

THE SINGLE MARKET: AT THE SERVICE OF A VALUES-BASED OR A VALUELESS EU?

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Abstract

This paper examines whether the European Union's single market continues to serve as an instrument for advancing the Union's foundational values or whether it is increasingly being deployed as a pragmatic tool in a valueless geopolitical order. It argues that, while recent crises such as Covid-19 and Russia's invasion of Ukraine reaffirmed the single market's capacity to promote solidarity, the rule of law and collective resilience through coordinated EU action, later developments suggest a worrying drift toward transactional politics. The 2025 'Turnberry accord' with the US and the EU's muted reaction to the humanitarian catastrophe in Gaza reveal a shift away from a values-based international posture towards a survivalist, interest-driven pragmatism. The paper concludes that using the single market as leverage in a value-free global environment may erode the EU's own normative foundations and weaken its internal legal and institutional framework, threatening the long-term integrity and credibility of European integration.

1. Introduction

The EU single market has been the primary driver of integration for over 30 years, promoting prosperity and facilitating the free movement of persons, goods, services and capital. Today, however, the EU faces serious challenges that test the resilience of its single market and the values on which it is based. Recent crises, such as the Covid-19 pandemic and Russia's acts of aggression against Ukraine, have threatened to fracture Europe's economic unity, disrupt supply chains and weaken solidarity. The geopolitical landscape is also unfavourable. As a peace-oriented organization promoting a rules-based global community, the EU is now confronted with a hostile geopolitical environment dominated by aggressive powers that show little respect for rules, international organizations and human rights. The herbivore EU is required to adapt to a carnivore mindset, but its institutional design and fundamental values are not well-suited to this new role.

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This is the context in which the single market is being called on to serve as the rescuer of the European project. Two recent studies commissioned by the EU, authored by two respected former Italian prime ministers, lay the groundwork for revamping the single market to face the challenges of this new, turbulent environment.¹ The single market is designed to play a crucial role in equipping the EU and its Member States with sufficient resources and tools to address current economic challenges, as well as provide additional leverage on the geopolitical stage. The rationale behind this initiative is straightforward: a stronger single market equals a stronger EU. And a stronger EU puts its Member States in a better position to navigate the threats of the new geopolitical landscape.

This brief contribution argues that the Letta and Draghi Reports provide only one part of the answer. The single market is not merely an economic infrastructure that automatically converts its monetary value into political influence. From its very origins, the single market has been characterized by its reliance on a complex yet well-structured set of directly effective rules, supported by an array of legally-defined values. Principles such as mutual recognition, fundamental rights and non-discrimination are based on values such as democracy, the rule of law and solidarity, all of which are enshrined in Article 2 of the Treaties and carry significant legal weight. The single market embodies these values as they are applied to the trade in goods and services within the territory of the Member States. As a result, strengthening the single market also serves to reinforce the EU's values.

Is it possible to renounce or undermine some of the EU's values and, at the same time, promote the enhancement of the single market? The answer to this question should be straightforward: the EU's values are an existential feature of the European project and therefore non-negotiable, so there is no such dilemma. However, a closer look at recent developments reveals that the EU's values are more flexible than initially believed. It seems possible to adapt the values to factual circumstances that are quite different from the EU's traditional role. The so-called 'Turnberry accord' between the US administration and the EU clearly demonstrates how the EU can shift its conception of international trade towards a purely transactional vision. The EU's inaction in addressing the horrific scenes of human suffering caused

1. Enrico Letta, 'Much more than a market – Speed, Security, Solidarity. Empowering the Single Market to deliver a sustainable future and prosperity for all EU Citizens' (Independent Report, April 2024) <www.consilium.europa.eu/media/ny3j24sm/much-more-than-a-market-report-by-enrico-letta.pdf> and Mario Draghi, 'The Future of European Competitiveness: A Competitiveness Strategy for Europe' (European Commission Report, 9 September 2024) <commission.europa.eu/topics/eu-competitiveness/draghi-report_en> (all websites last visited 28 November 2025).

by Israel's disproportionate response to the 7 October massacre inflicted by Hamas is another example of how human rights protection and conditionality have faded from the EU's agenda, prioritizing trade in circumstances that are questionable, to say the least.

This contribution examines and contrasts two perspectives that highlight the dual nature of how the EU utilizes the single market to address high-stakes challenges. The first aligns with the EU's traditional role as an organization rooted in the rule of law and committed to the values outlined in Article 2 TEU. The second presents an alternative response driven by the EU's survival instincts amid a global landscape dominated by aggressive superpowers that show little regard for rules, human rights or core values. In both scenarios, the single market plays a crucial role: in the first, as a means to uphold and promote the EU's principles; and in the second, as an asset that can be leveraged, negotiated or even sacrificed within a seemingly value-free international environment.

This duality in the use of the internal market reveals a harsh reality: is the single market a means of promoting EU values or is it a lure to attract the EU's global rivals and challenge them as equals in a ruthless international environment? This is the dilemma that the single market (and the EU) must confront in the years ahead.

2. The internal market at the service of EU values: Two case studies

2.1. Covid-19: A stress test for free movement

The Covid-19 pandemic subjected the EU single market to unprecedented challenges. When the virus spread across Europe in early 2020, many Member States responded instinctively by closing their borders and stockpiling essential goods, with limited coordination.² Consequently, decades of free movement and trade were suddenly interrupted. Member States closed their borders in a fragmented and uncoordinated manner, causing severe blockages of the entry and exit of goods.³ This led to 'a disruption of the single market with long waiting times for freight vehicles at borders and cargo flights coming to a halt, triggering shortages and uncertainty in the supply of goods [and it] resulted in panic buying and scarcities of even essential medical goods'.⁴ By late March 2020, queues of trucks stretched

2. European Commission, 'Single Market Annual Report 2021' SWD (2021) 351 final 4.

3. European Commission, 'COVID-19: Guidelines for border management measures to protect health and ensure the availability of goods and essential services' [2020] OJ C86 I/01, 2.

