Annex 2

to Decree No. 64/2023 Coll.

**Foreign investment screening form**

1. **Foreign investment proceedings**

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| * 1. Number and date of the Notice from the Ministry of Economy of the Slovak Republic on the initiation of ex officio foreign investment screening1) |
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1. **Information about the foreign investment**2)
   1. The foreign investment meets the definition of foreign direct investment:3)

Yes

No

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| * + 1. Explanation regarding point 2.1 |
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* 1. The foreign investment meets the definition of critical foreign investment:4)

Yes

No

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| * + 1. Industry or sector according to special legislation5) |
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| * + 1. Industry or sector according to principal activity, if the foreign investment is not a critical foreign investment |
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| * + 1. Explanation regarding points 2.2.1 or 2.2.2 |
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* 1. The foreign investment is a greenfield investment:6)

Yes

No

* 1. The foreign investment will enable the foreign investor to directly or indirectly:

acquire the target undertaking or part of the target undertaking,7)

exercise effective participation in the target undertaking,8)

increase effective participation in the target undertaking,9)

exercise control in the target undertaking,10)

acquire ownership or other rights to substantial assets of the target undertaking and, at the same time, the investment is a critical foreign investment.11)

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| * 1. Explanation regarding point 2.4 |
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* 1. The foreign investment:

is planned

has been completed12)

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| * 1. Legal actions already taken in order to execute the foreign investment |
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| * 1. Planned date of execution of the foreign investment or the date the foreign investment was completed (in accordance with 2.6) |
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| * 1. Description of the foreign investment |
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| * 1. The foreign investor’s strategy under which the foreign investment is planned or under which the foreign investment was completed |
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| **Hodnota zahraničnej investície2.11.1**  Value of the foreign investment13) in euros |
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| * + 1. If the foreign investment is part of a larger investment, indicate the value of the total investment13) in euros |
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| * 1. Explanation regarding points 2.11.1 and 2.11.2 |
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| * 1. Description of the different sources of funding of the foreign investment and the amount of contribution from these sources to the funding of the foreign investment |
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1. **Information about the foreign investor**14)

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| * 1. Company name, or name and surname |
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| * 1. National identification (registration) number, registering authority and country of registration, or personal number15) |
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| * 1. Registered office, place of business or place of residence |
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| * 1. Date of incorporation, in the case of a legal person, or date of birth |
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| * 1. The country under whose laws the foreign investor was constituted, or nationality |
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* 1. Is the foreign investor listed on a stock exchange?

Yes

No

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| * + 1. If “Yes”, please specify |
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| * 1. Website |
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| * 1. Details of the statutory body or members of the statutory body (name and surname, personal number,15) function, e-mail address, telephone number) |
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| * 1. Details of the holder of the procuration and other persons acting on behalf of the foreign investor (name and surname, personal number,15) function, e-mail address, telephone number) |
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| * 1. Role of the foreign investor in planning, executing and utilising the foreign investment16) |
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| * 1. Classification of activities according to SK NACE Rev. 217) before executing the foreign investment |
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| * 1. Description of activities before executing the foreign investment |
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| * 1. Result of activities – description of products, services and business operations before executing the foreign investment |
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| * 1. Number of employees at the end of the last three closed financial years | n |  |
| n – 1 |  |
| n – 2 |  |

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| --- | --- | --- |
| * 1. Annual turnover18) over the last three closed financial years in euros | n |  |
| n – 1 |  |
| n – 2 |  |

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| --- | --- | --- |
| * 1. Earnings before interest, taxes, depreciation and amortisation (EBITDA) for the last three closed financial years in euros | n |  |
| n – 1 |  |
| n – 2 |  |

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| * 1. Countries where the foreign investor carries on significant business activities19) alone, through subsidiaries, branches, etc. |
| * Member States of the European Union/indicate the name of the company for each relevant country |
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| * third countries/indicate the name of the company for each relevant country |
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| * 1. Group to which the foreign investor belongs |
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| * 1. Ownership structure of the foreign investor |
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| * 1. Beneficial owners (name and surname, personal number,15) date of birth, passport number, nationality) |
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| * + 1. Explanation of the beneficial owner’s participation in the management of the foreign investor |
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| * 1. Number of employees of the group at the end of the last closed financial year |
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| * 1. Annual turnover18) of the group for the last closed financial year in euros |
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| * 1. Earnings of the group before interest, taxes, depreciation and amortisation (the group’s EBITDA) for the last closed financial year in euros |
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* 1. Is the foreign investor or any of the companies in the group to which the foreign investor belongs subject to restrictions or sanctions imposed by the European Union?

