



EUROPEAN PARLIAMENT

2009 - 2014

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*Committee on Foreign Affairs*

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**2009/0155(NLE)**

17.2.2012

## **DRAFT OPINION**

of the Committee on Foreign Affairs

for the Committee on International Trade

on the draft Council decision on the conclusion of a Protocol to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part, on Conformity Assessment and Acceptance of Industrial Products (CAA)  
(05190/2010 – C7-0126/2010 – 2009/0155(NLE))

Rapporteur: Véronique De Keyser

PA\_Leg\_Consent

## SHORT JUSTIFICATION

The Committee on Foreign Affairs (AFET) has been asked to deliver an opinion on the additional Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, and the State of Israel on Conformity Assessment and Acceptance of Industrial Products (ACAA) for the Committee on International Trade (INTA) under a consent procedure.

Bilateral relations between the EU and Israel are based on the Association Agreement and the Action Plan.

The Protocol will allow EU exporters, if they so choose, to test and certify their industrial products, prior to export, once only, subject to the same aligned requirements and standards, and then to have access to the Israeli market without having to comply with any further conformity assessment certification procedure. This will apply also the other way round, based on the same aligned requirements and standards.

The Committee on Foreign Affairs (AFET) is being called upon to give an assessment of the political context in which the Protocol will be applied, assuming that it is concluded, of its possible implications for the EU's commitments as regards compliance with international and Community law, and of its coherence with the EU's overall objectives of its external action as an explicit requirement of the Treaty of Lisbon.

At the present Israel applies all the agreements concluded with the EU in the whole of "the territory of the State of Israel" as defined in Israeli national law, including the territories she has occupied since 1967. The EU does not recognise Israel's application of these agreements to the occupied territories, nor does it recognise any Israeli legislation advocating the annexation and settlement of those territories (e.g. the *Basic Law: Jerusalem, Capital of Israel* adopted by the Knesset on 30<sup>th</sup> July 1980 annexing East Jerusalem), which it considers to be contrary to international law. EU Its authorities, therefore, are required to refrain from giving effect to them in any way whatsoever, since it is prohibited by current Community law and by the EU's international obligations.

In this context, the terms of the proposed text might allow Israel to implement the Protocol on the basis of its national law defining the territorial scope of its domestic market, hence including the territories she has occupied since 1967 which are not under Palestinian economic administration. If that were to happen, the EU would be failing to comply with its Community law and its obligations under international law.

In addition, when conducting its foreign policy, the EU must not deviate from the provisions of the Treaty of Lisbon which imposes an explicit requirement on the EU to ensure coherence between different areas of its external action and between these external policy areas and other policies. With this regard, the EU's common commercial policy shall be conducted in the context of the objectives of the Union's external action, in the spirit of the principles the EU is founded on, including the respect for human rights and fundamental freedoms<sup>1</sup>. These

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<sup>1</sup> "The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States." (TEU Art. 6.1.)

obligations also apply to the EU's revised Neighbourhood Policy, which relies on positive conditionality ("more for more"). Against this background, current Israeli government policies, with special regard to the continued building and expansion of settlements in East Jerusalem and the West Bank and the blockade of the Gaza Strip, as well as the situation of Arab citizens of Israel and the increasing pressure on human rights NGOs in the country raise serious concerns about the political context of this agreement.

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The Committee on Foreign Affairs calls on the Committee on International Trade, as the committee responsible, to draw up an interim report under Rule 81(3).