

(English version)

Question for written answer E-001418/24
to the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy
Per Clausen (The Left), Li Andersson (The Left), Jonas Sjöstedt (The Left), Hanna Gedin (The Left)
(24 July 2024)

Subject: The EU's actions following the ICJ opinion on the legal consequences of Israel's occupation

On 19 July 2024, the International Court of Justice (ICJ) in the Hague delivered its advisory opinion ⁽¹⁾ on the legal consequences arising from the policies and practices of Israel in the occupied Palestinian territory, including East Jerusalem.

In the advisory opinion, the ICJ finds that 'Israel's policies and practices referred to in question (a) are in breach of international law. The maintenance of these policies and practices is an unlawful act of a continuing character'.

In this context:

1. How and when will the EU raise the specific issues discussed in the advisory opinion with the Israeli authorities?
2. Would continued breaches of international law, such as those resulting from illegal occupation, not constitute a reason that would allow the EU to suspend the EU-Israel Association Agreement?
3. Given that Israel's policies are unlawful, will the EU impose sanctions on senior Israeli officials who are deemed responsible for them?

Submitted: 24.7.2024

Answer given by High Representative/Vice-President Borrell i Fontelles on behalf of the European Commission
(16 September 2024)

The EU took good note of the Advisory Opinion of the International Court of Justice in respect of the 'Legal consequences arising from the policies and practices of Israel in the occupied Palestinian territory, including East Jerusalem' ⁽¹⁾.

Its conclusions largely confirm existing EU positions, which are fully aligned with United Nations (UN) resolutions ⁽²⁾ regarding the status of the occupied Palestinian territory.

The EU has a long-standing position of non-recognition of Israel's sovereignty over the territories occupied by Israel since June 1967 and considers Israel's settlements in the occupied Palestinian territory as illegal.

The EU position is thus in conformity with the conclusion of the opinion that international organisations have a duty not to recognise as legal the situation arising from the unlawful presence of Israel in the occupied Palestinian territory.

In addition, as regards its own obligations (as well as those of the Member States) as set out in the EU-Israel Association Agreement ⁽³⁾, the EU already complies with the obligation to distinguish in its relations with Israel between the territory of Israel and the occupied Palestinian territory.

In particular, products originating in the West Bank cannot benefit from the preferential tariff arrangements granted for products originating in Israel.

EU law also requires that any foodstuff originating in the Israeli settlements cannot be labelled and/or imported to the EU as originating in Israel.

The EU is still assessing the Advisory Opinion and its implications for EU actions and policies, including common foreign and security policy.

With regards to the possible future restrictive measures targeting individuals or entities, it should be stressed that it would be for the Council to adopt such measures by unanimity.

¹ <https://www.icj-cij.org/case/186>.

⁽¹⁾ Summary of the Advisory Opinion of 19 July 2024, <https://www.icj-cij.org/node/204176>

⁽²⁾ Among others, UN Security Council Resolution 1515, 1544, 1860, 2735.

⁽³⁾ EU-Israel Association Agreement, https://eeas.europa.eu/archives/delegations/israel/documents/eu_israel/asso_agree_en.pdf