

EN

E-002928/2025

Answer given by Mr Šefčovič
on behalf of the European Commission
(3.9.2025)

To date, the Commission has not been formally informed about Ireland's intention to adopt any measure falling within the scope of the common commercial policy covered by Article 207 of the Treaty on the Functioning of the European Union (TFEU), which by virtue of Article 3(1)(e) TFEU is an exclusive competence of the European Union.

As per the case-law of the Court of Justice of the European Union, a measure falls within the scope of the common commercial policy and thereby within the exclusive competence of the European Union, if it concerns trade with third countries as well as aims to promote, facilitate or govern such trade and has direct and immediate effects on it¹. There are, however, certain limited exceptions provided by the TFEU itself and secondary legislation, which enable a Member State to adopt measures affecting the common commercial policy. In its answer to written question E-002393/2025², the Commission has already indicated some possible exceptions.

Prior to considering any legal action, the Commission has to examine in detail the measure in question and its compliance with European Union law.

¹ With more references: Judgment of the Court of Justice of 22 October 2024, ECLI:EU:C:2024:910, paragraph 56.

² https://www.europarl.europa.eu/doceo/document/E-10-2025-002393_EN.html.