Yes

No

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| * + 1. If “Yes”, please specify |
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* 1. Is the foreign investor or any of the companies in the group to which the foreign investor belongs subject to restrictions or sanctions imposed by a third country?

Yes

No

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| * + 1. If “Yes”, please specify |
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1. **Information about the target undertaking**20)
   1. **The target undertaking, if not a greenfield investment**6)

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| * + 1. Company name |
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| * + 1. Registered office or place of business |
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| * + 1. Identification number (IČO)21) |
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| * + 1. VAT ID |
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| * + 1. Website |
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| * + 1. The role of the target undertaking in planning and executing the foreign investment22) |
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| * + 1. Classification of activities according to SK NACE Rev. 217) |
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| * + 1. Description of activities |
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| * + 1. Result of activities – description of products, services and business operations before executing the foreign investment |
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| * + 1. Result of activities – description of products, services and business operations after the foreign investment has been completed |
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| * + 1. Main suppliers related to the target undertaking’s principal object of activity |
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| * + 1. Key customers of goods, products, services |
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| * + 1. Main competitors23) |
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| * + 1. Availability of substitute products or services on the market24) |
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* + 1. Is the target undertaking a holder of patents, licences or other intellectual property rights?

Yes

No

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| * + - 1. If “Yes”, please specify |
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| * + 1. Countries where the target undertaking carries on significant business activities19) alone, through subsidiaries, branches, etc. |
| * Member States of the European Union/indicate the name of the company for each relevant country |
|  |
| * third countries/indicate the name of the company for each relevant country |
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| --- |
| * + 1. Number of employees at the end of the last closed financial year |
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| * + 1. Annual turnover18) for the last closed financial year in euros |
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| --- |
| * + 1. Earnings before interest, taxes, depreciation and amortisation (EBITDA) for the last closed financial year in euros |
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| * + 1. Group to which the target undertaking belongs before executing the foreign investment |
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| * + 1. Group to which the target undertaking belongs or will belong after the foreign investment has been completed |
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| * + 1. Ownership structure of the target undertaking before executing the foreign investment |
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| * + 1. Ownership structure of the target undertaking after the foreign investment has been completed |
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| * + 1. Beneficial owners before executing the foreign investment (name and surname, personal number,15) date of birth, passport number, nationality) |
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| * + - 1. Explanation of the beneficial owner’s participation in the management of the target undertaking before executing the foreign investment |
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| * + 1. Beneficial owners after the foreign investment has been completed (name and surname, personal number,15) date of birth, passport number, nationality) |
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| * + - 1. Explanation of the beneficial owner’s participation in the management of the target undertaking after the foreign investment has been completed |
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| * + 1. Number of employees of the group at the end of the last closed financial year |
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| * + 1. Annual turnover18) of the group for the last closed financial year in euros |
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| * + 1. Earnings of the group before interest, taxes, depreciation and amortisation (the group’s EBITDA) for the last closed financial year in euros |
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* + 1. Is the target undertaking or any of the companies in the group to which the target undertaking belongs subject to restrictions or sanctions imposed by the European Union?

Yes

No

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| * + - 1. If “Yes”, please specify |
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* + 1. Is the target undertaking or any of the companies in the group to which the target undertaking belongs subject to restrictions or sanctions imposed by a third country?

Yes

No

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| * + - 1. If “Yes”, please specify |
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* + 1. Has the target undertaking received or is it receiving funding through European Union projects or programmes?

Yes

No

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| * + - 1. If “Yes”, please specify |
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* + 1. Is the target undertaking participating or has it participated directly or indirectly in European Union projects or programmes?

