

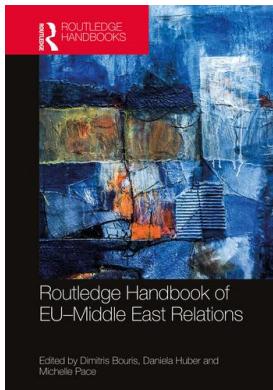
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# THE EUROPEAN UNION AND THE ISRAELI-PALESTINIAN CONFLICT

## How Member States came together only to fall apart again

*Federica Bicchi and Benedetta Voltolini*

### Introduction

This chapter examines how Member States and the European Economic Community (EEC)/European Union (EU) have developed a common approach to the Israeli-Palestinian conflict based on the two-state solution. Due to historical, geographical, cultural, economic and strategic reasons, Europe has struggled to present a united front (Miller, 2011). However, the Israeli-Palestinian conflict was the first issue over which Member States managed to find a unified position in the 1970s within the framework of the European Political Cooperation (EPC) (Allen and Pijpers, 1984). Despite this early unity on a discourse foreshadowing the two-state solution, the EU's unity has given way to fragmentation, particularly since 2016. This chapter charts this extraordinary evolution.

The EU's position on the Israeli-Palestinian conflict developed in stages. First, the EC/EU discursively constructed an Israeli-Palestinian border on the 1949 armistice line, also known as the Green Line, given the absence of an internationally and locally recognised border between Israel and Palestine. By defining a border, the European countries were forerunners as their position came earlier – and was much clearer – than the stances taken by the US and the UN (Spiegel, 1986; Gold, 2012). Second, the EC/EU dealt with the border in its bilateral economic practices with Israel and the Palestinians by establishing two separate and legally distinct territorial entities covered by distinct agreements. It also adopted a number of legal and administrative acts based on the Green Line (Bicchi and Voltolini, 2018). By the mid-2010s, the EU had almost closed the discourse-practice gap (Tocci, 2005): the Green Line was, at least from the EU's perspective, the basis for its relations with Israel and Palestine, in the absence of a peace treaty and a final settlement of the conflict.

Yet, an opposite trend has come to the fore since 2016, opening a third phase. As distance between Member States' positions widened, the EU has increasingly been unable to express a position on the Israeli-Palestinian conflict. No meaningful declarations committing the EU and all its Member States were agreed and the debate shifted towards two opposing groups of so-called like-minded states, while national initiatives became more relevant.

The chapter mirrors this evolution. It first discusses the Europeans' convergence on the Green Line as the border dividing Israel from the future state of Palestine. Second, it looks at how the EEC/EU has implemented this position in practical economic terms and in its legal-administrative practices. It concludes by examining the increasing fragmentation and assessing the consequences for the EU, not only in terms of its position on the conflict, but also for its foreign policy coordination more generally.

### Speaking the border: the discursive position

The six Member States of the then EEC were not prepared to react jointly in 1967 when the Six-Day war broke out. The main disagreement between France on the one hand, and the remaining Member States on the other, concerned the border and where Israel should retreat to. UNSC Resolution 242, despite being approved unanimously, led to different interpretations across Europe. The English version provided a minimalist interpretation according to which the full withdrawal of Israel was neither necessary nor possible (Brenchley, 2005). The French version instead suggested that the withdrawal was to be from all occupied territories. Despite disunity, 1967 also acted as a “wake-up” call for the EEC, which, in the subsequent years, made huge steps towards the establishment of some institutional mechanisms of foreign policy coordination.

