their modernisation should be completed before a fourth regime is considered. An investment cleared under national screening should not face new conditions on the same facts, and conditionality, where applied, should be applied once.

#### **6.4 Investment predictability**

The multi-stage procedure — admissibility within 30 days, extendable by 15; a Commission opinion within 30 days; a national decision within 60 days, extendable to 75 and by a further 30; a two-month in-depth phase where the national decision diverges; and Commission assessment of investments above EUR 1 billion<sup>51</sup> — creates significant uncertainty. Five points need clarification: the methodology of the 40% capacity criterion;<sup>52</sup> the definition of "foreign investor", which should not capture long-established Union manufacturers because of an ultimate parent's nationality; the stability of sectoral scope; the relationship with national screening; and the treatment of staged investment, project finance, joint ventures and follow-on investment under the EUR 100 million threshold.

Two consequences are specifically Romanian. Diversion falls hardest on Member States competing on cost and location: stricter conditionality may redirect state-coordinated investment to Morocco or Türkiye, so that if a battery plant destined for Oltenia or the Danube corridor is built outside the Union, the Union forgoes marginal resilience while Romania forgoes the entire project. And deterrence is not hypothetical, since inward investment is building much of the Union's clean-technology base, Korean and Chinese companies together accounting for most operational and planned cell capacity.<sup>53</sup> Conditionality without absorptive capacity and credible monitoring imposes obligations without generating the spillovers that justify it.<sup>54</sup>

#### **6.5 A proportionate redesign**

Romania should support integrating any added-value assessment into the existing Union and national screening architecture, with one allocation of competence and one timetable, on a threefold distinction: screening security risks is legitimate and already provided for; negotiating value-creation commitments where evidence justifies them is defensible if proportionate; presuming foreign ownership to be a deficiency is neither sound nor in Romania's interest. Conditionality can also form part of an investment proposition, offering accelerated permitting, acceleration-area access and coordinated financing in exchange for credible commitments.

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sources refer as Regulation (EU) 2026/1386, a reference that should be verified against the Official Journal before citation in an official position.

<sup>51</sup> COM(2026) 100 final, Articles 19 to 21, as summarised in Assonime, Position Paper 10/2026, section 2.3. Superimposed upon the existing Romanian procedure, the cumulative period before final approval may extend from three to eight months depending upon whether extensions and divergence assessments apply.

<sup>52</sup> Kiel Institute, Policy Brief No. 01, section 4, 'Scope and legal design', which identifies the segment-level ambiguity and observes that Australia does not appear to be excluded under Article 17(3), that provision applying only to investors covered by an economic partnership agreement or a free trade agreement in force or provisionally applied.

<sup>53</sup> Bruegel, Policy Brief 10/2026, section 3.4 and Figure 1 (Bruegel Dataset, European Clean Tech Tracker). Bruegel's corresponding recommendation is that foreign direct investment requirements should be applied in a manner that does not block value-adding investment, since in economic security in manufacturing location matters more than ownership.

<sup>54</sup> Kiel Institute, Policy Brief No. 01, section 4, 'Economic considerations and effectiveness conditions', citing L. Alfaro, 'Gains from foreign direct investment: Macro and micro approaches', World Bank Economic Review 30 (2017).

**Recommendation 29. A single procedure, a single authority and a single timetable.** One notification through the national Investment Authority, mutual recognition of assessments under screening, foreign subsidies review and merger control, a consolidated maximum timeline and no reopening of facts cleared under national screening.

**Recommendation 30. A risk-based and harm-based assessment framework.** Conditions only after an evidenced finding of material dependency, non-market distortion or security concern, and only as necessary and proportionate to it; otherwise, approval without conditions.

**Recommendation 31. Negotiated remedies in place of the four-of-six test.** Commitments tailored to the project, with the investor entitled to propose an alternative package of equivalent or greater Union value added, assessed on its merits.

**Recommendation 32. No automatic ownership ceiling, and no compulsory transfer of intellectual property.** The 49% ceiling should not be a default nor obstruct control required for financing; mandatory IP licensing with default co-ownership should be removed or confined to narrow public-interest cases on negotiated terms.

**Recommendation 33. Proportionate notification thresholds and clear rules of calculation.** A control threshold aligned with existing instruments, clear rules for staged investment, project finance, joint ventures and asset deals, and a de minimis for follow-on investment in an approved project.

**Recommendation 34. Transparent trigger data and differentiated treatment of established Union subsidiaries.** A published and contestable methodology for the 40% criterion, adopted before the chapter applies, and no treatment as a foreign investor of a Union undertaking with durable manufacturing, employment and research in the Union, save where used as a conduit.

