

Introduction

The date of **1 May 2026** is the expected start of provisional application of the EU–Mercosur agreement following completion of ratifications and exchange of notifications between the parties.

From that date, tariff preferences and TRQs, including those for ethanol originating in Brazil, are intended to become legally applicable under the provisional application mechanism of Article 218(5) of the Treaty on the Functioning of the European Union.

However, actual use in practice still depends on the scope of the Council Decision and EU implementation measures, including TARIC activation and any conditions attached to the ethanol quota (e.g. industrial end-use or administrative controls). Only measures explicitly included in the provisional application package can be used from day one.

In short: ethanol imports from Brazil are covered in principle from 1 May 2026, but their practical availability depends on final EU implementation and system activation.

Treaty on the Functioning of the European Union (TFEU)

Article 218

Agreements between the Union and third countries or international organisations

(...)

(5) The Council, on a proposal by the negotiator, shall adopt a decision authorising the signing of the agreement and, if necessary, its provisional application before entry into force.

(6) The Council, on a proposal by the negotiator, shall adopt a decision concluding the agreement.

Except where agreements relate exclusively to the common foreign and security policy, the Council shall adopt the decision concluding the agreement:

- after obtaining the consent of the European Parliament in the following cases:
- association agreements
- agreement on Union accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms
- agreements establishing a specific institutional framework by organising cooperation procedures
- agreements with important budgetary implications for the Union
- agreements covering fields to which either the ordinary legislative procedure applies, or the special legislative procedure where consent by the European Parliament is required

The European Parliament shall be immediately and fully informed at all stages of the procedure.

(...)

(8) The Court of Justice shall have jurisdiction to give an opinion on the compatibility of an agreement envisaged with the Treaties. Where the opinion of the Court is negative, the agreement envisaged may not enter into force unless it is amended or the Treaties are revised.

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