The Palestinian issue was the first topic to be discussed in the newly formed EPC in 1970 (Miller, 2011). In a joint paper, known as the Schumann Paper, prepared at the insistence of France and *de facto* approved at the ministerial meeting on 13 May 1971, the Six converged on the French position as far as the border between Israel and Palestine was concerned.<sup>1</sup> In particular, the document included a strong reference to the Green Line, as it envisaged “the withdrawal of Israeli armed forces from the territories occupied during the recent conflict, considering possible minor changes agreed by the parties, back to the borders and demarcation lines prior to this conflict.”<sup>2</sup>

This position on the Green Line as the border between Israel and Palestine was further strengthened in the aftermath of the 1973 War. On 6 November, the by-then nine EEC Member States issued a declaration stating “the need for Israel to end the territorial occupation which it has maintained since the conflict of 1967”. They thus shifted closer to the French interpretation of UNSC Resolution 242, namely that the withdrawal from the territories occupied in 1967 had to be full (Miller, 2011). Moreover, they recognised that the “legitimate rights of the Palestinians” had to be respected in any peace solution. Unlike Resolution 242, which only mentioned the Palestinians as a refugee problem, this declaration changed the rhetoric on the issue: from being only viewed as refugees, Palestinians became a political issue for the first time (Pardo and Peters, 2012: 106–107).

The consensus on the border was most clearly reaffirmed in the 1980 Venice Declaration. The Nine stated that all parties were entitled to live “within secure, recognised, and guaranteed borders”, that Israel had to put an end to “the territorial occupation which it has maintained since the conflict in 1967” and that Israeli settlements in the “occupied Arab [sic] territories” were “illegal under international law”.

The following years further developed the ideas mentioned in the Venice Declaration. In 2002 for instance, the EU clarified that negotiations should have as an objective “an end to the occupation and the early establishment of a democratic, viable, peaceful, and sovereign State of Palestine, on the basis of the 1967 borders, if necessary with minor adjustments agreed by the parties”.<sup>3</sup> It is noticeable, however, how the open acknowledgement of a future Palestinian state was accompanied by a number of conditions (democratic, peaceful) that should be respected also by Palestinians.

Hence, within a decade the EEC Member States developed a discourse around the need for a clear border between Israel and the occupied territories. They agreed that, in the absence of an agreement at the international level and between the parties to the conflict, the Green Line would be such a border, as codified in the Venice Declaration and in subsequent declarations. This discourse laid the conceptual basis for the two-state solution (Bouris, 2014), which was later embraced by the international community as the expected solution to the Israeli-Palestinian conflict.<sup>4</sup>

### **Enacting the border: from trade relations to legal and administrative practices**

Once the discourse was in place, EU Member States began to work towards closing the gap between their rhetorical position and their practice on the ground. Given the EC/EU exclusive competence on external trade, economic agreements with Israel and the Palestinians were the first and most obvious way in which the discourse on the border and the two-state solution could be translated into policy. The agreements were followed by legal and administrative measures that further strengthened the EU's position.

While Israel had already entered preferential trade agreements with the EEC in 1964 and in 1970, the border issue emerged more vividly on the occasion of the signature of the new EEC-Israel agreement in 1975. On that occasion, the Irish foreign minister and then president of the European Council, was pressed to reassure Arab countries that the new agreement would not apply to the territories occupied by Israel, before the Euro-Arab dialogue could resume (Miller, 2011; Bicchi and Voltolini, 2018). This position was further developed in 1986, when the EEC started to organise parallel, but legally separate, economic frameworks under EC law to regulate its relations with Israel and the Palestinians (Paasivirta, 1999), based on the assumption that the Green Line marked the border. The EEC thus granted preferential access to imports originating in the occupied Palestinian territories<sup>5</sup> and acknowledged the authority of the Palestinian Chamber of Commerce for issuing documents accompanying all exports.<sup>6</sup> This distinction between Israel and the occupied Palestinian territories was confirmed under the Euro-Mediterranean framework, with the signature of the Association Agreement (AA) with Israel in 1995 and the Interim AA with the PLO in 1997.

Challenges came to the fore quickly, however, as the EC-Israel AA did not mention the Green Line and simply referred instead to the "territory of the State of Israel". According to the law of treaties, Israel was then allowed to interpret the scope of its territories on the basis of its own domestic legislation, including *de jure* East Jerusalem and the Golan Heights and *de facto* settlements in the West Bank. This allowed Israel to export goods produced in settlements into the EU under preferential terms. In reaction, the European Commission issued notices to importers in 1997 and 1998,<sup>7</sup> and complained about Israel's obstruction to the full and proper implementation of the EC-PLO Interim AA, which Israel did not recognise.

