

**European Parliament and Israeli Elections – What Impact and Effect
on EU – Israeli Relations?**

Dr. Maya Sion - Tzidkiyahu, European Forum at the Hebrew University, Co-President of the
Israeli Association for the Study of European Integration
Paper for the IEPN Annual Conference, 10-11 July 2019, Brussels

Israel has had the de facto most advanced relations with the European Union (EU) among the European Neighbourhood Policy (ENP) countries. From an economic point of view, Israel – EU relations are flourishing in the last decade. Export and import levels are rising, and so is the success of Israel as part of Horizon 2020. But for over a decade the official political aspect of these relations at their most senior level are stuck, or to put it more mildly, they are in the doldrums (a state or period of inactivity, stagnation, or even for lack of advancement, in a state of slump). The political sphere also bears some influence on the economic relations, which are not progressing. Unlike other ENP countries, no official negotiations on a Deep and Comprehensive Free Trade Agreement (DCFTA) or Partnership Priorities (PP) are conducted. The longer the political and legal aspects of the relations are stuck, the harder it is to find the way to get the two sides out of the dead-lock to a new start. A change is needed. Can the EP elections, followed by new nominations of top EU jobs and a second round of elections expected in Israel, create a new political momentum between the EU and Israel? Or would the relations remain politically stuck and mutually frustrating? Judging by the current state of affairs, it is doubtful a change will arise. Israeli diplomats are also sceptic.¹ Still it is worthwhile to examine which challenges and opportunities these elections and nominations pose for EU – Israeli relations?

¹ Four interviews by phone, followed by email correspondence, were conducted with senior diplomats and researchers from the Israeli Ministry of Foreign Affairs and the director of an advocacy group in Brussels between 28 June – 10 July 2019. The interviews were conducted under the promise of confidentiality and are therefore not quoted here. The views and opinions expressed in this paper are those of the author and do not represent the official position or policy of .

- **The current Frosty state of EU – Israeli relations**

EU – Israeli relations have known many ups and downs since their establishment seven decades ago. At the beginning, the EU (then EC) was slow in signing economic agreements and was reluctant to give any political upgrade to Israel. An economic breakthrough came at 1975 with a Free Trade Agreement (FTA), followed by political hardship after the Venice Declaration of 1980, in which the EU was the first western player to officially support the two states solution. A major positive step in the relations came in 1995, signing the Association Agreement (AA). The AA contained an improved FTA and established a regular political dialogue. The context for this breakthrough was the Oslo agreements of 1993, which enabled and incentivized the EU to come out with a new European Mediterranean policy, called the Barcelona Process, for Mediterranean southern and eastern states to sign AAs and FTAs. Due to its advanced economic status, Israel signed a more far-reaching and encompassing AA than any of its neighbours, containing many options to intensify and extend the relations. For example, in the economic cooperation field the agreement mentioned the right of establishment of firms, capital movements, public procurement, competition, intellectual property, and standards. It also opened the door for scientific and technological cooperation, environment protection, energy, tourism, cultural, audiovisual and social matters. And indeed, in 1996 Israel joined for the first time the European Research Framework Program and has participated in them since, to the benefit of all sides. In 2004, as part of the new European Neighbourhood Policy, Israel was again at the forefront of ENP countries to sign the Action Plan (AP).

The last downturn in the relations begun by the end of 2008, when EU Foreign Affairs Council decision created the **linkage policy**, linking bilateral advancement of EU – Israeli relations with advancement in the Middle East Peace Process (MEPP): no progress in MEPP – no progress in the bilateral relations.² The ratification of the second upgraded AP was postponed by EU institutions and has not been ratified since. Israel – EU relations are still operating on the basis of the -now old and exhausted- 2004 Action Plan. To some extent, the EU has put its bilateral relations with Israel

² See art. 9 of Foreign Affairs Council of 9 December 2008:
https://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/gena/104571.pdf

under Palestinian power of veto. Such linkage policy is unprecedented by the EU, and is seen by Israel, as a double-standard treatment by the EU.

