

(English version)

**Question for written answer E-002306/25
to the Commission
Kathleen Funchion (The Left)
(6 June 2025)**

Subject: Article 215 of the Treaty on the Functioning of the European Union

Can the Commission outline any aspect of Article 215 of the Treaty on the Functioning of the European Union that expressly precludes individual Member States from issuing their own restrictive measures?

Submitted: 6.6.2025

**Answer given by Ms Albuquerque on behalf of the European Commission
(19 August 2025)**

As the Commission stated in its opinion ⁽¹⁾ of 8 November 2019, ‘Article 215 TFEU is the only appropriate legal basis to ensure the implementation of sanctions regimes adopted under the Common Foreign and Security Policy within the competences covered by the TFEU with regard to economic and financial measures, and notably the internal market, in order to avoid potential distortions. This is done through the adoption of Council Regulations, which are immediately applicable in the Member States, and ensure a harmonised implementation of the regimes in an area without internal borders’.

Therefore, Article 215 of the Treaty on the Functioning of the European Union (TFEU) serves as a bridge between the objectives of the Common Foreign and Security Policy and the actions of the EU involving restrictive measures falling within the scope of the TFEU.

In this regard, the Commission notes that the EU has the exclusive competence in certain areas, i.e. for the adoption of common commercial policy measures according to Article 3(1)(e) TFEU and Article 207 TFEU.

In accordance with Article 2(1) TFEU, in an area of exclusive competence Member States may legislate only if so empowered by the Union or for the implementation of Union acts.

⁽¹⁾ Commission opinion C(2019) 8007 final: https://finance.ec.europa.eu/document/download/ef856827-f619-42ad-9543-0df6451040b2_en.