A practical solution to this conundrum was found in a Technical Arrangement signed by the EU and Israel.<sup>8</sup> Israel was to indicate the postcodes of goods' production places, allowing European customs authorities, and more recently European importers, to check if they were inside the Green Line (and hence goods were eligible for preferential treatment) (Harpaz and Frid, 2004; Voltolini, 2015, 2016a).

A further step towards implementing the EU's position emerged in response to a juridical conundrum. In February 2010, the European Court of Justice (ECJ) ruling on the so-called *Brita* case<sup>9</sup> and in its reasoning provided a legal basis for the EU's political stance on the existence of a border (the Green Line) between Israel and the occupied Palestinian territories as far

as EU bilateral relations were concerned. While not directly mentioning the Green Line, the Court ruled that Israel and the West Bank/Gaza Strip constitute two separate – and not overlapping – economic entities and their bilateral relations with the EU must be governed by two distinct agreements, thus preventing the export of goods produced in Israeli settlements under the EU–Israel AA. In response, EU officials started to include an explicit reference to the Green Line in a number of EU–Israeli arrangements, such as in the 2011 decision of the Commission concerning personal data protection<sup>10</sup> and the letter of notification by the Commission to Israel about the certification of pharmaceutical products.<sup>11</sup>

In December 2012 the Council gave a further strong push towards the enactment of the EU’s discourse on the Green Line,

expresse[ing] its commitment to ensure that – in line with international law – all agreements between the State of Israel and the European Union must unequivocally and explicitly indicate their inapplicability to the territories occupied by Israel in 1967, namely the Golan Heights, the West Bank including East Jerusalem, and the Gaza Strip.<sup>12</sup>

There was “a shift from just *distinguishing* between within and beyond the Green Line towards *non-applicability* in the occupied territories (i.e. in Israeli settlements) of legal regimes beneficial for Israel that are set up under EU law” (Nikolov, 2014: 170–171). This shift justified in July 2013 the exclusion of “the geographic areas that came under the administration of the State of Israel after 5th June 1967” from receiving funds under the EU budget from 2014 onwards (Nikolov, 2014; Voltolini, 2016b).<sup>13</sup> Similar clauses have been included in subsequent legal texts related to EU policies vis-à-vis Israel, such as the exchange of letters on organic farming (2013) and the Implementing Regulation on food safety issues on imported poultry (2014).<sup>14</sup> The last act came with a notice in November 2015 to clarify how to label imported goods for re-sale in Europe. Products from Palestine should be labelled as originating from either Palestine, the West Bank or Gaza, whereas products from Israeli settlements should clearly specify they come e.g. “from the West Bank (Israeli settlement)” in order not to mislead European customers about their origin.

These technical measures were thus crucial in translating the EU’s rhetorical commitment to a two-state solution into practical acts that substantiated such a vision. Even though they might seem small, a-political steps, they were the practical translation of lofty rhetoric and the EU’s normative power (Pace, 2007).

### Fragmentation, again

The EU position, which slowly emerged over the decades, began to disintegrate as several Member States started to question it or openly oppose it. Contrary to the unity found in December 2012 and expressed in the declaration quoted earlier, the distance between EU Member States’ positions began to increase from 2016 onwards.<sup>15</sup> As a consequence, (1) the EU has largely fallen silent, (2) discussions have increasingly taken place in groups of like-minded countries and (3) Member States’ unilateral initiatives have come to the fore. Therefore, the overall picture is of increasing fragmentation, as the previous consensus has unravelled.