**Recommendation 35. Stability of scope, grandfathering, judicial protection and review.** Stable sectors and thresholds, no retroactive application to committed or aided investments, effective judicial review, and a review within three years of whether investment was diverted.

## 7. Industrial acceleration areas and national implementation

Each Member State must designate at least one acceleration area within twelve months, based on its contribution to security of supply, its productive capacity, the small and mid-sized firms that could benefit and the development level of the regions concerned, and facilitate it through an aggregated baseline permit.<sup>55</sup> The criteria point directly at Romania's former coal regions and less developed counties. But an area becomes an investment proposition only where grid capacity, connecting infrastructure and financing exist; otherwise it produces a line on a map and, in time, a problem of credibility. The test should be documentary rather than declaratory: before designation, the authority should be able to show the firm connection capacity available, when and at whose cost; the reinforcements in the network plan and their dates; and which permits the baseline permit will cover, on which completed assessments. Selection should favour brownfield and transition regions, with milestones and the possibility of de-designation.

**Recommendation 36. Express linkage between acceleration areas and energy infrastructure.** The provisions should require coordinated planning and investment in networks, storage and flexibility, since clusters need physical enablers and not only faster permits.

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<sup>55</sup> COM(2026) 100 final, Articles 25 to 27, as summarised in Assonime, Position Paper 10/2026, section 2.4.

**Recommendation 37. An energy-needs analysis for each area, feeding national network planning.**

Each area's future energy needs should be analysed and reflected in network development plans, enabling anticipatory investment with tariff-based cost recovery before firm connection requests.

**Recommendation 38. The aggregated baseline permit and the pre-feasibility opinion.**

The baseline permit should cover the permits commonly required in the area, and distribution operators should issue a mandatory pre-feasibility opinion on capacity and reinforcements at designation.

**Recommendation 39. A pre-designation call for evidence in Romania.**

A call for evidence to industry and regions, a published independent readiness assessment, and selection of the first area for deliverability and strategic impact rather than symbolic compliance.

## 8. Romania's negotiating position, requests to the Ministry and conclusions

### 8.1 The negotiating matrix

The matrix states the position we recommend for each issue and the negotiating instruction that follows. Three positions should condition Romania's overall support: the sequencing of binding thresholds, the coherence of trusted-partner equivalence and the avoidance of a parallel investment procedure.

| Issue                                          | Position                 | Core negotiating instruction                                                                                                                                                                          |
|------------------------------------------------|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Permitting and the single access point         | Support and strengthen   | One coordinated procedure; grid connection within the definition; once-only data; accountable deadlines; Union-funded technical assistance.                                                           |
| Energy-intensive decarbonisation               | Support                  | Pair with conditions as to energy, networks, financing and maturity; recognise baseload and continuous processes expressly.                                                                           |
| CO2 storage obligation (Net-Zero Industry Act) | Amend                    | Allocation reflecting national CCS market potential; Union storage objective moved to 2035 to match CCS development and permitting timelines.                                                         |
| Low-carbon lead markets                        | Support and calibrate    | Harmonised product data; technology neutrality; achievable benchmarks; review of affordability and supply.                                                                                            |
| Union-origin thresholds                        | Amend                    | Gradual, indicative and sector-specific; tied to verified capacity; trusted-partner content counted; operational derogations; no extension to steel.                                                  |
| Exclusion in tenders founded upon ownership    | Oppose as a general rule | Focus upon product and project risk and upon contribution within the Union; targeted exclusion only for evidenced security concerns.                                                                  |
| Partner equivalence                            | Expand and align         | One definition across procurement, support schemes and the Net-Zero Industry Act amendments, governed by reciprocity, conduct, security, diversification, contribution and climate-equivalence tests. |
| Customs-union partners: content and operations | Amend                    | Recognise content from, and assembly or manufacturing operations in, a customs-union partner as equivalent; widen the Article 9(1) cross-reference to Articles 12, 13 and 14. Drafting at Annex I.    |

