

(English version)

**Question for written answer E-002130/26
to the Commission
Sebastian Kruis (Pfe), Ton Diepeveen (Pfe)
(26 May 2026)**

Subject: Unilateral trade-related measures by Member States targeting Israel and the EU's exclusive competence in common commercial policy

Several Member States, including Spain, Ireland and Slovenia, have recently announced or considered unilateral measures affecting trade relations with Israel or goods originating from Judea and Samaria. At the same time, Article 3(1)(e) of the Treaty on the Functioning of the European Union (TFEU) provides that the common commercial policy falls under the exclusive competence of the European Union. This raises questions regarding the legal basis of unilateral national measures, their compatibility with EU law, and their impact on the integrity of the internal market.

In the light of this:

1. How does the Commission assess the compatibility of unilateral trade-related measures adopted by individual Member States against Israel or goods from Judea and Samaria with the EU's exclusive competence in the field of common commercial policy under Article 3 TFEU?
2. Has the Commission conducted any legal assessment or initiated any procedures regarding Member States that have introduced or announced such unilateral measures, and if so, what were the conclusions?
3. Does the Commission recognise that allowing Member States to adopt divergent national trade measures against non-EU countries risks undermining the uniformity of EU external trade policy and the functioning of the internal market?

Submitted: 26.5.2026

**Answer given by Mr Šefčovič on behalf of the European Commission
(30 July 2026)**

The Commission takes note of the Honourable Member's question about the legal compatibility with EU law of the measures taken by several Member States, including Spain, Ireland and Slovenia, concerning trade relations with Israel or illegal settlements in occupied Palestinian territories.

As explained in the response to the parliamentary Written Question E-002393/2025 ⁽¹⁾, the EU has the exclusive competence for the adoption of common commercial policy measures according to Articles 3(1)(e) and 207 of the Treaty on the Functioning of the European Union.

However, Article 24 of the Import Regulation ⁽²⁾ sets out the circumstances and conditions in which Member States may adopt certain measures affecting the importation of goods into the EU.

In accordance with the case law of the Court of Justice of the European Union, such circumstances must be interpreted narrowly and the Member State concerned is required to substantiate that the conditions for invoking the exception are met.

In all cases, Member States have an obligation to notify the Commission if they intend to introduce measures affecting the importation of goods into the EU covered by the common commercial policy.

Measures adopted by Member States need to be compliant with the EU's international commitments and notably be proportionate, designed to meet the objective pursued and not more trade restrictive than necessary.

⁽¹⁾ https://www.europarl.europa.eu/doceo/document/E-10-2025-002393-ASW_EN.html.

⁽²⁾ Regulation (EU) 2015/478 of the European Parliament and of the Council of 11 March 2015 on common rules for imports, OJ L 83, 27.3.2015, pp. 16-33.