Further deterioration came at 2013 when the Association Council was not convened and has not convened since. The AA institutionalized a political dialogue: an annual meeting at a ministerial level, which "shall examine any major issues arising within the framework of this agreement and any other bilateral or international issue of mutual interest". Instead of conducting political dialogue, as the EU does with ENP non-democratic countries, the linkage policy brought the political dialogue at its most senior level to a halt.³ The EU's foreign policy is made by consensus, meaning it can be hostage to a few member states' veto. Some of these member states continue their good bilateral relations with Israel, while sabotaging Israel – EU relations.⁴ In addition, since the 2013 Guidelines, a territorial clause was introduced to all EU – Israel agreements excluding from them the occupied territories: the West Bank, East Jerusalem, the Golan Heights and the Gaza strip (despite Israel's unilateral disengagement in 2005).

Where it was beneficial for the EU, it did negotiate and sign further agreements with Israel, such as the 2012 ACAA agreement on acceptance of medical and pharmaceutical products and the 2013 Open Skies agreement. Until 2017, the EU even negotiated a "Creative Europe" Agreement, dealing with cultural cooperation. This was the only agreement which Israel declined to ratify. In January 2017, Minister

³ At officials level the contacts continues. Nine out of the ten sub committees at civil servants level still take place regularly. The only one not convening is the Human Rights sub-committee which Israel suspended a few years ago.

⁴ France is such an example. While President Emanuel Macron has good relations with Prime Minister Netanyahu, this does not translate into removing the French veto over convening the Association Council at the EU level. Israel is hostage to the less friendly policy of the French ministry of foreign affairs. Many other member states blame "Brussels" for the negative aspects in the multilateral relations, while their foreign minister takes the decisions in "Brussels" behind closed doors.

In a reply to MEP parliamentary question "...What is the reason... [why] the EU-Israel Association Council is not meeting? What are the obstacles to [its] convening?" The answer given by the High Representative for EU's foreign affairs, Mogherini was: "The EU is ready to hold the next Association Council with Israel as soon as a suitable date can be agreed with Israel and all relevant stakeholders, *including Member States*. The EU is very much interested in pursuing close relations with Israel and remains committed to a regular dialogue with its partner..." (emphasis added). Question reference: E-000938/2019. Q: http://www.europarl.europa.eu/doceo/document/E-8-2019-000938_EN.html; A: http://www.europarl.europa.eu/doceo/document/E-8-2019-000938-ASW_EN.html, retrieved: 5 July 2019. The emphasis "including Member States" eludes to several member states such as France, Malta, Luxembourg, Ireland and Sweden. See Eyal Ronen "Israel's Foreign Policy Towards the EU and its Member States," 30 January 2019 (draft paper).

of Culture, Miri Regev opposed signing it due to its territorial clause. Three years of negotiation with tremendous opportunities for Israeli - EU cultural scene went down the drain. Yet Prime Minister Netanyahu signed himself the Cross-Border Cooperation Agreement in December 2017 and ratified it in the government. **When there's a will, there's a way**, even in Netanyahu's right-wing government.

Since the ENP begun in 2003, the EU signed new framework agreements every 3-4 years. First it was the four years Action Plans, nowadays it is the Partnership Priorities (PP). Old AAs are being replaced by DCFTAs. **When one compares the agreements Israel currently has with the EU to the agreements of other Southern Mediterranean countries, the newest forms of agreements – PP and DCFTA - are missing.** Since 2016, the EU signed PP with Jordan, Lebanon, Egypt, Algeria and Tunisia, and is negotiating one with Morocco, but not with Israel. The EU negotiates DCFTA with Tunisia and Morocco (see table no. 1 below). Despite its advanced economic and political status, Israel – EU cooperation is left behind based on old, mostly exhausted, agreements. This absurdity is a result of the double standard some member states force the EU to treat Israel. As an advanced democracy among the neighbourhood countries, Israel is held to higher standards than Morocco which occupies Western Sahara (see below) and is hostage to the linkage policy by the EU. **Can there be a change for the better?**

