Resolution seeking an opinion from the Court of Justice on the compatibility with the Treaties of the proposed Partnership Agreement between the European Union and its Member States, of the one part, and the Common Market of the South, the Argentine Republic, the Federative Republic of Brazil, the Republic of Paraguay and the Oriental Republic of Uruguay, of the other part, and the proposed Interim Agreement on Trade between the European Union, of the one part, and the Common Market of the South, the Argentine Republic, the Federative Republic of Brazil, the Republic of Paraguay and the Oriental Republic of Uruguay, of the other part

2026/2560(RSP) - 21/01/2026 - Text adopted by Parliament, single reading

The European Parliament adopted by 334 votes to 324, with 11 abstentions, a resolution seeking an **opinion** from the Court of Justice on the compatibility with the Treaties of the proposed Partnership Agreement between the European Union and its Member States, of the one part, and the Common Market of the South, the Argentine Republic, the Federative Republic of Brazil, the Republic of Paraguay and the Oriental Republic of Uruguay, of the other part, and the

proposed Interim Agreement on Trade between the European Union, of the one part, and the Common Market of the South, the Argentine Republic, the Federative Republic of Brazil, the Republic of Paraguay and the Oriental Republic of Uruguay, of the other part.

As a reminder, in 2019, the Commission published the agreement in principle summarising ‘the negotiating results of the trade part of the EU-Mercosur Association agreement’. In December 2024, the Commission announced that it had finalised the negotiation of the EU-Mercosur agreement. On 3 September 2025, the Commission presented the EU-Mercosur agreement as two parallel legal texts, namely the EU-Mercosur Partnership Agreement (EMPA) and an Interim Trade Agreement (ITA), and put forward its proposals to the Council for the signature and conclusion of the EMPA. The EMPA is a mixed framework agreement, which requires unanimous approval in the Council, the consent of Parliament and ratification by all 27 Member States before it can fully enter into force. The ITA covers only those provisions falling under the exclusive competence of the EU and requires only a qualified majority in the Council and Parliament’s consent to enter into force.

Parliament is concerned that:

- the **splitting of the EU Mercosur agreement into the EMPA and the ITA may be incompatible with Article 218(2) and (4) TFEU**, as well as with the principle of conferral, the institutional balance principle and the sincere cooperation principle enshrined in Article 4(3) and Article 13(2) TEU. It is also concerned that the negotiation guidelines issued by the Council may not be respected and that this may affect the voting rules in the Council and prevent national parliaments from having their legitimate say on the agreement;

- the **rebalancing mechanism** provided for in the EU Mercosur agreement may, at least, be incompatible with Articles 11, 168, 169 and 191 TFEU and Articles 35, 37 and 38 of the Charter and may threaten the EU's ability to maintain the autonomy of the EU legal order;

- the EMPA and the ITA may compromise the application of the precautionary principle, which could result in incompatibility with, at least, Articles 168, 169 and 191 TFEU as well as Articles 35, 37 and 38 of the Charter;

- the precautionary principle might be adversely affected by the authority granted to an arbitration panel to assess the EU's application of the precautionary principle.

Against this background, Parliament decided to **seek an opinion from the Court of Justice**, in accordance with Article 218(11) TFEU, on the compatibility with the Treaties of the proposed agreement and the EU's proposed conclusion of the EMPA and the ITA, and the procedure followed in seeking to obtain that conclusion. It instructs its President to quickly take the necessary measures to obtain such an opinion from the Court of Justice and to forward this resolution, for information, to the Council and the Commission.