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Answer given by Mr Šefčovič
on behalf of the European Commission
(2.5.2025)

The inclusion of the Paris Agreement¹ as an essential element of the EU-Mercosur Partnership Agreement (the EMPA)² is a key improvement over the text tentatively agreed in 2019. The EU takes its obligations under the Paris Agreement very seriously and is committed to reach climate neutrality by 2050 as enshrined in the 2021 European Climate Law.

Under the EMPA, each Party is obliged to ‘remain a party, in good faith, of the [...] Paris Agreement’. That obligation constitutes an ‘essential element’ (Article XX Climate change EMPA). The obligation would be violated if a Party were to leave the Paris Agreement, or to stop being a Party ‘in good faith’.

Further, where a Party considers that the other Party has failed to comply with this essential element, that first Party is entitled to ‘take appropriate measures’, which ‘may include the suspension, in part or in full’ of the EU-Mercosur Partnership Agreement. A suspension ‘in relation to a Mercosur State withdrawal from the Paris Agreement would not entail a suspension in relation to the other Mercosur States’ (Article XY.7 EMPA).

The Treaty on the Functioning of the European Union (TFEU) provides a clear legal basis and procedure for suspending an international agreement (Article 218(9) TFEU)³. The precise measure undertaken as a response to a violation of the Paris Agreement will take the form of a proposal from the Commission to the Council.

¹ https://unfccc.int/sites/default/files/english_paris_agreement.pdf

² https://policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/countries-and-regions/mercosur/eu-mercosur-agreement/text-agreement_en

³ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012E/TXT>