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Answer given by Mr Šefčovič
on behalf of the European Commission
(20.8.2025)

The EU has the exclusive competence for the adoption of common commercial policy measures according to Article 3(1)(e) of the Treaty on the Functioning of the European Union (TFEU) and Article 207 TFEU.

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

Pursuant to Article 346(1)(b) TFEU the Member States may take measures to protect their essential security interests connected with the production of or trade in arms, munitions and war material. Such measures shall not adversely affect the conditions of competition in the internal market regarding products which are not intended for specifically military purposes.

Pursuant to Article 347 TFEU, Member States shall consult each other with a view to taking together the steps needed to prevent the functioning of the internal market being affected by measures which a Member State may be called upon to take in the event of serious internal disturbances affecting the maintenance of law and order, in the event of war, serious international tension constituting a threat of war, or in order to carry out obligations they have accepted for the purpose of maintaining peace and international security.

Moreover, Article 24(2) of the Import-Regulation¹, Article 11 of the Export Regulation² and Article 33 of the Textile Products Regulation³ set out other circumstances and conditions where Member States may adopt trade measures.

¹ Regulation (EU) 2015/478 of the European Parliament and of the Council, of 11 March 2015 on common rules for imports, OJ of the European Union, L 83 of 27.3.2015, p.16, ELI: <https://eur-lex.europa.eu/eli/reg/2015/478/oj/eng>.

² Regulation (EU) 2015/479 of the European Parliament and of the Council, of 11 March 2015, on common rules for exports (codification), OJ of the European Union, L 83 of 27.3.2015, p.34, ELI: <https://eur-lex.europa.eu/eli/reg/2015/479/oj/eng>.

³ Regulation (EU) 2015/936 of the European Parliament and of the Council, of 9 June 2015 on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Union import rules, OJ of the European Union L 160 of 25;2015, p. 1, ELI: <https://eur-lex.europa.eu/eli/reg/2015/936/oj/eng>.