

(English version)

**Question for written answer E-002150/24
to the Commission**

Matjaž Nemec (S&D), Tineke Strik (Verts/ALE), Barry Andrews (Renew), Catarina Vieira (Verts/ALE), Daniel Attard (S&D), Irena Joveva (Renew), Lynn Boylan (The Left), Cecilia Strada (S&D), Abir Al-Sahlan (Renew), Billy Kelleher (Renew), Thomas Bajada (S&D), Brando Benifei (S&D), Raphaël Glucksmann (S&D), Pierre Juvet (S&D), Marco Tarquinio (S&D), Aodhán Ó Ríordáin (S&D), Marc Botenga (The Left), Hana Jalloul Muro (S&D), Ana Miranda Paz (Verts/ALE), Murielle Laurent (S&D), Thijs Reuten (S&D), Chloé Ridet (S&D), Nora Mebarek (S&D), Eric Sargiacomo (S&D), Alessandra Moretti (S&D), Alex Agius Saliba (S&D), Evin Incir (S&D), Seán Kelly (PPE), Maria Walsh (PPE), Nina Carberry (PPE)
(17 October 2024)

Subject: Implementation of the ICJ advisory opinion as regards EU trade with illegal Israeli settlements

All Member States agree that Israeli settlements are illegal under international law and are an obstacle to a two-state solution, as confirmed by the European Council conclusions of 22 March 2024 ⁽¹⁾.

By trading with the illegal Israeli settlements, the EU is not only supporting their continuation and the abuses underpinning them, but also breaching its obligations under international law.

On 19 July 2024, the International Court of Justice (ICJ) ruled ⁽²⁾ that states are under an obligation ‘to abstain from entering into economic or trade dealings with Israel concerning the Occupied Palestinian Territory or parts thereof which may entrench its unlawful presence in the territory; ... and to take steps to prevent trade or investment relations that assist in the maintenance of the illegal situation created by Israel in the Occupied Palestinian Territory’.

The current EU policy of differentiation ⁽³⁾, whereby goods made in the Israeli settlements are not covered by the EU-Israel Association Agreement but traded through a ‘technical arrangement’, does not comply with the obligations laid out by the ICJ, which require a blanket ban on trade with the settlements.

Will the Commission comply with its obligations under international law and urgently ban all trade with the illegal Israeli settlements?

Submitted: 17.10.2024

Answer given by Mr Šefčovič on behalf of the European Commission
(15 January 2025)

The EU took good note of the Advisory Opinion of the International Court of Justice (ICJ) in respect of the ‘Legal consequences arising from the policies and practices of Israel in the Occupied Palestinian Territory, including East Jerusalem ⁽¹⁾’.

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. EU positions and policies are fully aligned on the United Nations resolutions regarding the status of the Occupied Palestinian Territory ⁽²⁾ and are therefore overall consistent with the conclusions of the Advisory Opinion of the ICJ.

All cooperation programmes must respect the guidelines on the eligibility of Israeli entities and their activities in the territories occupied by Israel since June 1967 ⁽³⁾.

The EU differentiation policy implies that goods originating from Israeli settlements in occupied territories since June 1967 do not fall within the scope of the EU-Israel Association Agreement ⁽⁴⁾ and therefore cannot benefit from trade preferences under the agreement.

Member States will discuss further in the relevant Council preparatory bodies the impact of the Advisory Opinion on EU positions and policies.

The EU has already listed nine individuals and five entities under the EU’s Global Human Rights Sanctions Regime ⁽⁵⁾, for serious and systematic human rights abuses against Palestinians in the West Bank.

¹ Paragraph 26, <https://data.consilium.europa.eu/doc/document/ST-7-2024-INIT/en/pdf>.

² Paragraph 278, <https://www.icj-cij.org/sites/default/files/case-related/186/186-20240719-adv-01-00-en.pdf>.

³ https://policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/countries-and-regions/israel_en.

⁽¹⁾ Advisory Opinion of 19 July 2024, <https://www.icj-cij.org/sites/default/files/case-related/186/186-20240719-adv-01-00-en.pdf>

⁽²⁾ <https://documents.un.org/doc/undoc/ltid/n24/266/48/pdf/n2426648.pdf>

⁽³⁾ [https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52013XC0719\(03\)](https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52013XC0719(03))

⁽⁴⁾ http://eeas.europa.eu/archives/delegations/israel/documents/eu_israel/asso_agree_en.pdf

⁽⁵⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02020D1999-20240722>

Additional proposals are currently under discussion in the relevant Council preparatory bodies.