4. *ibid.*, Recitals 2-3.

for kilometres at numerous internal borders and several crossings experienced delays lasting several hours.⁵ Essential medical supplies and other products were delayed in transit, causing shortages and episodes of ‘panic buying’. Additionally, uncoordinated export bans on personal protective equipment imposed by certain countries worsened shortages elsewhere.⁶ In summary, the early pandemic reintroduced internal barriers that threatened the functioning and the very integrity of the single market for goods.⁷

Faced with this chaos, the EU responded swiftly. The Commission issued guidelines to Member States to coordinate border measures⁸ and then launched the ‘Green Lanes’ initiative on 23 March 2020.⁹ The Green Lanes communication outlined practical steps to ensure the smooth operation of supply chains within the single market and prevent critical shortages.¹⁰ The Commission also pointed out that border closures were an ineffective measure in combating the virus at that stage and caused excessive economic damage.¹¹ Through close cooperation with national authorities, these actions proved effective. By April 2020, most intra-EU borders, especially on key TEN-T transport corridors, were meeting the Green Lane targets, leading to a significant reduction in freight delays.¹² A potential complete collapse of the internal market for goods was avoided through EU-level intervention and the Member States’ consensus to adhere to common rules.¹³

Beyond Green Lanes, the EU introduced additional solidarity measures to address the initial fragmentation. Under the EU Civil Protection Mechanism, a new ‘rescEU’ stockpile of medical equipment was established for distribution to the most affected areas.¹⁴ Member States began dispatching emergency medical teams and supplies to one another. Patients from overwhelmed ICU wards in Italy were transferred to hospitals in other Member States.¹⁵ The Commission also coordinated the joint procurement of medical countermeasures, collectively negotiating with suppliers of

5. European Commission, ‘Towards a phased and coordinated approach for restoring freedom of movement and lifting internal border controls – COVID-19’ [2020] OJ C169/03.

6. European Commission, ‘Guidelines on the optimal and rational supply of medicines to avoid shortages during the COVID-19 outbreak’ [2020] OJ C116 I/1.

7. European Parliament resolution of 17 April 2020 on EU coordinated action to combat the COVID-19 pandemic and its consequences’ (2020/2616(RSP)) [2021] OJ C316/01.

8. European Commission, ‘COVID-19: Guidelines for border management measures’ (n 3).

9. *ibid.*

10. *ibid.*, para 6.

11. *ibid.*, para 2.

12. European Commission, ‘Towards a phased and coordinated approach’ (n 5) 3–4.

13. *ibid.*

14. *ibid.*, para 2.

15. European Commission, ‘Coronavirus: European Solidarity in action’ <commission.europa.eu/strategy-and-policy/coronavirus-response/coronavirus-european-solidarity-action_en>.

masks, ventilators, and later vaccines, to ensure fair access and prices across the Union and prevent Member States from competing against each other.¹⁶

By mid-2020, the critical phase of single market fragmentation had shifted to an understanding that no nation can operate independently.¹⁷ The free movement of goods was largely restored and even the free movement of persons was cautiously resumed through coordinated measures such as the EU Digital COVID Certificate in 2021.¹⁸ An unprecedented financial recovery programme was introduced under the heading of NextGenerationEU, deploying a massive fiscal stimulus to facilitate economic recovery following one of the worst economic recessions in recent history.¹⁹

Nevertheless, Covid-19 provided a sobering lesson to the Union: its legal framework was not fully prepared for a sudden pan-European emergency. Although *ad hoc* communications and gentle persuasion proved effective in this case, reliance on improvisation remained inherently risky. It became clear that a more resilient, legally binding mechanism was necessary to prevent ‘fragmented and uncoordinated’ national responses in any future crisis of a similar scale.²⁰ This realization directly influenced efforts to develop a single market emergency instrument, ensuring that the EU would not again face the internal market disarray experienced in spring 2020.²¹

In summary, the pandemic served as a stress test that ultimately reaffirmed the significance of the single market. Member States that initially attempted to act independently soon recognized the value of solidarity. This episode demonstrated that Union values are not merely an aspirational ideal, but a practical necessity within a Union of interdependent Member States. It

16. European Commission, ‘Coronavirus: Commission bid to ensure supply of personal protective equipment for the EU proves successful’ <ec.europa.eu/commission/presscorner/detail/en/ip_20_523>. and Decision No 1082/2013/EU of the European Parliament and of the Council of 22 October 2013 on serious cross-border threats to health and repealing Decision No 2119/98/EC [2013] OJ L293/1.

17. European Council, ‘Conclusions of the President of the European Council following the video conference of the members of the European Council, 23 April 2020’ <www.consilium.europa.eu/en/press/press-releases/2020/04/23/conclusions-by-president-charles-michel-following-the-video-conference-with-members-of-the-european-council-on-23-april-2020/>.

18. Regulation (EU) 2021/953 of the European Parliament and of the Council of 14 June 2021 on a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates [2021] OJ L211/1.

19. Council Regulation (EU) 2020/2094 of 14 December 2020 establishing a European Union Recovery Instrument to support the recovery in the aftermath of the COVID-19 crisis [2020] OJ L433/23 and Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Facility [2021] OJ L57/17.

