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NOTE

from :	General Secretariat of the Council
to :	Delegations
Subject:	Summary record of the plenary session of the European Parliament, held in Strasbourg on 23 October 2012 **Protocol to the Euro-Mediterranean Agreement establishing an association between the EC and Israel on Conformity Assessment and Acceptance of Industrial Products (ACAA) (debate)**

Mr De Gucht, on behalf of the Commission, delivered the speech set out in the Annex.

The rapporteur, Mr Moreira (S&D, PT) explained that the substantive issue was whether the Parliament would approve the protocol or not and that the INTA committee was fundamentally divided into two camps. He made clear that he was against approval because the protocol had not been carefully negotiated and doubts/concerns remained (e.g. traceability of the origin of products, ad hoc committee allowed to extend the list of products concerned without parliamentary consultation).

Ms De Keyser (S&D, BE), speaking for the AFET committee, concurred that there were still a range of major institutional, legal and political problems which needed to be solved before proceeding with the consent procedure. She concluded that the report should be sent back to the INTA committee.

For the political groups, the following speakers took the floor:

- Ms Andrikiene (EPP, LT) stated that her group was in favour in favour of the ACAA and she hoped that there was sufficient common sense in the Parliament in order to allow its approval. She stressed the beneficial effects of mutual recognition for European consumers and underlined the fact that Israel had made extensive efforts in order to comply with European standards concerning the production of pharmaceutical products.

- Mr Lange (S&D, DE) argued that EU values should also apply in the EU's partner countries and therefore the current Israeli government should not receive the EU's support for its policies. He added that because of the remaining unanswered questions, the report should be sent back to the INTA committee.

- Ms Schaake (ALDE, NL) highlighted the fundamental role of human rights in all EU policies. She considered that all necessary legal assurances had been provided. She took the view that the protocol was not the appropriate means to address Israel's human rights violations.

- Mr Jadot (Greens/EFA, FR) considered that the agreement did not give any assurance on the origins of products. In his opinion, it would be illogical to approve the protocol just after having received the Nobel prize, as it would be interpreted as a sign of support for Mr Netanyahu's politics. He recommended sending the report back to the INTA committee for further examination.

- Mr Zahradil (ECR, CZ) said that the protocol was mostly a technical agreement aimed at eliminating trade barriers and would ultimately be beneficial to the EU. He also reminded those present that the EU had already concluded a similar agreement with the Palestinian Authority and that the Commission had confirmed the protocol's compliance with EU law. He concluded that Israel should be treated as any other democratic country.

- Mr Murphy (GUE/NGL, IE) felt that the protocol was not just a technical agreement and that approving it would give the wrong signal and give the impression that the EU supported Israel's settlements. He concluded that the Parliament should not give its consent.

- Mr Belder (EFD, NL) stressed that the protocol would be advantageous for both parties and in particular for citizens. He hoped that the plenary vote would confirm the INTA committee vote.

- Ms Dodds (NI, UK) regretted the politicisation of the issue and stressed the overwhelming potential of the protocol for EU citizens. She took the view that the Commission had provided the necessary assurances and therefore the focus had to shift to the citizens' right to have access to reasonably priced healthcare.

The individual contributions mirrored the political group speakers and confirmed the division of the Parliament on the issue. Both sides presented their respective arguments in favour of, or against, the Parliament granting its consent to the protocol. In the light of the discussion, Commissioner De Gucht simply took note of the "very political technical debate" and called upon the Parliament to make its decision as enough discussions had already taken place.

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ANNEX

Speech by Mr De Gucht, on behalf of the Commission; Strasbourg, 23 October 2012

Madam President, I would like to thank you and my colleagues for the opportunity to say a few words regarding the Agreement on Conformity Assessment and Acceptance, the so-called ACAA between Israel and the EU, which is a fiercely debated issue.

Let me start by recalling what an ACAA is about. Its objective is to eliminate barriers to trade, by allowing products covered by the agreement to enter the markets of the parties without additional conformity assessment procedures. So we are basically talking about mutual recognition of conformity assessment and inspection, results which will reduce costs and time for economic operators.

ACAA is a Protocol to the EU-Israel Association Agreement and its scope of application is therefore the same as set out in Article 83 of the Association Agreement. As follows from the international obligations of the EU and as confirmed by the European Court of Justice in the Brita case, the EU does not recognise Israeli jurisdiction over the territories placed under Israeli administration after 1967. Rest assured that the Commission will observe this position in the implementation of the ACAA.

As you know, when the agreement enters into force, the Commission will have to acknowledge under Article 9 of the ACAA the responsible Israeli authority which will have to deliver conformity certificates. This acknowledgement will not entail any recognition of Israeli jurisdiction over territories placed under Israeli administration after 1967. You can also rest assured that, upon receipt of the Israeli notification of its responsible authority, the Commission will expressly state that acknowledgement is granted only on the basis that the territory covered by the responsible authority does not include the territories brought under Israeli administration in 1967.

In the light of this, Palestinian products cannot be discriminated against in the certification process in Israel because Israel will have to apply the EU acquis. Like any EU Member State, Israel must carry out inspections irrespective of the origin of the product, when a request is received. If there were to be cases of discrimination, the Palestinian manufacturer could lodge a complaint with the Israeli judicial authorities. Of course, the Commission could also use existing means under the Association Agreement to ensure that Israel implements the ACAA.

There could be a link between the certification process and the origin of the products in a situation where the Israeli responsible authority goes into the occupied territories in order to certify products made in the settlements. And we need to be aware of this.

I would also like to react to recent concerns about Parliament's role in the context of procedures to amend this ACAA, including by adding annexes for other industrial products in future. The matter seems to be in line with the Lisbon Treaty. Moreover, the Commission will also abide by its obligations under the Framework Agreement to keep Parliament fully informed before approving modifications to an agreement under Article 218(7) of the Lisbon Treaty.

Lastly, we have other ACAAs in the pipeline with other countries where we would expect to face similar, though not identical, concerns. Our experience with the present consent procedure will serve as a useful guide.