Problems with the EU’s position on the Israeli–Palestinian conflict started to surface in 2016. The first, big signal that times were changing came with a very hot discussion about a declaration on the “Middle East Peace Process” (MEPP). Since the early 2000s, the EU had been releasing at least two declarations per year devoted exclusively to the MEPP, generally tabled

in the spring and fall of each year. As no declaration had been issued in November–December 2015, January 2016 was the opportunity to continue this tradition. The declaration was drafted and – unusually – fully agreed at the low levels of Council hierarchy. However, one Member State (Greece, in this case) decided to re-open the discussion just after the final draft declaration had been circulated. As several Member States joined in the opposition, the final declaration, issued on 18 January 2016, dropped a keyword in relation to the border (“distinction” between Israel and all territories occupied by Israel in 1967) (Pardo and Gordon, 2018).<sup>16</sup> As reopening an already agreed text is extremely unusual in EU working methods, this episode revealed how thin the shared consensus had become, to the point of positions reversing within a matter of hours. As a consequence, the following declaration, issued on 20 June 2016, was kept short, vague and predominantly centred on the (controversial) French initiative that had just taken place. No declaration of consequence has been agreed in Brussels ever since, indicating the widening gap between Member States’ positions.<sup>17</sup>

The only declaration issued (in New York) jointly by EU Member States on the MEPP was highly controversial. The United Nations Security Council meeting on 27 April 2019, which included a number of extra participants, was devoted to “the situation in the Middle East, including the Palestinian question”. EU Member States had prepared a joint statement, reiterating the traditional EU position, but one Member State (Hungary) vetoed it at the last moment without providing a justification. In response, Finland, as the upcoming EU presidency, read the statement anyway, in the name of 27 Member States. However, the text expressed an EU position (“the EU wishes to express . . .”), leading to Hungary’s very vocal irritation. This incident led to an understanding that ignoring a Member State was not to be repeated (and it was justified by the fact that declarations outside Brussels carry less value) (EUobserver, 2019; Euronews, 2019; Rettman, 2019).

As internal dissent coexists with a unanimity rule, no more draft declarations have been tabled to the Foreign Affairs Council and only passing references have been made to discussions taking place.<sup>18</sup> Declarations have been issued instead by the EU High Representative (or more often by her spokesperson), by the Heads of European Missions in East Jerusalem (referred to as “local statements”), or more rarely by the EU Special Representative for the MEPP. The “EU’s megaphone diplomacy” had been switched off.<sup>19</sup>

The end of the consensus on the EU position and its related discourse matters not just because it shattered a long tradition of feeding ideas into the debate on the Israeli-Palestinian conflict, but also because it indicates that Member States no longer have a shared, collective contribution to make. As a whole, the EU has nothing to declare or say about the Israeli-Palestinian conflict.

Agency has passed instead to Member States, acting in groups or individually. Groups of so-called like-minded countries have become more relevant.<sup>20</sup> The new landscape that emerged around 2014 saw the Central and East European countries, together with Cyprus and Greece, at the forefront in Israel’s defence, while countries such as Belgium, France, Ireland and Sweden have acted in support of Palestinian interests.

At one end, Central and East European countries have been joined by other countries in their support for Israel. The group has expanded, with Austria and the Baltic countries being progressively involved. Austria began to gravitate towards the group while the FPÖ was in government, and has remained there since. The Baltic countries (Estonia, Latvia and Lithuania) invited Israel to their summit in August 2018 and aimed to deepen cooperation, although their position remains in flux.<sup>21</sup> Depending on elections and parties in government, Italy and the UK could also come within the remit of this group of like-minded countries. Hungary and the Czech Republic have subsequently opposed the EU stance too, for instance on labelling of

goods originating from Israeli settlements (Rettman, 2015). Paradoxically, the group of like-minded countries closer to Israel was the group that included most of the countries having recognised Palestine in the past.

At the other end of the political spectrum sits another group of like-minded countries, which includes Belgium, France, Ireland and Sweden at the core, while other countries, such as Finland, Slovenia and Spain, have often supported similar positions. France aimed to exert leadership and set the direction of the debate by organising two conferences, which however were neither discussed nor implemented through the EU. It carefully chose the European partners with which to work, and while Germany and the UK were invited due to their stature, at the first ministerial conference held in Paris in June 2016, only eight European countries were invited, as well as the HR/VP. The second international conference with wide participation took place in January 2017. This initiative was not able to impress any momentum to the EU's or Member States' role.