20. European Commission, ‘Single Market Annual Report 2021’ (n 2) 4.

21. European Commission, ‘Proposal for a Regulation of the European Parliament and of the Council establishing a Single Market emergency instrument and repealing Council Regulation No (EC) 2679/98’ COM (2022) 459 final 1–2.

also underscored the role of the EU's legal framework: while much of the early response relied on soft law guidance, by 2022, the EU aimed to formalize the lessons learned into binding regulations to better manage future emergencies.²²

2.2. *Russia's war: Energy shock and economic unity*

Almost immediately after the pandemic's shadow receded, Europe faced a new, unprecedented shock: Russia's full-scale invasion of Ukraine in February 2022.²³ Besides the clear humanitarian and security crisis, the conflict had a significant economic impact on the EU and once again tested the integrity of the single market.²⁴ As Russia is a major supplier of energy and other commodities to Europe, its aggression and the EU's subsequent sanctions heightened tensions, leading to higher fuel prices, supply chain disruptions and increased pressure on unity. Unlike Covid-19, which mainly involved internal border closures, the main challenge was to maintain solidarity amid external pressures that affected Member States differently. The EU's response to this conflict has demonstrated an extraordinary effort to preserve market unity and solidarity, especially within the vital energy sector, which is often considered a weak spot in EU integration due to divergent national energy mixes and interests.²⁵

In the months after the invasion, Russia exploited Europe's dependence on its gas and oil by ceasing supplies to several Member States and demanding payments in roubles.²⁶ Energy prices soared, sparking fears of blackouts, industry closures and recession.²⁷ A solely national approach could have caused some Member States to outbid others for alternative gas shipments or each country to subsidize consumers without regard for their neighbours, thus distorting competition. Instead, the EU succeeded in adopting a unified strategy. At a summit in Versailles on 11 March 2022, Member States committed to reducing their reliance on Russian fossil fuels

22. European Commission, 'Annual Single Market Report 2022' SWD (2022) 40 final 2.

23. European Council, 'European Council meeting (24 and 25 March 2022) – Conclusions' (EUCO 1/22, Brussels, 25 March 2022) <data.consilium.europa.eu/doc/document/ST-1-2022-INIT/en/pdf>.

24. European Commission, 'Joint Communication to the European Parliament, the European Council and the Council on "European Economic Security Strategy"' JOIN (2023) 20 final 2-3.

25. Enrico Letta, 'Much More than a Market' (n 1) 10–12.

26. European Commission, 'REPowerEU: Joint European Action for more Affordable, secure and sustainable energy' COM (2022) 108 final 1–3.

27. European Central Bank, 'Update on economic, financial and monetary developments' (Economic Bulletin, Issue 5, 2022) 12–14 <www.ecb.europa.eu/press/economic-bulletin/html/eb202205.en.html>.

quickly through joint actions.²⁸ Over the following months, the EU coordinated a broad range of measures: diversifying gas supply sources (with the Commission negotiating deals for LNG imports from the US, Qatar and others), speeding up renewable energy deployment,²⁹ filling gas storage to required levels before winter³⁰ and establishing mechanisms for joint gas purchases so that Member States would not compete against each other.³¹ Notably, a new Gas Storage Regulation was enacted, requiring countries with storage facilities to make them available to those without, genuinely embracing the idea that energy security is a shared responsibility.³² The Council also agreed on emergency regulations to cap excessive energy prices and strengthen solidarity during a gas shortage, including a rule that, in an emergency, no Member State can restrict access to gas for another Member State in need of it.³³ In sum, legal and political tools were used to prevent an ‘every country for itself’ scenario in the energy sector.

These measures proved their effectiveness. Europe successfully navigated the winter of 2022-2023 without needing to implement energy rationing; gas reserves were replenished to over 90% and by early 2023, gas prices had stabilized.³⁴ Importantly, no Member State was left to handle the crisis alone; even those entirely dependent on Russian gas received support through coordinated efforts within the Union.³⁵ The response to the energy crisis showed that the cohesion of the single market can be maintained even under severe and asymmetric pressures, provided there is sufficient political will to implement EU-wide solutions. Furthermore, it highlighted the crucial role of legal tools in reinforcing solidarity. For instance, the emergency Gas Demand Reduction Regulation, adopted under Article 122 TFEU, imposed a legal obligation on Member States to cut gas consumption by 15% and share

28. European Council, ‘Informal meeting of the Heads of State or Government. Versailles Declaration’ (Versailles, 10 and 11 March 2022) paras 7–9 <www.consilium.europa.eu/media/54773/20220311-versailles-declaration-en.pdf>.

29. European Commission, ‘REPowerEU Plan’ COM (2022) 230 final 5–8.

30. Regulation (EU) 2022/1032 of the European Parliament and of the Council of 29 June 2022 amending Regulations (EU) 2017/1938 and (EC) No 715/2009 with regard to gas storage [2022] OJ L173/17.

31. European Commission, ‘Proposal for a Decision of the European Parliament and of the Council amending Decision No 1313/2013/EU on a Union Civil Protection Mechanism’ COM (2023) 194 final.

32. Art 6(a) of Regulation (EU) 2022/1032 (n 30).

33. Council Regulation (EU) 2022/1369 of 5 August 2022 on coordinated demand-reduction measures for gas [2022] OJ L206/1.

34. European Commission, ‘EU reaches 90% gas storage target ahead of winter’ (News release, Directorate-General for Energy, 18 August 2023) <energy.ec.europa.eu/news/eu-reaches-90-gas-storage-target-ahead-winter-2023-08-18_en>.

