

# **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 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 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) The Euro-Mediterranean Association Agreement with Israel ('the Agreement') establishes 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."

**(2)** Article 2 of the Treaty on European Union establishes that the Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities.

**(3)** Article 21 of the Treaty on European Union provides that the Union's action on the international scene shall be guided by the principles of democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law.

**(4)** The European Union has consistently affirmed that respect for human rights constitutes an essential element of its relations with third countries and that serious and persistent violations of human rights may lead to appropriate measures, including the suspension of cooperation agreements.

**(5)** International humanitarian law, as codified in the Geneva Conventions of 1949 and their Additional Protocols, establishes fundamental principles for the protection of civilians in armed conflict, including the obligation to distinguish between civilians and combatants, the prohibition of collective punishment, and the duty to ensure humanitarian access.

**(6)** The current situation in Gaza, including the prolonged blockade of humanitarian aid and significant civilian casualties, has resulted in a humanitarian crisis that raises serious concerns regarding compliance with international humanitarian law and human rights standards.

**(7)** The European Union has repeatedly called for full respect for international humanitarian law, the protection of civilians, and the provision of humanitarian assistance to those in need.

**(8)** The principle of proportionality requires that any Union action be appropriate and necessary to achieve the objectives pursued, going no further than what is necessary to achieve those objectives.

**(9)** A temporary and conditional suspension of certain provisions of the Agreement would serve as a diplomatic tool to encourage compliance with international law and the restoration of humanitarian access, while maintaining the possibility of full restoration of relations upon the fulfillment of specified conditions.

**(10)** Such suspension should be implemented in a manner that does not prejudice ongoing humanitarian efforts or the legitimate rights and interests of civilian populations.

# **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 and civilian protection.

## **Article 2**

### **Conditions for lifting the suspension**

The suspension referred to in Article 1 shall be lifted when the following conditions are cumulatively met:

- (a) A verifiable and sustainable ceasefire is implemented and maintained;
- (b) Full humanitarian access is restored in accordance with international humanitarian law and United Nations resolutions;
- (c) Concrete steps are taken to ensure compliance with international humanitarian law and human rights standards.

## **Article 3**

### **Review and monitoring**

1. The Commission shall monitor the situation and assess progress toward meeting the conditions set out in Article 2.
2. The Commission shall report to the Council every three months on developments relevant to the conditions for lifting the suspension.
3. The Council may, acting by qualified majority on a proposal from the Commission, decide to lift the suspension when the conditions referred to in Article 2 are met.

## **Article 4**

### **Safeguard provisions**

1. This Decision shall not affect: (a) Ongoing humanitarian assistance programs; (b) Consular and diplomatic relations; (c) Educational and cultural exchanges involving civilian institutions.
2. The suspension shall be implemented in a manner consistent with the Union's international legal obligations.

## **Article 5**

### **Entry into force**

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

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**Done at Brussels,**

**For the Council The President**

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## **EXPLANATORY MEMORANDUM**

### **1. Context and Legal Basis**

This proposal is based on Article 2 of the EU-Israel Association Agreement, which establishes respect for human rights as an essential element of the Agreement. The legal basis in the Treaties includes Articles 206-207 TFEU regarding the common commercial policy, Article 2 TEU concerning the Union's foundational values, and Article 21 TEU on the Union's external action.

The current humanitarian situation has been extensively documented by international organizations, UN agencies, and human rights monitoring bodies, providing substantial evidence for the concerns regarding compliance with international humanitarian law and human rights standards.

## **2. Subsidiarity and Proportionality**

The suspension is proportionate to the objectives pursued, being temporary and conditional rather than permanent. It maintains provisions for humanitarian cooperation while addressing concerns regarding compliance with international law.

## **3. Budgetary Implications**

This Decision may have limited budgetary implications related to the suspension of certain cooperation programs, which will be assessed separately.

## **4. Consultation Requirements**

This proposal follows the standard consultation procedures for measures affecting Association Agreements, including consultation with relevant Member State authorities and the European Parliament.