Political developments have tended to occur because of and through the national positions of Member States acting alone or with loose coordination, either by pushing the EU agenda in a given direction or by straightforwardly blocking it. An example of the former was Sweden's decision to recognise Palestine on 30 October 2014. This decision, which is a national competence (not an EU one), was not coordinated nor mentioned beforehand to any of the other partners. While Sweden was hoping to "lead by example" (Aggestam and Bicchi, 2019), Israel's backlash against Sweden meant that European partners distanced themselves from this path, recognising the need to act as a bloc, possibly after France has done so. Luxembourg and Slovenia, for instance, have come very close to recognising Palestine, but they have tried (unsuccessfully) to work through the EU, rather than outside it (EurActiv, 2019). The two conferences organised by France are a further example of a national initiative that works alongside, rather than through, the EU.

An opposite example, aimed at blocking possible EU initiatives, comes from Hungary, the most steadfast source of opposition to any EU move on the Israeli-Palestinian dossier. For instance, as openly stated in a public letter,<sup>22</sup> Hungary blocked the EU's condemnation of President Trump's decision to move the US Embassy to Jerusalem in December 2017. Again, in November 2019, Hungary blocked an EU statement condemning the shift in US position over Israeli settlements, which goes to the core of the EU position on the Israeli-Palestinian conflict. The EU was thus unable to do anything but reiterate that its position remains unchanged, with a statement by the High Representative. This in turn led to national statements being issued, such as from Germany and France. It was the continuation of a policy that led to Hungary's exclusion from the declaration at the UN Security Council mentioned previously, which was the fifth time Hungary had blocked an EU Declaration on the MEPP over the previous two years. It also blocked the internal adoption of the report on East Jerusalem by the Heads of the European Missions nine times.<sup>23</sup>

In some cases, national initiatives and group initiatives have overlapped. In response to the US decision to move its Embassy to Jerusalem, Member States have been divided about their response. At the time of the US Embassy's opening in May 2018, most boycotted the ceremony, but Austria, the Czech Republic, Hungary and Romania sent official delegations. When it came to actually moving the embassy, only Hungary decided to open a trade representation with diplomatic status. The Czech Republic opened a Cultural Institute, but on 28 May 2019 the Czech parliament rejected a proposal by the right-wing opposition Civic Democrats to discuss a motion calling on the government to initiate a joint transfer of the V4 country embassies in Israel to Jerusalem. In Romania, the issue has become a bone of contention among various institutions (Gurzu, 2019).

The long and painstaking evolution that led the EU to a fairly coherent policy position has therefore largely unravelled under the relentless dissent that currently mars discussion among Member States when it comes to the Israeli–Palestinian conflict. The debate has taken place in groups of like-minded countries, but even there the agency has been relatively limited. National foreign policies and loose forms of ad hoc coordination, on specific matters, have come to the fore, thus severely challenging the established EU position on the border and on the conflict. As consensus remains central to EU positions committing all its Member States, the overall picture is likely to remain one of increasing fragmentation.

## **Conclusions**

As Europe passes its fiftieth anniversary of cooperation in foreign affairs, it seems to have come full circle: from divergent positions, to unity of intent, to fragmentation. The Arab–Israeli conflict, as it was then called, was on the agenda at the first meeting in 1970, when Foreign Ministers of the then six Member States started to discuss issues of shared interest. Since then, the EU Member States have debated the conflict at length, at times even daily. They managed to achieve a common position, centred on the separation between Israel and the future state of Palestine, and on the Green Line as the putative border. This position developed over time. The Venice Declaration in 1980 was a crucial step in the discursive practice shared by the growing number of Member States. It was substantiated in the economic, administrative and legal practices that followed it. These practices implemented the EU vision, showing that in a low-key, apparently technocratic manner, the EU could achieve results that would have been impossible had it approached them from the perspective of “high politics” (forever the domain of the United States, when it comes to the Israeli–Palestinian conflict). By 2014, the EU and its Member States had developed a policy that, while not perfect, did bring together a discourse and a set of practices to substantiate it.

During this period, the EU achieved a substantial amount of political work. When the peace process started, it picked up the conceptual toolbox prepared by Member States working within the EU. When the peace process ground to a halt, the EU continued its low-key engagement with local actors, as well as the discussion among Member States about how to keep the two-state solution alive. The legal and administrative measures that implemented the Green Line (notably the Guidelines and the labelling of goods) gave substance to the EU’s continued desire to see two separate entities on the ground.