35. European Commission, ‘Energy Security Progress Report’ SWD (2023) 452 final.

resources, moving beyond voluntary cooperation.³⁶ Similarly, the new framework on gas storage sharing effectively established an internal energy security market, preventing wealthier nations from monopolizing storage capacities.³⁷

The Ukraine war has also created challenges for the free movement of people and goods. Over four million Ukrainian refugees entered the European Union within a few months, marking the most significant population displacement in Europe since the Second World War. The EU responded with a show of unity by, for the first time, activating the Temporary Protection Directive, thereby granting Ukrainian nationals the right to live and work in the Member States for up to three years without needing to apply for asylum.³⁸ Ukrainian nationals fleeing from the war could settle in their chosen country and access the EU's labour market, thus preventing the overburdening of border States and irregular migration.³⁹

In the field of goods, Russia's blockade of Ukrainian ports disrupted a significant source of grains and other exports, thereby affecting food markets.⁴⁰ The EU introduced 'Solidarity Lanes' to facilitate the land transport of Ukrainian grain into the Union and its subsequent distribution to global markets.⁴¹ This initiative involved the introduction of agreements aimed at temporarily easing road haulage restrictions between the EU, Ukraine and Moldova.⁴² These measures not only supported Ukraine but also helped maintain food supplies within the EU, preventing shortages.⁴³ Tensions ensued, as was the case in 2023 when several eastern Member States unilaterally banned the import of Ukrainian grain to protect their producers from surpluses, prompting the Commission to intervene and find

36. Council Regulation (EU) 2022/1369 (n 33) Arts 1–3.

37. Recital 8 of Regulation (EU) 2022/1032 (n 30).

38. Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection [2022] OJ L71/1.

39. European Commission, 'Welcoming those fleeing war in Ukraine: Ready Europe to meet the needs' COM (2022) 131 final.

40. European Commission, 'Safeguarding food security and reinforcing the resilience of food systems' COM (2022) 133 final.

41. European Commission, 'An action plan for EU-Ukraine Solidarity Lanes to facilitate Ukraine's agricultural export and bilateral trade with the EU' COM (2022) 217 final.

42. Council Decision (EU) 2022/1158 of 27 June 2022 on the signing, on behalf of the Union, and provisional application of the Agreement between the European Union and Ukraine on the carriage of freight by road [2022] OJ L179/1.

43. European Commission, 'Two years of Solidarity Lanes have brought the EU, Ukraine and Moldova closer together' (News article, 22 May 2024) <transport.ec.europa.eu/news-events/news/two-years-solidarity-lanes-have-brought-eu-ukraine-and-moldova-closer-together-2024-05-22_en>.

a common solution.⁴⁴ While such unilateral actions raised concerns about fragmentation, the situation was effectively managed through EU regulatory measures, allowing the controlled transit of Ukrainian grain through those Member States.⁴⁵ This episode demonstrates that even in disputes arising from crises, the EU legal framework offers mechanisms to find common ground and prevent the fragmentation of the single market's trade policy.⁴⁶

A final point worth noting is the European Union's unanimous decision to impose comprehensive sanctions on Russia.⁴⁷ While restrictive measures inevitably affect Member States differently due to their varying levels of exposure to Russia, the EU has maintained solidarity through the adoption of numerous packages of restrictive measures, covering a wide array of sectors, which have been progressively introduced over time, including in 2025.⁴⁸

In sum, the Ukraine war has, paradoxically, strengthened the EU's economic unity and resolve. The crisis spurred efforts towards an Energy Union that had previously stagnated and hastened the EU's pursuit of strategic autonomy in energy, defence and critical supplies.⁴⁹ It also emphasized the vital importance of the single market to Europe's collective resilience. The economic impact of the war has been nearly twice as severe on the EU compared to the US due to Europe's geographical and trade proximity.⁵⁰ Without the protective buffer of the internal market, which facilitates the sharing of resources and the coordination of responses, the damage would have been substantially more severe. The main lesson learned is that solidarity is the remedy to fragmentation. Whether confronting a pandemic or a conflict, Europe's best defence is to stay united through cohesive regulations and pooled resources, while making use of the single

44. European Commission, 'Following the expiry of the restrictive measures on Ukrainian exports of grain, Ukraine agrees to introduce measures to avoid a renewed surge in EU imports (Press release, 15 September 2023) <enlargement.ec.europa.eu/news/following-expiry-restrictive-measures-ukrainian-exports-grain-ukraine-agrees-introduce-measures-2023-09-15_en>.

45. Commission Implementing Regulation (EU) 2023/903 of 2 May 2023 on introducing preventive measures concerning certain imports originating in Ukraine [2023] OJ L114/1.

46. European Parliament Research Service (EPRS), 'Ukrainian agriculture; From Russian invasion to EU integration' (Briefing, April 2024) <[https://www.europarl.europa.eu/RegData/etudes/BRIE/2024/760432/EPRS_BRI\(2024\)760432_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2024/760432/EPRS_BRI(2024)760432_EN.pdf)>.

47. Council Decision (CFSP) 2022/327 of 25 February 2022 amending Decision 2014/512/CFSP concerning restrictive measures in view of Russia's actions destabilizing the situation in Ukraine [2022] OJ L48/1.

48. European Council, 'EU sanctions against Russia: questions and answers' <www.consilium.europa.eu/en/policies/sanctions-against-russia-explained/>.

