

EN

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Answer given by Mr Šefčovič
on behalf of the European Commission
(1.12.2025)

The legal architecture consisting of two parallel legal instruments (the EU-Mercosur Partnership Agreement¹ and the Interim Trade Agreement²) is in line with the Treaties. The negotiating directives adopted by the Council in 1999 envisaged the possibility of a separate EU only interim agreement on trade. This architecture is not new as it was adopted by the Council and the European Parliament for the Advanced Framework Agreement between Chile and the EU³.

In line with the Treaties, the Council and the European Parliament will endorse the agreement and ensure legitimacy and inclusiveness of the adoption process.

Trade agreements are concluded by the EU with the consent of the European Parliament, directly elected by EU citizens. These agreements are subject to a vote by the Council, which democratically represents EU governments. Member States represented in the Council may consult with their national parliaments and other stakeholders ahead of the conclusion of the agreement. The Commission supports Member States' efforts to inform and consult their national and regional parliaments about the agreement. The Commission also regularly replies to questions from national parliaments.

The Court of Justice⁴ has clarified the scope of the EU's exclusive competence in trade policy and confirmed that for matters falling within the EU's exclusive competence, the power to conclude these agreements belongs to the EU institutions - the Council and the European Parliament.

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52025PC0356&qid=1762168726070>.

² <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52025PC0338&qid=1762168726070>.

³ https://eur-lex.europa.eu/eli/agree_internation/2024/1759/oj.

⁴ <https://curia.europa.eu/juris/document/document.jsf?docid=190727&doclang=en>.