



27.3.2024

NOTICE TO MEMBERS

Subject: Petition No 0598/2023 by T.M. (Belgian) on the commercial transactions between the EU and the entities of an occupying country based or operating in occupied territories

1. Summary of petition

The petitioner would like to regulate commercial transactions with entities from “occupied” entities, which are based or operate in occupied territories, preventing products from these countries from entering the EU market. The petitioner believes that the European Commission should ensure coherence of EU policy and respect for fundamental rights and international law in all areas of EU law, including the common commercial policy. The Commission should propose legal acts based on the common commercial policy to prevent EU legal persons from importing products originating from illegal settlements in the occupied territories and from exporting to those territories, in order to preserve the integrity of the internal market and not to help or contribute to the maintenance of such illegal situations. The petitioner therefore calls on the Commission to submit a legislative proposal under the common commercial policy, which is of a general nature and does not concern a given country or territory.

2. Admissibility

Declared admissible on 13 October 2023. Information requested from Commission under Rule 227(6).

3. Commission reply, received on 27 March 2024

EU trade policy as regards products originating in occupied territories is consistent with international law, WTO (World Trade Organization) rules, and with the EU’s broader foreign policy and specific measures, including restrictive measures in the framework of the CFSP (Common Foreign and Security Policy).

The historical and geopolitical context is specific for each occupied territory and the EU therefore defines and implements its policies with respect to each of those territories on a case-by-case basis in full consideration of the specific circumstances and contexts.

The Commission therefore considers a general uniform policy treating all occupied territories the same way regarding trade and investment would be inappropriate and would not ensure coherence with the EU's broader policies and international engagement with respect to such territories.

Any horizontal trade policy that would apply generally to occupied territories could also raise issues about effective implementation.

On this basis, the Commission considers it more appropriate to calibrate trade policy measures for specific occupied territories on a case-by-case basis, to reflect specific circumstances for each such territory and to ensure coherence with the EU's foreign policy.

Conclusion

The European Commission is, at this stage, not considering any further action on this issue.