49. Mario Draghi (n 1) 15–18.

50. European Commission, 'European Economic Forecast – Spring 2023' (2023) Institutional Paper 200, 8–9 <economy-finance.ec.europa.eu/system/files/2023-05/ip200_en_1.pdf>.

market to the benefit of the Member States. This realization has sparked a wave of legal and policy innovations aimed at safeguarding and strengthening the single market against future crises.⁵¹

2.3. *The single market at the service of a valueless world*

2.3.1. *The US-EU Turnberry accords and the demise of the rules-based international trade system*

In July 2025, the EU and the Trump administration announced a highly controversial trade deal known as the ‘Turnberry accord’.⁵² Struck during a meeting at Donald Trump’s golf resort in Turnberry, Scotland, the deal was presented as a ‘political framework’ aimed at preventing an escalating trade war. The accord’s terms were unprecedented: the US would impose a uniform 15% tariff on most EU exports (with even higher duties on specific items such as steel), while the EU would eliminate tariffs on all industrial imports from the US and extend new agricultural import preferences to US products.⁵³ Additionally, the EU carefully worded various promises to vastly increase purchases of US goods – including USD 750 billion in energy exports over three years and more American-made weapons – and facilitate USD 600 billion of EU investment in US manufacturing.⁵⁴ Notably, this deal was not a traditional, comprehensive free trade agreement ratified by the legislature of each party, but rather a political accord sealed through executive actions (in the US case, by executive order). It lacked legal enforceability and left many details for future negotiations, making it a tenuous ‘framework’ rather than a finalized treaty.

The Commission negotiated the Turnberry framework under intense pressure, as the Trump administration threatened to impose across-the-board 30% tariffs on EU goods if no agreement was reached.⁵⁵ By accepting a

51. European Commission, ‘Single Market Annual Report 2024’ COM (2024) 77, SWD (2024) 77, SWD (2024) 78 final 5–6.

52. European Commission, ‘Statement by President von der Leyen on the deal on tariffs and trade with the United States’ (Prestwick, 27 July 2025) <ec.europa.eu/commission/presscorner/detail/en/statement_25_1915>.

53. White House, ‘Fact Sheet: The United States and European Union Reach Massive Trade Deal’ (28 July 2025) <www.whitehouse.gov/fact-sheets/2025/07/fact-sheet-the-united-states-and-european-union-reach-massive-trade-deal/>.

54. *ibid*; see also Jamie Smyth, Martha Muir and Kristina Shevory, ‘Donald Trump’s EU oil and gas deal is ‘pie in the sky’, energy experts warn’ *Financial Times* (29 July 2025) <www.ft.com/content/b70da808-5a86-4acc-b878-e0c18fe98130>.

55. Megan Messerly, Doug Palmer and Nicole Markus, ‘Trump threatens 30 percent tariffs on the EU, Mexico’ *Politico Europe* (10 July 2025) <www.politico.com/news/2025/07/12/trump-european-union-mexico-tariffs-00449916>.

15% US tariff cap and making one-sided EU concessions, the EU leadership believed they had '[ensured] that the largest economic partnership in the world [...] will not be disrupted by a massive trade war'.⁵⁶ However, while avoiding an outright trade war was a short-term success, the long-term costs of this deal for the rules-based trading order are open to question. As French Prime Minister François Bayrou stated: 'It is a dark day when an alliance of free peoples, united to assert their values and defend their interests, resigns itself to submission.'⁵⁷

It was clear that the 'Turnberry accord' failed the basic test of any reciprocal trade agreement. Rather than liberalizing trade in a balanced and equitable manner, the deal mainly increases barriers on EU exports, while requiring the EU to unilaterally remove many of its own tariffs.⁵⁸ Under the agreed terms, the EU accepted a blanket 15% US tariff on its goods (up from an average of 3% previously) as well as even higher duties on steel, and potentially on other sectors. In return, the EU gained no new American market access; instead, it removed its tariffs on a wide range of US industrial exports and even on sensitive agricultural products, solely to benefit the US.

Crucially, the 'Turnberry accord' represented a purely transactional approach to trade, where both economic and non-economic factors were taken into account during negotiations. It focused less on establishing rules and long-term frameworks and more on an immediate *quid pro quo* to satisfy the demands of the US. From an EU perspective, instructing European businesses to purchase American liquefied natural gas and weapons marks a startling departure from free market principles. It also comes into conflict with the EU's traditional values-based trade policy, which emphasizes sustainability and market-driven commerce. The result is an agreement driven by power politics and pragmatic deal-making rather than by a rule-of-law ethos or the long-term multilateral cooperation that the EU takes pride in.

Perhaps the most troubling aspect of the 'Turnberry accord' is how openly it breaches WTO rules, further weakening the EU's rules-based approach to trade. For decades, the EU has positioned itself as the main defender of the multilateral trading system, supporting WTO agreements and the principle of non-discrimination in trade. Yet, in the 'Turnberry accord', the EU agreed to a preferential tariff that applies only to the US, violating the WTO's Most-Favoured-Nation (MFN)

56. European Commission, 'Statement by the President von der Leyen' (n 52).

57. Statement by Prime Minister François Bayrou, *Politico* (28 July 2025). <www.politico.eu/article/french-pm-francois-bayrou-castigates-eu-us-trade-deal-act-of-submission/>.

58. John Alistair Clarke, 'Turnberry: a turning point for EU-US trade', Friends of Europe (27 August 2025) <www.friendsofeurope.org/insights/critical-thinking-turnberry-a-turning-point-for-eu-us-trade/>.

clause.⁵⁹ Outside of a formal free trade agreement, the EU cannot legally lower tariffs for the US only. However, that is precisely what the “Turnberry accord” involved; the EU’s elimination of duties on industrial goods and new agricultural import preferences would apply solely to US products. The MFN was designed to prevent the kind of unilateral pressures that the EU had previously faced before the accord. By giving in to that pressure and granting concessions to just one country, the EU actively contravened the very principles of international trade law that it has traditionally helped to establish.

