

(English version)

Question for written answer E-004695/25
to the Commission
Sebastian Kruis (P/E)
(26 November 2025)

Subject: Possibility of converting the common commercial policy into a shared competence

The Treaty on the Functioning of the European Union stipulates that the common commercial policy is an exclusive competence of the EU. This means that Member States cannot conclude their own bilateral trade or investment agreements, even if these are not at odds with existing EU obligations. In an international context where Member States sometimes have divergent economic needs, a model of shared competences — in which both the EU and the Member States can act — would offer greater flexibility and responsiveness without jeopardising the functioning of the internal market.

1. Does the Commission agree that changing geopolitical and economic realities may mean that, in certain cases, Member States could act more quickly and effectively through bilateral trade or investment agreements, provided that these remain fully compatible with EU law and do not undermine the proper functioning of the internal market?
2. What legal or policy issues does the Commission see with regard to amending the relevant Treaty articles to allow for shared competence in the field of commercial policy, where national agreements would be only complementary and would not affect existing EU obligations or the coherence of the Union's external action?
3. Can the Commission explain what safeguards it considers necessary to protect the internal market and the coherence of the Union's external action in the context of the shared-competence model?

Submitted: 26.11.2025

Answer given by Mr Šefčovič on behalf of the European Commission
(8 January 2026)

The Commission draws the Honourable Member's attention to the fact that the attribution of competences under the Treaties belongs to Member States. The matter in question is therefore not within the Commission's remit.

The Commission also brings to the Honourable Member's attention Opinion 1/75 by the European Court of Justice ⁽¹⁾ at the occasion of which the Court ruled that the power to conclude international agreements in the field of the common commercial policy belongs exclusively to the EU. It stated that Member States cannot act independently or alongside the EU in this area, as a 'concurrent power' would distort competition and undermine the unity of the common market.

⁽¹⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A61975CV0001>.