Table no. 1: State of EU Agreements with southern ENP countries

Country ⁵	Association Agreement*	ENP Action Plan	Partnership Priorities	Mobility partnership
Israel**	(1995) 2000	2005 (extended until 2020); 2008 not ratified by EU under linkage policy	Not attainable under linkage policy	Visa free
The Palestinian Authority	Interim AA on Trade and Cooperation 1997	2013		
Jordan	2002 Modified 2016 – ease of Rules of Origin	2012 + ENP ‘Advanced Status’	December 2016	October 2014
Lebanon	2006		November 2016	Under negotiation
Egypt	2004		July 2017	
Algeria	2005		March 2017	
Tunisia	- DCFTA negotiation opened 10.2015	2013	2013; 2018	March 2014
Morocco***	2000 DCFTA negotiation opened 3.2013	2013 + ENP ‘Advanced Status’		June 2013

* in brackets year of signature. No brackets, year of ratification and entry into force.

** As defined under the territorial clause (see above).

** According to two recent rulings of the European Court of Justice (ECJ), the EU could implement its agreements with Morocco, but these agreements do not apply to occupied Western Sahara. The territorial clause which the EU inserted in 2013 to all its agreements with Israel was not inserted to its agreements with Morocco until the ECJ ruling. This demonstrates once again the double standard of the linkage policy towards Israel.

- **The 2019 - 2024 EP – Lost & Win**

The increased turnout to the 2019 EP elections, 50.62%, the highest since 1994, is a clear signal of the politicization of the European integration process among EU citizens. This is good news, but has a negative aspect as well. The good news for the EU is this politicization did not see a sharp increase of Eurosceptic votes as feared. Although Eurosceptic political parties rose from 20% to 23.4% the pro-EU camp maintained its size (69%; slight decrease from 521 to 518 MEPs). Yet the fragmentation within the EP has grown considerably, with the EPP and the S&D decreasing in size and losing their four-decades long majority (from 443 to 336 MEPs; less than the 376-majority threshold needed to pass decisions). For the EP this

⁵ Data taken from: http://www.europarl.europa.eu/ftu/pdf/en/FTU_5.5.7.pdf retrieved 5 July.

means a new "coalition" formation with the Liberals (Renew Europe, formerly ALDE) and the Greens.

What does this fragmentation mean for Israel? Although among EU institutions the EP is the more critical and vocal with regards to Israel, its occupation and settlement policy, the EP is not the institution Israel is most influenced by. The EP matters most when a new (mixed) agreement needs to be ratified. Due to the current state of EU – Israeli affairs there is no agreement under negotiation waiting to be ratified. An exception may be the new research and innovation "Horizon Europe" program for 2021-2027, in which Israel is expected to take part. There are also negotiations on a Europol cooperation agreement between the law enforcement authorities (a working agreement was signed in 2018). Again, where there's a will, there's a way. Other than that, the EP is a talk-shop, setting the atmosphere, pressing other EU institutions to take a (harsher) stance on Israel in regards to the MEPP.

To map the attitudes in the EP toward Israel, generally speaking, the right-wing political groups, the EPP and the ECR, are less critical towards Israel, and the newly formed right-wing populist-nationalist Identity and Democracy (ID) political group is even friendly towards Israel. The center and left wing is more critical. The radical left holds the harshest criticism towards Israel. The S&D are split between the less and the more critical. During the "Grand Coalition" the S&D used to be balanced by the EPP. But with the Greens and Liberals getting stronger, the balance may be less favorable to Israel. This grand coalition, which was used more for internal European issues rather than external ones, is no longer sufficient to pass resolutions. The attempt to work with four or more political groups would be much more complicated.

Israel needs to learn how to work with the Greens and the Liberals. These two political groups, which have many new MEPs, are to some extent less charted waters for Israel. Opinions regarding the Green MEPs are varied. As many other political groups, they are not unified in their position over the Israeli-Palestinian conflict, but generally hold a more critical stance towards Israel. Some of their MEPs are described as extreme anti-Israelis and BDS supporters, others -such as the German Green MEPs- are milder. The same mixed but more critical view on Israel can be found among the Liberals. This may pose new challenges to Israel.

