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Answer given by Vice-President Borrell
on behalf of the European Commission
(4.2.2020)

The EU regularly discusses issues related to restrictive measures with the United States (US) government as well as with the US Congress. These discussions are guided by considerations such as the value of transatlantic unity as well as the need to avoid unintended consequences for European economic actors. The EU does not recognise the extraterritorial application of US sanctions, which it considers to be contrary to international law. Furthermore, EU policies and practices should not be determined by the threat or imposition of third country sanctions. As a principle, the EU opposes the imposition of sanctions against EU companies conducting legitimate business in accordance with EU law.

The EU does not comment publicly on legislation when it is at the stage of consideration by Congress. President Juncker's remarks on CAATSA (Countering America's Adversaries Through Sanctions Act) were made, for example, upon signature of the Act by President Trump. As regards Nord Stream 2, the position of the Commission is well-known. Should the companies concerned decide to build such pipelines, they should know that they will need to be operated in line with EU law. In 2017, the Commission proposed that the Gas Directive¹ be amended to clarify its scope of application regarding gas pipelines within the jurisdiction of the EU, including interconnectors between Member States and third countries. This proposal was adopted by the Council and the European Parliament in 2019.

Regarding Commissioner Vestager's remarks on whether there is a need for Nord Stream 2, the Commissioner simply re-iterated the views, already expressed by the Commission², that Nord Stream 2 should be subject to a legal framework that takes into account the key principles of EU energy market rules.

¹ Directive 2009/73/EC, <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32009L0073>

² Commission Fact Sheet from 8 November 2017, https://ec.europa.eu/rapid/press-release_MEMO-17-4422_en.htm (see Question 11 - "What is the Commission's position on the Nord Stream 2 project?")