

# **PROPOSAL FOR A COUNCIL DECISION**

**on the temporary suspension of certain provisions of the Euro-Mediterranean Association 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**

## **THE COUNCIL OF THE EUROPEAN UNION,**

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 206 and 207 thereof,

Having regard to the Treaty on European Union, and in particular Articles 2 and 21 thereof,

Having regard to the Vienna Convention on the Law of Treaties, and in particular Article 60 thereof,

Having regard to the Euro-Mediterranean Association 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, signed on 20 November 1995 and entered into force on 1 June 2000, and in particular Article 2 thereof,

Having regard to the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure,

### **Whereas:**

(1) Article 2 of the Euro-Mediterranean Association Agreement with Israel establishes that relations between the parties "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."

(2) Article 60 of the Vienna Convention on the Law of Treaties provides that a material breach of a bilateral treaty by one of the parties entitles the other to invoke the breach as a ground for suspending the treaty's operation in whole or in part.

(3) The European Union has established consistent practice that association agreements may be suspended when essential elements, particularly human rights provisions, are systematically violated.

(4) The International Court of Justice, in its order of 26 January 2024 in *South Africa v. Israel*, found allegations of violations of the Genocide Convention to be plausible and ordered provisional measures.

(5) Under Article 1 of the Genocide Convention, contracting parties confirm that genocide constitutes a crime under international law which they undertake to prevent and punish.

(6) International humanitarian law, as codified in the Geneva Conventions of 1949, establishes binding obligations for the protection of civilians in armed conflict, including the prohibition of collective punishment and the duty to ensure humanitarian access.

(7) United Nations Security Council Resolution 2334 (2016) determined that Israeli settlements in Palestinian territory occupied since 1967 constitute a flagrant violation of international law.

(8) The current situation in the Occupied Palestinian Territory has resulted in extensive civilian casualties and humanitarian crisis, raising serious concerns regarding compliance with international humanitarian law.

(9) The principle of proportionality requires that Union measures be appropriate and necessary to achieve legitimate objectives, going no further than required.

(10) Temporary suspension serves as a legitimate diplomatic instrument to encourage compliance with international legal obligations while preserving the possibility of full restoration upon demonstrated compliance.

(11) Such measures ultimately serve the long-term interests of all parties by promoting adherence to international law, thereby contributing to regional stability and Israel's integration into the international legal order.

# **HAS ADOPTED THIS DECISION:**

## **Article 1 - Suspension**

The application of the Euro-Mediterranean Association 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, is hereby temporarily suspended, with the exception of provisions relating to humanitarian cooperation, consular relations, and civilian protection.

## **Article 2 - Conditions for lifting suspension**

The suspension shall be lifted when the following conditions are cumulatively verified by competent international monitoring bodies:

- (a) Implementation of a sustainable ceasefire in accordance with United Nations Security Council resolutions;
- (b) Restoration of humanitarian access in accordance with international humanitarian law;
- (c) Demonstrable compliance with international humanitarian law in the Occupied Palestinian Territory;
- (d) Cessation of settlement activities in compliance with United Nations Security Council Resolution 2334 (2016);
- (e) Restoration of freedom of movement for Palestinians in accordance with international humanitarian law.

## **Article 3 - Monitoring and assessment**

The Commission shall monitor compliance with the conditions set out in Article 2, taking into account reports from United Nations agencies and relevant international organizations.

The Commission shall report to the Council every six months on progress toward meeting the specified conditions.

## **Article 4 - Safeguard provisions**

This Decision shall not affect: (a) Humanitarian assistance programs; (b) Consular and diplomatic relations; (c) Medical cooperation and emergency assistance.

## **Article 5 - Review clause**

The Council shall review this Decision within eighteen months of its entry into force and may decide to maintain, modify, or terminate the suspension.

## **Article 6 - Entry into force**

This Decision shall enter into force on the day following its publication in the Official Journal of the European Union.

Done at Brussels,

For the Council  
The President

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# **EXPLANATORY MEMORANDUM**

## **1. Legal Basis and Necessity**

This proposal implements established EU legal doctrine regarding association agreements. Article 2 of the EU-Israel Association Agreement explicitly conditions the relationship on respect for human rights as an "essential element." The Vienna Convention on the Law of Treaties provides clear legal authority for suspension in cases of material breach of essential provisions.

The International Court of Justice's provisional measures order creates additional legal obligations under the Genocide Convention. As a contracting party, the EU has binding obligations to prevent genocide using available legal means.

## **2. Precedent and Consistency**

The EU has suspended association agreements with Belarus (2012), Myanmar (1997-2013), and imposed sanctions on numerous states for human rights violations. This measure maintains consistency with established EU practice of conditioning trade relationships on compliance with fundamental legal obligations.

## **3. Proportionality**

The suspension is temporary, conditional, and limited in scope. Essential humanitarian, consular, and medical cooperation continues uninterrupted. The measure serves legitimate diplomatic objectives and provides clear pathways for restoration of full relations.

#### **4. Implementation**

Monitoring relies on established international bodies, ensuring objective assessment. Six-monthly reporting provides regular review without administrative burden. The eighteen-month review clause ensures proportionality over time.