The EU’s identity in global commerce has long been linked to promoting a rules-based system over a power-based one. This abandonment of principle for convenience has come at a heavy political price, damaging the EU’s international reputation and soft power in trade, especially following its capitulation in Turnberry. The current challenge for the EU is how to mend the damage and restore the Brussels effect by reaffirming its commitment to multilateral rules and rebuilding trust in its values-driven approach. However, Turnberry might indicate a more enduring move towards a fragmented, power-driven trade order, where the EU and its leaders instrumentalize access to the single market as leverage in a ruthless, transactional international environment.

3. The EU’s inaction in the face of the humanitarian crisis in Gaza

The summer of 2025 saw Gaza overwhelmed by a humanitarian disaster unprecedented in recent history, following Israel’s military assault on Hamas in response to the atrocious attacks of 7 October 2023. Israel’s actions began in 2023 and extended into 2025, while Gaza’s civilians endured relentless bombing, an almost complete blockade and what observers describe as ‘minutely engineered, closely monitored, precisely designed mass starvation’.⁶⁰ By mid-2025, United Nations agencies officially declared a famine in Gaza; the first time such a designation has been used in the territory’s history.⁶¹ Despite evidence of serious violations of international humanitarian law in Gaza (including the use of starvation as a weapon of war), the EU’s response has

59. Marrakesh Agreement Establishing the World Trade Organization (adopted 15 April 1994, entered into force 1 January 1995) 1867 UNTS 3, Annex 1A: General Agreement on Tariffs and Trade 1994, Art 1 (Most-Favoured-Nation Treatment).

60. Mary Ellen O’Connell, ‘The Unyielding Right to Assist Civilians in Gaza’ (*EJIL: Talk!*, 6 August 2025) <www.ejiltalk.org/the-unyielding-right-to-assist-civilians-in-gaza/>.

61. Integrated Food Security Phase Classification (IPC), ‘Famine Review Committee: Gaza Strip, August 2025. Conclusions and Recommendations’ (22 August 2025) <www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Famine_Review_Committee_Report_Gaza_Aug2025.pdf>.

mainly consisted of statements and humanitarian aid, falling short of decisive measures to challenge the Israeli government over its actions.⁶²

By the summer of 2025, Gaza's 2.3 million residents faced what UN experts described as a 'man-made' humanitarian disaster.⁶³ Israel's complete siege of Gaza cut off supplies of food, water, medicine, fuel and electricity for extended periods. The result was widespread famine, with over 500,000 people (roughly one quarter of Gaza's population) suffering from 'catastrophic' food insecurity (IPC Phase 5) by August 2025.⁶⁴ A joint UN analysis confirmed that extreme thresholds of food deprivation, acute child malnutrition and starvation-related deaths had been breached, meeting the formal criteria for famine.⁶⁵ The situation worsened to such an extent that an average of one in three Gazans reported going days without eating and adults routinely skipped meals so that their children could eat. According to the United Nations Relief and Works Agency, in July 2025 alone, 147 Gazans (including 89 children) died of malnutrition and tens of thousands of children were acutely malnourished.⁶⁶

Such intentional deprivation of civilians comes into conflict with international humanitarian law. Article 54 of the 1977 Additional Protocol I to the Geneva Convention states that the 'starvation of civilians as a method of combat is prohibited' and attacks on or the removal of essential objects for survival (food, water, crops and medical supplies) are banned.⁶⁷ Earlier, the 1949 Fourth Geneva Convention (which applies to occupied territories) imposed clear obligations on an occupying power to ensure the population's food and medical supplies. Article 55 of the Fourth Geneva Convention requires the occupying power to provide food and medical care to the population under its control.⁶⁸

62. European Parliament resolution of 11 September 2025 on Gaza at breaking point: EU action to combat famine, the urgent need to release hostages and move towards a two-state solution, P10_TA(2025)0199.

63. United Nations Relief and Works Agency (UNRWA), 'UNRWA Situation Report #184 on the Humanitarian Crisis in the Gaza Strip and the West Bank, including East Jerusalem' (15 August 2025) <www.unrwa.org/resources/reports/unrwa-situation-report-184-situation-gaza-strip-and-west-bank-including-east-jerusalem>.

64. IPC (n 61) 2–3.

65. Famine confirmed for first time in Gaza – Joint Press Release by FAO, UNICEF, WHO, and WFP (22 August 2025), available at <www.un.org/unispal/document/joint-press-release-by-fao-unicef-who-and-wfp-22aug25/#:~:text=By%20the%20end%20of%20September,these%20criteria%20have%20been%20met>.

66. UNRWA (n 63).

67. UNHR, 'Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)' (adopted 8 June 1977, entered into force 7 December 1978) 1125 UNTS 3, Art 54.

68. United Nations, 'Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War of 12 August 1949' (adopted 12 August 1949, entered into force 21 October 1950) 75 UNTS 287, Art 55.

Beyond the explicit ban on starvation, international humanitarian law guarantees a right to humanitarian relief for civilians in need. Customary international humanitarian law obliges parties to conflict to ‘allow and facilitate rapid and unimpeded passage of humanitarian relief’ for civilians, subject to minimal control measures at most.⁶⁹ There are no indications that, in the case of Gaza, Israel is complying with this obligation. For months, in early 2025, Israel barred external humanitarian aid from entering Gaza. From March to May 2025, no international relief was allowed in, leading to despair among civilians. When international pressure increased, Israel, together with the US, established the so-called Gaza Humanitarian Foundation in June 2025 as a militarized aid distribution mechanism under Israeli control. This system was widely condemned as dysfunctional and dangerous. Palestinian civilians, including women and children, had to approach military-run distribution hubs to receive food.