Changing the balance in the EP to the detriment of Israel includes the Israeli-friendly ECR dropping from the third biggest political group to be sixth in size, with only 62 MEPs.⁶ The ECR is still expected to hold the chairperson of the EP Delegation to Israel, with the EPP holding the chairperson over the Foreign Affairs Committee (AFET), which is a more positive prospect for any Israeli government. In contrast, the DROIT committee dealing with human rights is expected to be chaired by a S&D Belgian MEP, with a strong presence of Liberals and the Greens, and is expected to be less favorable to Israel. internal "horse-trading" between the EP political groups forming the grand coalition may give decisions regarding Israel to be influenced by the ones more interested in its criticism: the Greens, Liberals and some S&D.

61% (458 out of 751) of the MEPs are new.⁷ For most MEPs, Israel is not their main or even secondary priority. This means a heavy workload for the Israeli Delegation to the EU and for pro-Israeli lobby groups, having to launch anew their lobby efforts, to sort and map the new MEPs, to get their attention, and to find a way to develop good working relations with many of them. In addition, some prominent pro-Israeli MEPs have retired, such as Elmar Brok (EPP, Germany), who chaired the Foreign Affairs committee until 2017, and Bas Belder (ECR, Netherlands), who was vice chair of the Delegation for Relations with Israel. Other friendly MEPs were not re-elected. Their lost voice of reason and balance is expected to be felt. To conclude, the new fragmented EP is less favorable to Israel and would be harder to work with if needed to ratify future EU – Israeli agreements and to balance decisions regarding Israel.

- **The New Nominations to Key Positions - Lost or Wins?**

On July 3 the EU's Heads of Government and State finished their horse-trading nominations to key EU positions. The democratic *Spitzenkandidaten* process went down the drain, with EP candidates as Weber and Timmermans loosing for figures which mostly did not campaign for key EU positions. What are their significance to Israel?

⁶ <https://election-results.eu/tools/comparative-tool/> retrieved: 3 July 2019.

⁷ <http://www.europarl.europa.eu/news/en/press-room/20190627IPR55404/constitution-of-the-9th-legislature-of-the-european-parliament> retrieved: 4 July 2019.

As German member of the EPP "family", Ursula von der Leyen, the next President of the European Commission, is expected to be milder in her criticism vis-à-vis Israel and expected to be cooperative if some breakthrough would occur in the relations. Unfortunately, this is a position less likely to bear much political influence in EU – Israel relations, especially if the breakthrough would depend on the member states (council of foreign ministers or European Council). For the past years, despite the linkage, many Commissioners and senior Commission officials visited Israel, and at this functional - political level relations are good. Same with the EEAS senior officials - relations are constant and quite good, despite disagreements.

Charles Michel, former Belgian prime minister, was chosen as the new President of the European Council. This position is of lesser day-to-day importance to EU-Israel relations. Coming from the Liberal camp of Belgium, which is not friendly towards Israel, and expressing critical remarks regarding Israel, Michel is expected to be less friendly than Donald Tusk was.⁸

The nomination of Josep Borrell as the new HR/VP, is of higher pertinence for the political aspect of EU - Israel relations and of much fewer positive signals than von der Leyen or even Michel. Borrell wish to make the Council of Foreign Ministers more than a talk-shop.⁹ As former president of the EP, he knows his way in the EP and EU corridors, and his experience and clout are higher than Ashton and Mogherini had upon entering this position. Yet at the member states level, the fragmentation and dis-unity between some states from the East and West on democracy, immigration and the future of the EU, should enable Netanyahu government -if reinstated- to continue its "divide and stop" strategy of the last 3-4 years, defusing or blocking anti-Israeli decisions at the Foreign Affairs Council.¹⁰

Even though in 1969 Borrell spent a summer in Kibbutz Galon, a few decades later his admiration for Israel was replaced with "friendly" criticism. After becoming the Foreign Minister of Spain in June 2018, he criticized US President Trump, saying his

⁸ <https://www.timesofisrael.com/tough-on-israel-fond-of-iran-jerusalem-wary-of-incoming-eu-foreign-policy-czar/> retrieved: 7 July 2019.

⁹ https://www.ecfr.eu/article/commentary_borrell_returns_his_vision_for_europe retrieved: 7 July 2019. Such support was recently expressed by 68 prominent politicians. See https://www.ecfr.eu/article/commentary_prominent_europeans_call_change_in_approach_eu_foreign_policy.

