DRAFT RECOMMENDATION

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)

Committee on International Trade

Rapporteur: Vital Moreira
Symbols for procedures

* Consultation procedure
*** Consent procedure
***I Ordinary legislative procedure (first reading)
***II Ordinary legislative procedure (second reading)
***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)
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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

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))

(Consent)

The European Parliament,

– having regard to the draft Council decision (05190/2010),

– having regard to the 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) (05212/2010),

– having regard to the request for consent submitted by the Council in accordance with Article 207 and Article 218(6), second subparagraph, point (a)(v), of the Treaty on the Functioning of the European Union (C7-0126/2010),

– having regard to Rules 81 and 90(7) of its Rules of Procedure,

– having regard to the recommendation of the Committee on International Trade and the opinion of the Committee on Foreign Affairs (A7-0000/2012),

A. Whereas the Treaties oblige the European Union, in its External Action, to be guided by the principles which inspired its own creation, including inter alia the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity and respect for the United Nations Charter and international law;

B. Whereas the Treaties further oblige the European Union to ensure consistency in its External Action, namely between the Common Foreign and Security Policy and the Common Trade Policy;

C. Whereas the EU-Israel Association Agreement, to which the Protocol is attached, is itself based on respect for human rights and democratic principles, which guides the respective Parties' internal and international policies;

D. Whereas the European Parliament, in its resolution of 4 September 2008¹, stated its belief that the upgrading of EU-Israel relations should be consistent with and linked to Israel's compliance with all obligations under international law;

E. Whereas the enhancing of the trade partnership between the EU and Israel that would result from the application of the Protocol would not be consistent with the Union's firm

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condemnation of Israeli policy vis-à-vis the Palestinians, namely in what regards the Gaza economic blockade, which amounts to a collective punishment of the whole population of the territory, the continuation of the settlements on the occupied territories, the annexation of East Jerusalem and the breach of fundamental rights of the Palestinians, namely the right to their land, freedom of movement, freedom to work, and, of course, their right to self-determination;

F. Whereas, for the same reasons, the European Parliament has, since 2008, withheld consent to the Protocol on the participation of Israel in Community programs;

G. Whereas there are no signs of policy change on Israel's side that could be encouraged by a positive move of the EU in the trade front;

H. Whereas, however, Parliament should be allowed to give itself a reasonable time before taking a definitive decision on the consent, in the hope that in the meantime the situation might be redressed;

1. Decides to suspend for two years the vote on the consent to the draft Council decision; this decision will be reviewed after that period has expired, or earlier in the event of a successful conclusion of the Israeli-Palestinian peace process;

2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the State of Israel.
EXPLANATORY STATEMENT

Your Rapporteur understands the commercial value that would be generated by the agreement on Conformity Assessment and Acceptance of Industrial Products (CAA) which is 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. While your Rapporteur does not oppose this Protocol on its trade merits, he is of the opinion that, given the politically sensitive nature of the situation on the ground, it would be unwise to forgo political considerations which make it impossible for the Rapporteur to recommend consent to the Protocol at this point in time and under the present circumstances.

The Treaty of the European Union refers to the obligation of the Union to "ensure consistency between the different areas of its external action." (Article 21 TEU). This obligation is clearly linked to the principles on which the Union is built and "which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity and respect for the principles of the United Nations and international law". Thus the Treaty is clear: the Union should not, through its External Action, of which Trade Policy is a part, condone situations that undermine the principles for which it stands.

Furthermore, the Protocol is attached to the EU-Israel Association Agreement which states in Article 2 that "Relations between the Parties, as well as all the provisions of the Agreement itself, shall be based on respect for human rights and democratic principles, which guides their internal and international policy and constitutes an essential element of this Agreement".

In its resolution of 4 September 2008 the European Parliament clearly expressed "its belief that the upgrading of EU-Israel relations should be consistent with and linked to Israel's compliance with all obligations under international law". One might argue that the Protocol stems out from the 2005 Action Plan and that therefore it is 'technically' not an upgrade. In reality, however, this Protocol, while being a reciprocal arrangement, will result in a very much facilitated access of products from Israeli pharmaceutical companies into the European market, the largest in the world. This would represent a significant commercial gain for Israeli companies that export to the EU and a real enhancement of the trade partnership between the EU and Israel.

Your Rapporteur is convinced that the enhancing of the trade partnership between the EU and Israel that would result from the application of the Protocol would not be consistent with the Union's firm condemnation of Israeli policy vis-à-vis the Palestinians, namely in what regards: the Gaza economic blockade, which amounts to a collective punishment of the whole population of the territory; the continuation of the illegal settlements on the occupied territories; the annexation of East Jerusalem; and the breach of fundamental rights of the Palestinians, namely the right to their land, freedom of movement, freedom to work, and, of course, their right to self-determination.

Your Rapporteur considers therefore that there is a patent incoherence between, on the one side, awarding Israel this significant enhancement of its trade relations with the EU and, on
the other side, the firm condemnation by the Union of the Israeli policy vis-à-vis the Palestinians and the occupied territories in defiance of the principles of the UN and international law. The EU cannot afford to have two contradictory policies in relation to Israel. We should have a single consistent political message, namely that there will not be any further enhancement of the bilateral relations, namely trade relations, while Israel continues to ignore the EU condemnation of the Israeli policy regarding the Palestinian issue.

Furthermore, your *Rapporteur* does not see any sign of policy change by Israel regarding the abovementioned contentious issues, which could be encouraged by a positive move by the EU on the trade front. On the contrary, according to the available evidence, the mentioned policies are becoming more severe.

Notwithstanding this negative assessment, your *Rapporteur* is of the opinion that it might be wise for Parliament to hold on, for a reasonable period of time, the decision on the consent to the conclusion of the Protocol, in the hope that the situation might meanwhile be redressed and that the Union might have the opportunity to reassess the consistency of its external policies, namely foreign policy and trade policy, vis-à-vis Israel.