Council of the European Union

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PROPOSAL

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	26 March 2025
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2025) 126 final
Subject:	Proposal for a COUNCIL DECISION on the position to be taken on behalf of the European Union within the Association Council established by the Euro-Mediterranean 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, concerning the extension of the EU - Israel Action Plan

Delegations will find attached document COM(2025) 126 final.

Encl.: COM(2025) 126 final

EUROPEAN
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Brussels, 26.3.2025
COM(2025) 126 final

2025/0064 (NLE)

Proposal for a

COUNCIL DECISION

on the position to be taken on behalf of the European Union within the Association Council established by the Euro-Mediterranean 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, concerning the extension of the EU – Israel Action Plan

EXPLANATORY MEMORANDUM

1. SUBJECT MATTER OF THE PROPOSAL

This proposal concerns the decision establishing the position to be taken on the European Union's behalf within the EU - Israel Association Council, established by the Euro-Mediterranean 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 Euro-Mediterranean Agreement")[1], with regard to the adoption of a recommendation on the extension of the EU – Israel Action Plan[2].

2. CONTEXT OF THE PROPOSAL

2.1. The Euro-Mediterranean Agreement

The Euro-Mediterranean Agreement was signed in Brussels, on 20 November 1995 and entered into force on 1 June 2000. It forms the legal basis for the bilateral relations between the EU and Israel. The Agreement aims at:

– providing an appropriate framework for political dialogue, allowing the development of close political relations between the Parties;

– increasing trade, inter alia, through the expansion of trade in goods and services, the reciprocal liberalisation of the right of establishment, the further progressive liberalisation of public procurement, the free movement of capital;

– intensifying cooperation in science and technology to promote the harmonious development of economic relations between the Community and Israel and thus fostering in the EU and in Israel the advance of economic activity, the improvement of living and employment conditions, and increased productivity and financial stability;

– to encourage regional cooperation with a view to the consolidation of peaceful coexistence and economic and political stability;

– to promote cooperation in other areas which are of reciprocal interest.

The Agreement entered into force on 1 June 2000.

2.2. The Association Council

The Association Council established by the Euro-Mediterranean Agreement is composed of members of the Council of the European Union and members of the European Commission, on the one hand, and members of the Government of the State of Israel, on the other. It is scheduled to meet at ministerial level once a year and when circumstances require, at the initiative of its Chairman and in accordance with the conditions laid down in its rules of procedure. The Association Council takes its decisions and recommendations by common agreement of the

[1] https://www.consilium.europa.eu/en/documents-publications/treaties-agreements/agreement/?id=1995061

[2] https://enlargement.ec.europa.eu/system/files/2019-11/eu-israel_action_plan_2005.pdf

Parties. During intersession, it may take decisions or recommendations by written procedure if the Parties so agree, according to Article 10 of the Rules of Procedure.

2.3. The envisaged act of the Association Council

The Association Council is to adopt a recommendation concerning the extension of the EU-Israel Action Plan ('the envisaged act'). In accordance with Article 10 of the Rules of Procedures of the Association Council, the recommendation will be adopted by written procedure.

The purpose of the envisaged act is to extend with two years the validity of the EU - Israel Action Plan, to ensure the continuation of the cooperation between the two parties. Pursuant to Article 69(1) of the Euro-Mediterranean Agreement, the recommendations of the Association Council are not legally binding. Nevertheless, given that the Euro-Mediterranean Agreement explicitly foresees the adoption of recommendations by the Association Council, such recommendations should be considered to have legal effects.

3. POSITION TO BE TAKEN ON THE UNION'S BEHALF

The position to be adopted by the European Union in the Association Council established by the Euro-Mediterranean Agreement, on the adoption of a recommendation on the extension of the EU-Israel Action Plan validity for two years is based on the text of the recommendation annexed to this Decision.

Both parties have repeatedly confirmed the richness and vitality of relations between the European Union and Israel and their full commitment to the continued development of the bilateral relation in all areas of mutual interest.

The recent conflict in the Gaza Strip following Hamas' brutal terrorist attacks on Israel on 7 October 2023 and the fragile ceasefire and volatility in the region does not provide an environment conducive to enter into strategic discussions in the short term. The extension of the Action Plan would offer a longer period to engage on a strategic dialogue.

