

**Question for written answer E-005335/2021
to the Commission**

Rule 138

Clare Daly (The Left)

Subject: Follow-up to the Commission's answer to question E-002960/2021 on restrictions on the trade in illegal settlement goods originating in the Occupied Territories

In its response to question E-002960/2021, the Commission noted that trade prohibitions or restrictions between Member States which would result from the Occupied Territories Bill 'are prohibited, except if there is a justification on the limitative grounds of Article 36 TFEU,' and further noted that it would take action to remove such measures 'if it considered them not proportionate or justified.'

Question E-002960/2021 indicates that measures resulting from the Control of Economic Activity (Occupied Territories) Bill would be justified under Article 36 of the Treaty on the Functioning of the European Union (TFEU), which allows for this 'on the grounds of public policy and/or the protection of health and life.'

1. Can the Commission therefore clarify its view on the scope of the grounds for restrictions in Article 36 of the TFEU?
2. In the Commission's view, would the strict observance of international law by a Member State as a matter of public policy fall within the scope of the limitative grounds in Article 36 of the TFEU for the purposes of justifying measures restricting trade in illegal settlement goods from occupied territories which have been deemed illegal under international law?
3. What test would the Commission apply to assess the proportionality of such a measure?