| Issue                                         | Position                 | Core negotiating instruction                                                                                                                                                                                                               |
|-----------------------------------------------|--------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Integrated partner-country vehicle assembly   | Support, with safeguards | Ownership and control test, 4 March 2026 cut-off, self-declaration and loss of treatment on change of control; UK and grandfathered Morocco and Türkiye operations under Articles 13 and 14; finished-vehicle and fleet-level calculation. |
| Delegated acts over core eligibility          | Limit                    | Place country categories, baseline thresholds, calculation principles and transitional protection in the primary instrument.                                                                                                               |
| Cost safeguard                                | Expand                   | Include programme-level and downstream effects, delay, competition and total cost of ownership; permit ex ante application.                                                                                                                |
| The four-of-six investment conditions         | Replace                  | Risk-based and harm-based framework; only necessary and proportionate remedies; no automatic ownership ceiling or compulsory IP transfer.                                                                                                  |
| Sequencing against instruments under revision | Raise                    | Complete the modernisation of merger control, foreign subsidies review and screening before adding a fourth regime.                                                                                                                        |
| A parallel Investment Authority track         | Avoid                    | Single coordinated filing and timetable with the Union and Romanian screening architecture; mutual recognition of prior clearances.                                                                                                        |
| Acceleration areas                            | Support and prepare      | Infrastructure and financing readiness before designation; mandatory system-operator involvement; transparent access.                                                                                                                      |
| The twenty per cent objective and monitoring  | Remove and replace       | Delete from operative provisions; monitor investment, productivity, new capacity, prices, competition, delivery and emissions.                                                                                                             |

Positions follow economic structure rather than geography. An open-market grouping — Ireland, Sweden, Denmark, the Netherlands, Finland, Czechia and Estonia, with much of German industry — is Romania's principal coalition on origin and investment. A strategic-autonomy grouping — France, Italy and Spain — shares Romania's interest in Union financing. A cohesion grouping — Poland, Bulgaria, Greece, Croatia, Slovakia, Hungary, Portugal and the Baltic States — is concerned with financing and administrative capacity, and Romania is well placed to lead it. An automotive-host grouping — Germany, Czechia, Slovakia, Hungary, Spain, Poland, Portugal and Romania — seeks clarity on Annex III and is the natural forum for the anti-circumvention safeguards in section 4.3. A nuclear grouping supports nuclear inclusion while differing on origin by technology partner. Romania should lead on the constructive asks while holding firm, without unnecessary publicity, on origin equivalence and the avoidance of a parallel investment procedure. The instrument should be judged by whether more is built in Europe, not by whether a ratio has moved.

## 8.2 Requests to the Ministry of Economy

AmCham Romania respectfully asks the Ministry to take the following ten actions.

1. **To support the balanced position described in this paper** in the Council and in inter-ministerial coordination, treating permitting and networks as the core of Romania's interest.
2. **To promote "Made with Europe" and coherent trusted-partner equivalence**, tabling the alignment of Article 9 with Article 8 as a simplification and legal-certainty measure, together with the recognition of integrated partner-country vehicle assembly under Recommendations 16a and 16b.

3. **To defend robust safeguards as to cost, availability, competition, technical compatibility and timing**, applicable ex ante with central guidance and templates.
4. **To seek gradual, sector-specific thresholds and realistic transition periods**, binding only once methodologies are operational, and a recalibration of the CO2 storage obligation of the Net-Zero Industry Act under Recommendations 1a and 1b.
5. **To limit delegated powers over core commercial conditions** and protect existing contracts and committed investments.
6. **To oppose a duplicative architecture for the approval of foreign investment** in favour of a single, risk-based procedure integrated with existing screening.
7. **To prepare Romania's implementation at an early stage**, including the single procedure, digital interoperability, acceleration-area readiness and infrastructure planning.
8. **To carry out a national sectoral impact assessment** of budgetary cost, supply availability, investment and downstream competitiveness, assembling verified Romanian evidence.
9. **To establish a joint working group with AmCham Romania and other stakeholders**, including network operators, procurement bodies, regulators and regions.
10. **To maintain structured consultation throughout the trilogue and implementation**, since late technical changes can affect investment decisions in preparation.

AmCham Romania can contribute company-level evidence on permitting, connection timelines, low-carbon materials and the Annex III rules, including the bill-of-materials evidence submitted by automotive members, and proposes a first joint working session before Romania's next Council coordination milestone.

### 8.3 Conclusions

The Industrial Accelerator Act is a welcome change of paradigm that should be supported, but competitiveness is built not through new obligations but by creating the conditions in which undertakings invest more in Europe. For Romania the choice is not between what is European and what is foreign, but between measures that create durable value within Europe and measures that merely restrict choice. The compact Romania should support can be stated in four propositions: build more in Europe; reward more value in Europe; reduce dependencies that have been demonstrated; and keep Europe open to reliable partners. AmCham Romania remains at the Ministry's disposal for further technical discussion.