As of 1 October 2025, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) estimated that the total number of casualties in Gaza since 7 October 2023 was 66,288, including 18,430 children.⁷⁰

By mid-2025, there was hardly any doubt that Israel’s actions in Gaza violated international law, as confirmed in a leaked Commission report, which recognized ‘indications that Israel would be in breach of its human rights obligations under Article 2 of the EU-Israel Association Agreement’.⁷¹ This conclusion appeared in the leaked draft review document from the European External Action Service, summarizing compelling evidence of Israeli misconduct. The review, initiated under pressure from a coalition of 17 EU Member States, referenced assessments by the International Court of Justice (ICJ), the UN High Commissioner for Human Rights and other UN bodies, all of which indicated serious breaches of international law in the Occupied Palestinian Territory.

Confronted with mounting evidence of the actions being committed in Gaza, the EU finally began an internal review of Israel’s compliance with Article 2. In late May 2025, the Foreign Affairs Council agreed to assign this review to the European Commission and the European External Action Service.⁷² Meanwhile, the humanitarian crisis deteriorated. Israel persisted

69. International Committee of the Red Cross (ICRC), ‘Rule 55. Access for Humanitarian Relief to Civilians in Need’ (International Humanitarian Law Databases) <ihl-databases.icrc.org/en/customary-ihl/v1/rule55>.

70. OCHA, Hostilities in the Gaza Strip and Israel – Flash Update #260 (1 October 2025) <www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-260>.

71. Jennifer Rankin, ‘EU cites “indications” Israel is breaching human rights obligations over conduct in Gaza’ *The Guardian* (Brussels, 20 June 2025) <www.theguardian.com/law/2025/jun/20/eu-israel-human-rights-obligations-gaza-document>.

72. European Council, ‘Foreign Affairs Council (Defence), 20 May 2025’ (Brussels, 20 May 2025) <www.consilium.europa.eu/en/meetings/fac/2025/05/20/>.

in restricting aid and reportedly reneged on its promises to permit relief into Gaza, while famine conditions intensified, with distressing reports of children dying from starvation. Several Member States made some adjustments to their policies. Notably, several Member States continued arms exports and military cooperation with Israel.

Some concrete, albeit limited, measures emerged by early autumn 2025, when the Commission initiated a review of the EU-Israel Association Agreement under Article 2, which conditions preferential trade relations on respect for human rights and democratic principles.⁷³ In June 2025, internal Commission documents acknowledged ‘indications’ that Israel’s conduct in Gaza could constitute a breach of these obligations, thereby prompting calls within the Council and Parliament to reassess the legal basis of the agreement.⁷⁴ This move followed sustained advocacy by civil society and several Member States that had been demanding the activation of the conditionality clause, which had long been inactive in EU-Israel relations. In September 2025, the Commission took further action by proposing the suspension of free-trade arrangements covering approximately 37% of Israel’s exports to the EU, effectively withdrawing preferential tariff treatment under the Association Agreement.⁷⁵ The proposal was justified by systematic violations of international humanitarian law and the deteriorating humanitarian situation in Gaza; especially widespread malnutrition among children. However, the measure remained at the proposal stage, as it required unanimity in the Council; an obstacle made worse by the reluctance of several Member States to endorse trade-related sanctions against Israel.⁷⁶

The same package also included targeted sanctions against two senior Israeli ministers, Itamar Ben-Gvir and Bezalel Smotrich, and a group of so-called ‘violent settlers’ accused of serious human rights violations in the occupied territories.⁷⁷ These sanctions, which involved travel bans and asset freezes, marked the first time that the EU contemplated restrictive measures directed at members of the Israeli government. Their announcement coincided with public statements by Commission President Ursula von der

73. EPRS, ‘Review of the EU-Israel Association Agreement’ (June 2025) <[www.europarl.europa.eu/RegData/etudes/ATAG/2025/772892/EPRS_ATA\(2025\)772892_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/ATAG/2025/772892/EPRS_ATA(2025)772892_EN.pdf)>.

74. *ibid*; Moussa Bourekba, ‘EU-Israel agreement review: saving face without changing position’ (CIDOB Policy Brief, May 2025) <www.cidob.org/en/publications/eu-israel-agreement-review-saving-face-without-changing-position>.

75. Reuters, ‘EU Commission proposes suspending free-trade arrangements on Israeli goods’ (17 September 2025) <www.reuters.com/world/middle-east/eu-commission-proposes-suspending-free-trade-arrangements-israeli-goods-2025-09-17/>.

76. Courthouse News Service, ‘EU Acts to Suspend Israel Trade Perks over Gaza’ (18 September 2025) <www.courthousenews.com/eu-acts-to-suspend-israel-trade-perks-over-gaza/>.

77. Reuters (n 75).

Leyen, who called for ‘bolder EU action’ amid an escalating humanitarian disaster in Gaza.⁷⁸ Despite their symbolic importance, the sanctions proposal also stalled amid intra-EU divisions and the institutional limits of the Common Foreign and Security Policy, which continues to depend on consensus among Member States. Parallel humanitarian measures were expanded through the Directorate-General for Civil Protection and Humanitarian Aid (ECHO), focusing on emergency nutrition, medical supplies and water access. Commissioner Hadja Lahbib explicitly acknowledged that famine conditions existed in parts of Gaza and announced an increase in humanitarian aid.⁷⁹ However, the effectiveness of such assistance was greatly undermined by the lack of secure humanitarian corridors and the ongoing blockade, which rendered the EU’s response, although financially significant, politically and operationally flawed.