In fact, these doings continue to matter and to influence future developments due to their codified nature. On 12 November 2019, the European Court of Justice (ECJ) released its verdict in relation to the labelling of goods.<sup>24</sup> Prompted by a French case, the ECJ restated the validity of the differentiation between Israel inside the Green Line and Palestinian territories beyond it. While the case was raised to dismantle the latest attempt by the EU to distinguish between territories, it brought renewed attention to the issue and forcefully reminded Member States of their commitments.<sup>25</sup>

At the same time, the political impact of contemporary developments has started to affect the EU position. There is a profound gap between the positions of Member States which, given its unanimity requirement, paralyses the EU’s foreign policy. The EU has fallen silent, withholding from declarations in the name of the EU and its Member States. The discussion has occurred in groups of like-minded countries and through unilateral initiatives aimed at changing the status quo or even blocking the EU from achieving a common position.

This situation, which is reminiscent of the clashes experienced among Member States during and before the early 1970s, is in fact indicative of a broader and deeper malaise within



EU foreign policy cooperation. Countries such as Hungary openly dissent from the majority's view, *precisely in order to distance themselves from the majority's view*. While early clashes in the early 1970s were due to profound disagreements on the topic's substance which were recomposed thanks to the desire to cooperate in the name of Europe, the current situation is one of relative disagreement magnified by the intention to upset traditional forms of European cooperation. Once again, the Israeli–Palestinian conflict reveals a trend of contestation within the EU that has become much more widespread in recent years. As European foreign policy cooperation turns 50, the Israeli–Palestinian conflict might not even be on the agenda. That is not a good sign for either party on the ground, nor for the EU.

## Notes

- 1 See Coopération Politique, Réunion des Six Ministres des Affaires Etrangères, 13 et 14 Mai 1971, Ministère des Affaires étrangères français, Secrétariat général, Entretiens et messages, Vol. 48 (Archives Historiques de l'Union Européenne, MAEF Reel 240).
- 2 Authors' translation. For the original, see art.II.2 in Consultation à Six sur le Moyen-Orient. Rapport du Comité Politique, file n° 375 (ref. 436QO/375), Ministère des Affaires étrangères français, Direction Europe.
- 3 European Council, Presidency Conclusions, Seville, 21–22 June 2002.
- 4 For a different analysis of the border in this case, see Del Sarto (2014). On the progressive convergence and/or Europeanization of Member States policies with regard to the Israeli–Palestinian conflict, see Musu (2010) and Müller (2012).
- 5 Council Regulation (EEC) No 3363/86 of 27 October 1986 on the tariff arrangements applicable to imports into the Community of products originating in the occupied [Palestinian] territories, for which the EC established a preferential import regime.
- 6 Commission Regulation (EEC) No. 4129/86 of 23 December 1986 on the definition of the concept of “originating products” and methods of administrative cooperation applicable to imports into the Community of products originating in the Occupied Territories, addressing EUR.1 documents.
- 7 European Commission, Communication SEC(1998) 695 final, Brussels, 12.05.1998, p. 10.
- 8 Reply to Oral question no 106 by Said El Khadraoui (H-0544/05) on ‘The Amendment of the Protocol on Origin of the EU–Israel Association Agreement’, European Parliament, 7 July 2005. Available at: [www.europarl.europa.eu/sides/getDoc.do?type=CRE&reference=20050707&secondRef=ANN-01&language=EN&detail=H-2005-0544&query=QUESTION](http://www.europarl.europa.eu/sides/getDoc.do?type=CRE&reference=20050707&secondRef=ANN-01&language=EN&detail=H-2005-0544&query=QUESTION) (last accessed 24/10/2015).
- 9 Opinion of Advocate General Bot, delivered on 29 October 2009, case C-386/08, Brita GmbH v Hauptzollamt Hamburg-Hafen; Judgment of the Court (Fourth Chamber) in Case C-386/08, Reference for a preliminary ruling under Article 234 EC, from the Finanzgericht Hamburg (Germany), made by decision of 30 July 2008, received at the Court on 1 September 2008, in the proceedings Brita GmbH v Hauptzollamt Hamburg-Hafen, 25 February 2010.
- 10 Commission decision of 31 January 2011 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequate protection of personal data by the State of Israel with regard to automated processing of personal data.
- 11 Letter of notification by the European Commission to the Israeli Ministry of Industry, Trade and Labour, 4 February 2013.
- 12 Council conclusions on the Middle East Peace Process – 3209th Foreign Affairs Council meeting, 10 December 2012, Brussels.
- 13 The indication is provided in the “Guidelines on the eligibility of Israeli entities and their activities in the territories occupied by Israel since June 1967 for grants, prizes and financial instruments funded by the EU from 2014 onwards”, issued in the Official Journal of the EU, Series C, of 19 July 2013.
- 14 Commission Implementing Regulation (EU) No 594/2013 of 21 June 2013 amending implementing Regulation (EU) No 543/2011 as regards marketing standards in the fruit and vegetables sector and correcting that Implementing Regulation. OJEU L170, 22 June 2013. Commission Implementing Regulation (EU) No 166/2014 of 17 February 2014, amending Regulation (EC) No 798/2008 as regards certification requirements for imports into the Union of meat of farmed raptines for human consumption and the entries for Israel and South Africa in the list of third countries or territories. OJEU L54, 17 February 2014.