Furthermore, in the context of ongoing work for a new Pact for the Mediterranean and a new Middle East Strategy, the extension of the Action Plan is in the interest of the Parties as it stipulates the partnership perspectives and priorities for action to advance the bilateral relation. The Action Plan is in line with the European Neighbourhood Policy.

4. LEGAL BASIS

4.1. Procedural legal basis

4.1.1. Principles

Article 218(9) of the Treaty on the Functioning of the European Union (TFEU) provides for decisions establishing '*the positions to be adopted on the Union's behalf in a body set up by an agreement, when that body is called upon to adopt acts having legal effects, with the exception of acts supplementing or amending the institutional framework of the agreement*.'

The concept of '*acts having legal effects*' includes acts that have legal effects by virtue of the rules of international law governing the body in question. It also includes instruments that do

not have a binding effect under international law, but that are '*capable of decisively influencing the content of the legislation adopted by the EU legislature*'[3].

4.1.2. Application to the present case

The Association Council is a body set up by an agreement, namely the Euro-Mediterranean Agreement.

The act which the Association Council is called upon to adopt constitutes an act having legal effects.

The envisaged act has legal effects because Article 69 of the Euro-Mediterranean Agreement explicitly foresees the adoption of recommendations by the Association Council which thus have legal effects under international law and it will extend the current EU - Israel Action Plan for two years.

Therefore, the procedural legal basis for the proposed decision is Article 218(9) TFEU.

4.2. Substantive legal basis

4.2.1. Principles

The substantive legal basis for a decision under Article 218(9) TFEU depends primarily on the objective and content of the envisaged act in respect of which a position is taken on the Union's behalf. If the envisaged act pursues two aims or has two components and if one of those aims or components is identifiable as the main one, whereas the other is merely incidental, the decision under Article 218(9) TFEU must be founded on a single substantive legal basis, namely that required by the main or predominant aim or component.

4.2.2. Application to the present case

The main objective and content of the envisaged act relate to cooperation with a third country, in the framework of an association agreement and the European Neighbourhood Policy.

Therefore, the substantive legal basis of the proposed decision is Article 217 TFEU.

4.3. Conclusion

The legal basis of the proposed decision should be Art 217 in conjunction with Article 218(9) TFEU.

5. PUBLICATION OF THE ENVISAGED ACT

As the act of the Association Council will modify the duration of the EU - Israel Action Plan it is appropriate to publish it in the *Official Journal of the European Union* after its adoption (in accordance with Rules of Procedure of the EU - Israel Association Council), and in *Reshumot* of Israel (Israeli Official Journal) if the Association Council decides so.

[3] Judgment of the Court of Justice of 7 October 2014, Germany v Council, Case C-399/12, ECLI:EU:C:2014:2258, paragraphs 61to 64.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 217 in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The Euro-Mediterranean 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[4], was concluded by the Union by Council Decision 2000/384/EC[5] and entered into force on 1 June 2000.

(2) In view of the recent conflict in the Gaza Strip following Hamas' brutal terrorist attacks on Israel on 7 October 2023 and the fragile ceasefire and volatility in the region.

(3) The EU envisages to adopt a new Pact for the Mediterranean and a new Strategy for the Middle East.

(4) Pursuant to Article 69 of the Euro-Mediterranean Agreement, the Association Council may take decisions and may make appropriate recommendations.

(5) The Association Council is to adopt the recommendation on the extension of the EU-Israel Action Plan[6] by written procedure.

(6) It is appropriate to establish the position to be taken on the Union's behalf in the Association Council as the recommendation will have legal effects.

(7) The extension of the EU-Israel Action Plan for two years will give the Parties full opportunity to take forward their cooperation for the coming years, including through possible negotiation of partnership priorities,

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4 https://www.consilium.europa.eu/en/documents-publications/treaties-agreements/agreement/?id=1995061

5 https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32000D0384

6 https://enlargement.ec.europa.eu/system/files/2019-11/eu-israel_action_plan_2005.pdf

HAS ADOPTED THIS DECISION:

Sole Article

The position to be taken by the European Union in the Association Council established by the Euro-Mediterranean Agreement establishing an association between European Communities and their Member States, of the one part, and the State of Israel, of the other part, shall be based on the draft recommendation of the Association Council attached to this Decision.

Done at Brussels,

For the Council
The President