EN
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Answer given by Executive Vice-President Séjourné
on behalf of the European Commission
(22.7.2026)

Pursuant to Article 7(2) of Regulation (EU) 2022/2560[1] (Foreign Subsidies Regulation (FSR)), 'the Commission may accept commitments offered by the undertaking under investigation where such commitments fully and effectively remedy the distortion in the internal market'. In this case, the consortium led by Mota-Engil (the Consortium) offered commitments to dispel the concerns the Commission had expressed in the decision opening the in-depth investigation into the case. The Commission conducted a preliminary review of potential alternative subcontractors on the basis of the information submitted by the Consortium for each potential subcontractor. While the Commission can confirm that the Consortium negotiated with several potential subcontractors, the precise number is confidential and cannot be publicly disclosed.

Based on the information received, the Commission could confirm that Pojazdy Szynowe PESA Bydgoszcz Spółka Akcyjna (PESA) had not received foreign subsidies. This assessment does not prejudge whether foreign subsidies exist in relation to the other potential subcontractors.

In this context, the Consortium committed to replace Portugal CRRC with PESA, and the Commission adopted a decision with commitments under Article 31(1) FSR. This decision does not predetermine the outcome of the award procedure. It is for Metropolitano de Lisboa, the contracting entity, to assess whether the bid of the Consortium complies with all technical and quality requirements set out in the tender documents.

The non-confidential version of the Commission's decision, with any confidential elements redacted, will be published on the Commission's website dedicated to the FSR in public procurement procedures[2] as soon as possible.

[1] Regulation (EU) 2022/2560 of 14 December 2022 on foreign subsidies distorting the internal market, https://eur-lex.europa.eu/eli/reg/2022/2560/oj.
[2] https://single-market-economy.ec.europa.eu/single-market/public-procurement/foreign-subsidies-regulation/foreign-subsidies-regulation-fsr-public-procurement-procedures_en.