Yes

No

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| * + - 1. If “Yes”, please specify |
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* 1. **Target undertaking, in the case of a greenfield investment**25)

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| * + 1. Company name |
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| * + 1. Registered office or place of business |
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| * + 1. Country where the target undertaking is headquartered |
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| * + 1. Identification number (IČO)21) |
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| * + 1. VAT ID |
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| * + 1. Date of incorporation |
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| --- |
| * + 1. Website |
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| --- |
| * + 1. Classification of activities according to SK NACE Rev. 217) |
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| --- |
| * + 1. Description of activities |
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| --- |
| * + 1. Result of activities – description of products, services and business operations |
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| * + 1. Main suppliers related to the target undertaking’s principal object of activity |
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| * + 1. Key customers of goods, products, services |
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| * + 1. Main competitors23) |
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| * + 1. Expected number of employees |
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| * + 1. Target undertaking’s group |
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| * + 1. Ownership structure of the target undertaking |
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| * + 1. Beneficial owners (name and surname, personal number,15) date of birth, passport number, nationality) |
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| * + 1. Explanation of the participation of the beneficial owner in the management of the target undertaking |
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1. **Other** 
   1. Is the foreign investment subject to assessment, authorisation, monitoring or other scrutiny pursuant to the rules of the European Union or national rules of another State?26)

Yes

No

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| * + 1. If “Yes”, please specify |
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| * 1. Other relevant information |
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1. **Annexes**

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| * 1. Mandatory annexes |
| In the case of a foreign investment that also meets the definition of foreign direct investment,3) a completed form for requesting information from the foreign investor for the purposes of notification pursuant to special legislation27) shall be attached to this request. The form is available on the website of the Ministry of Economy of the Slovak Republic. |
| Certificate of registration of the foreign investor and assignment of the national identification (registration) number issued by the relevant registering authority of the country under whose laws the foreign investor was constituted (not to be attached if the foreign investor is a legal person with registered office in the Slovak Republic). |
| Copy of the foreign investor’s identity card or passport. |

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| * 1. List of additional annexes |
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*signature*

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foreign investor

name, surname and function of the person

acting on behalf of the foreign investor28)

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**Notes:**

1) Section 12(3) of Act No. 497/2022 Coll. on foreign investment screening and on amendments to certain acts.

2) Section 2 of Act No. 497/2022 Coll.

3) Article 2(1) of Regulation (EU) 2019/452 of the European Parliament and of the Council of 19 March 2019 establishing a framework for the screening of foreign direct investments into the Union (OJ L 79I, 21.3.2019), as amended.

4) Section 3 of Act No. 497/2022 Coll., Regulation of the Government of the Slovak Republic No. 61/2023 Coll. defining critical foreign investments.

5) Regulation of the Government of the Slovak Republic No. 61/2023 Coll.

6) Typically, this means the constitution of a new company or a new establishment by the foreign investor in the Slovak Republic.

7) Section 2(1)(a) of Act No. 497/2022 Coll.

8) Section 2(1)(b) of Act No. 497/2022 Coll.

9) Section 2(1)(c) of Act No. 497/2022 Coll.

10) Section 2(1)(d) of Act No. 497/2022 Coll.

11) Section 2(1)(e) of Act No. 497/2022 Coll.

12) Section 6(a) of Act No. 497/2022 Coll.

13) Value of the transaction, i.e. the purchase price or other consideration expressed in money terms.

14) Section 4 of Act No. 497/2022 Coll.

15) If the natural person does not have a personal number, provide another identifier of the natural person. If another similar identifier of the natural person is not available, please explain.

16) For example, direct investor, company created for the purpose of executing the foreign investment, holding company, 100% owner of a holding company without any other significant business activity, global ultimate owner, etc.

17) Decree of the Statistical Office of the Slovak Republic No. 306/2007 Coll., establishing the Statistical Classification of Economic Activities.

18) Section 2(15) of Act No. 431/2002 Coll., on accounting, as amended by Act No. 333/2014 Coll.

19) Significant business activities, e.g. depending on the amount of turnover, quantity of products supplied or services rendered, etc.

20) Section 5 of Act No. 497/2022 Coll.

21) If the target undertaking does not have an identification number (IČO), provide another identifier of the target undertaking. If another similar identifier of the target undertaking is not available, please explain.

22) For example, direct contractual partner of the foreign investor, target undertaking affected by the foreign investment that is planned or has been completed within the group, global ultimate owner, group of companies, etc.

23) Provide information about the main competitors in the Slovak Republic, the European Union and globally.

24) Provide information about the availability of substitute products or services on the market in the Slovak Republic, the European Union and globally.

25) Due to the specific nature of greenfield investments, information in this section of the form is provided to the extent to which it is known. For example, if the foreign investment concerns a target undertaking that is yet to be constituted, provide the planned address of its registered office.

26) For example, foreign investment screening to protect security and public order, to protect competition or in the context of financial market supervision.

27) Article 6 of Regulation (EU) 2019/452, as amended.

28) If several persons act jointly on behalf of the foreign investor, provide signatures and details of all these persons.