- 15 There is a third interpretation of the possible existing gaps, in relation to the EU and the Israeli-Palestinian conflict, namely between its practice of countering the legal dispositions of Israel against e.g. human rights activists, and the EU discourse, which de facto silences them. See Huber (2018).
- 16 Rather than: “The EU will continue to unequivocally and explicitly make the distinction between Israel and all territories occupied by Israel in 1967, by ensuring inter alia the non-applicability of all EU agreements with the State of Israel, in form and in implementation, to these territories”, the text came to read “The EU expresses its commitment to ensure that – in line with international law – all agreements between the State of Israel and the EU must unequivocally and explicitly indicate their inapplicability to the territories occupied by Israel in 1967”.
- 17 It was impossible, for instance, to agree on a declaration in response to the Trump administration’s decision to move the US Embassy to Jerusalem on December 2017, despite a degree of consensus on not following the US move. More on this follows.
- 18 As on 22 January 2018, when it was mentioned that “The Council held discussions on the latest developments in the Middle East Peace Process. Ministers looked at how the EU can help ensure engagement by all relevant players in order to advance the peace process”. See Outcome of the Council Meeting, available here: [www.consilium.europa.eu/en/meetings/fac/2018/01/22/](http://www.consilium.europa.eu/en/meetings/fac/2018/01/22/). Another short, standard statement was issued at the end of the EU–Arab League Summit on 25 February 2019, available here: [www.consilium.europa.eu/en/press/press-releases/2019/02/25/sharm-el-sheikh-summit-declaration/](http://www.consilium.europa.eu/en/press/press-releases/2019/02/25/sharm-el-sheikh-summit-declaration/)
- 19 Quoted in Persson (2019: 144).
- 20 On this aspect, see also Asseburg and Goren (2019).
- 21 See for instance this more critical stance of Lithuania’s foreign minister, 23 July 2019, available here: [www.timesofisrael.com/lithuanian-fm-israels-rapprochement-with-russia-is-shortsighted/](http://www.timesofisrael.com/lithuanian-fm-israels-rapprochement-with-russia-is-shortsighted/)
- 22 Available on Twitter here: <https://twitter.com/larafriedmandc?lang=en>
- 23 On these reports, see Bicchi (2014, 2016).
- 24 Press release available here: [https://curia.europa.eu/jcms/jcms/p1\\_2574731/en/](https://curia.europa.eu/jcms/jcms/p1_2574731/en/)
- 25 To check the state of play, consult the platform developed by the European Council on Foreign Relations, which tracks legal agreements with an explicit territorial basis: [www.ecfr.eu/specials/differentiation-tracker](http://www.ecfr.eu/specials/differentiation-tracker)

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