The EU’s failure to act during the Gaza famine and alleged war crimes not only undermines the organization’s moral authority; it also prompts questions about its adherence to its own legal obligations under international law. Various legal frameworks, including international humanitarian law, international human rights law and specialized treaties such as the Genocide Convention, collectively bind the Member States and the EU.⁸⁰ Given the significance of EU-Israeli trade relations, being the EU Israel’s largest trading partner and being parties to an Association Agreement that channels the trade relations, makes the inaction even more surprising, especially at a time when the EU’s discourse on the protection of values seems to be at the forefront of the Commission’s agenda. The EU’s inaction, whether due to incapacity or unwillingness, casts serious doubt on its dedication to its fundamental values; its ‘very identity’, as the Court of Justice has described the values in Article 2 TEU.⁸¹ Overall, the EU’s muted response to the escalating humanitarian crisis inflicted by a major trading partner on vulnerable groups signals a troubling shift in its approach to trade and international relations, suggesting that the single market remains open for business,

78. Sam McNeil, ‘Von der Leyen proposes bolder EU sanctions against Israel over the war in Gaza’ *Associated Press, CTV News* (10 September 2025) <www.ctvnews.ca/world/israel-hamas-war/article/von-der-leyen-proposes-bolder-eu-sanctions-against-israel-over-the-war-in-gaza/>.

79. European Commission, ‘Statement by Commissioner Lahbib on Gaza famine, (News article, Directorate-General for ECHO, 22 August 2025) <civil-protection-humanitarian-aid.ec.europa.eu/news-stories/news/statement-commissioner-lahbib-gaza-famine-2025-08-22_en>.

80. Convention on the Prevention and Punishment of the Crime of Genocide (adopted 9 December 1948, entered into force 12 January 1951) United Nations Treaty Series 78, 277.

81. Case C-157/21, *Republic of Poland v European Parliament and European Council*, EU:C:2022:98, para 145.

regardless of the humanitarian fallout and breaches of international law caused by the actions of its trade partners.

4. What Union for the single market?

The previous case studies offer strong evidence of the dilemmas confronting the EU, which must decide whether to use its most valuable resource – its vast single market – to promote the EU's values or as a means of survival in a global environment that lacks moral direction. So far, it seems that the EU is gradually leaning towards the latter, as the harsh realities of an increasingly aggressive international landscape become clearer and the EU must adapt to its new role as a player with assertive carnivore instincts.

A counter-argument to this portrayal would suggest that the EU's recent shift towards carnivorism is only visible in its external actions. There is no binary dilemma, as the EU remains firmly committed to its values in its internal policies. However, this reasoning overlooks the close link between the EU's internal and external policies, as well as the binding nature of EU values in the international dimension of its policies, which the Court of Justice has repeatedly affirmed in its case law. Any deviations from the EU's values in the global sphere have a direct impact on the EU's internal policies. No duality allows the EU to diverge from its commitment to its values in one sphere while maintaining strict compliance in another.

Another argument supporting the EU's recent actions could be based on the exceptional circumstances surrounding the latest crises. An abrupt shift by the US administration away from its commitments to international trade agreements and practices, or Israel's confrontation with Hamas' terrorist actions, are all extraordinary circumstances that may justify exceptional measures. However, this reasoning sits uncomfortably when compared to the extraordinary circumstances of the Covid-19 pandemic or the Russian aggression against Ukraine, which prompted a values-based response from the EU, as explained above. Addressing an aggressive US administration and providing substantial aid and support to the population in Gaza are not fundamentally different in terms of the extraordinary measures required, compared to the actions taken during the pandemic and after the Russian invasion of Ukraine. The EU's change in approach appears more like a tactical shift rather than a carefully considered, bespoke policy strategy tailored to each specific case within a broader and coherent overall vision.

This reveals the stark reality of the dilemma facing the EU, having now experienced both approaches. The single market has been used for both

value-driven and valueless EU policies. It is probably too early to draw conclusions, especially about the latter, but so far, it appears that the former, value-driven actions, have managed to withstand the test of time and produce results. The swift measures taken during the Covid-19 pandemic and subsequent legal reforms based on the lessons learned have strengthened the EU and its Member States. The united response to Russia's aggression has been the most effective way of countering a neighbouring threat, while also supporting an allied country aspiring to accession. Conversely, the Turnberry accords have not delivered the sought-after stability that European businesses desperately needed. Just three days after the agreement details were published, Donald Trump threatened the EU with additional tariffs if taxes on digital services, the DMA and the DSA were not repealed. The inaction regarding the tragedies in Gaza and the continued implementation of the EU-Israel association agreement speak volumes about the catastrophic harm that the EU's human rights-based conception of trade and commerce is suffering.

Opting for a carnivore EU to adapt to current world trends will undoubtedly come at a price for the current understanding of the European project. The EU's efforts to survive in a valueless context will likely result in an internal weakening of EU principles as well. If a rules-based global economic order is in decline, the same process will gradually affect a rules-based single market. Member States will quickly realize that free movement is not a means to achieving balanced and values-based aims, but rather a tool to operate in a ruthless environment in which the stronger Member States prevail. The erosion of a balanced conception of the single market will have an impact on the institutional framework supporting the system, currently based on independent courts and enforcing authorities. As the stronger Member States and stakeholders prevail, the institutional design will potentially shift towards more flexible and politically-driven jurisdictional and enforcement bodies, remaining independent in most cases but not when dealing with influential players.

The paradox of this new and seemingly valueless evolution is that the single market's worth will decline, decreasing the EU's assets on the global stage. The more that the rules-based single market turns into a cherry-picking exercise at the service of the few (where the weak are forced to follow the rules but the strong can bend them to their will), the faster the single market's value will decrease, further weakening the EU's position *vis-à-vis* its global rivals. The short-term strategy of exploiting the single market as a prize to concede to the EU's global rivals and allies will ultimately prove to be a disastrous long-term strategy, eroding the EU's standing and influence as well as that of its Member States, risking the loss of seven decades of hard-won European integration through law.