¹⁰ See Eyal Ronen with Nimrod Goren (2019), "Divisive Policies: Israel's Foreign Policy towards the EU and its Member States" in: Divided and Divisive: Europeans, Israel and Israeli- Palestinian Peacemaking.

support for Israel makes him lose its traditional role as mediator between Israel and the Palestinians.¹¹ On the Palestinian front, at the European Council summit in Austria last September, Borrell called to advance EU unilateral recognition in a Palestinian state.¹² Such move would go against the agreed position of the EU, which favours a two-state solution agreed by both parties. This has been what the EU has constantly promoted since the Venice Declaration, 1980.¹³ Early this year, Borrell also said "Iran wants to wipe out Israel; nothing new about that. You have to live with it".¹⁴ Such stance is not aligned with EU's declarative position assuring the security of the State of Israel, and is a source of worry for Israel.¹⁵

- **The Israeli Elections – Second Time Lucky?**

The result of the April elections in Israel sent a signal of continuity in Israeli – EU relations. A right-wing government unwilling to accept the two-state solution would result in maintaining the linkage policy by the EU and the stop and divide policy by Israel. As the results of the new round of elections expected to be held on September 17 are unknown, many questions remain open. Which government would be formed? Who would be the prime minister? What would be the new government's fundamental lines and coalition agreement? In order to reignite EU – Israeli relations one needs to see some changes. If a centrist unity government would be formed in Israel, this could bring a slight change of atmosphere, and the EU would give such new government a better chance even if not entirely fresh start. Trust-building measures would be needed to maintain such positive beginning. This in itself would be insufficient to remove the EU's linkage Policy, but it may very well renew the Association Council.

- **Conclusions**

Despite Israel and the EU being the most like-minded among ENP countries, they are politically drifting apart. The political doldrum has negative impact on the economic aspects of the relations. Israel should not give up on the EU, and the EU should not

¹¹ <https://www.ynet.co.il/articles/0,7340,L-5542386,00.html> retrieved: 3 July 2019.

¹² <https://www.haaretz.co.il/news/politics/.premium-1.6491731> retrieved: 2 July 2019.

¹³ Interestingly, Borrell is one of the hard opponents to Catalonia's independence. Spain does not recognize Kosovo, due to its opposition to domestic separatist movement (Catalonia), and Gibraltar is still a sore point with the UK.

¹⁴ <https://www.politico.eu/newsletter/brussels-playbook/politico-brussels-playbook-hungarys-change-of-heart-us-eu-relationship-burns-fighting-words/> retrieved: 15 July 2019.

¹⁵ <https://www.maariv.co.il/journalists/opinions/Article-706810> retrieved: 15 July 2019.

give up on Israel. The linkage policy has brought no gains other than reinforcing the distrust Israelis feel towards the EU.¹⁶ Only dialogue would bring the sides closer. Israel is a strategic partner of the EU, bringing real added value in research and innovation, cybersecurity and combating terrorism, among other fields. The EU's double standard towards Israel should be stopped. The EU (meaning some of its member states) should stop suspending the Association Council, which should reconvene regularly, as held with so many countries, among others Tunisia, Jordan, Egypt and Morocco. The reconvening of the Association Council would be more than a symbolic gesture. It would force the Israeli government to consider the relations at a political level, and not only at civil-servants level. PP agreement should be negotiated and signed, as the EU does with the above, Algeria and Lebanon. Negotiations over DCFTA should be opened with Israel, as done with Morocco and Tunisia. New fields of cooperation can be envisaged, such as the new field of security the EU started to develop, (e.g., PESCO - Permanent Structured Cooperation). This is an area in which Israel has expertise and advantages of innovation, which can give an added value to the EU.

Only in a few months we'll be able to estimate if there is a chance to re-ignite Israel – EU relations. EP elections and the following nominations to EU key positions does not look promising in that respect, especially that of Borrell. If the elections in Israel would result in a shift towards a centrist unity government, and if this new government will indicate its will to re-ignite the MEPP, a change for the better may be possible. If the right conditions prevail, the supporters of EU – Israeli relations would be very much needed in raising their voices to encourage such change in the public opinion of domestic publics in the EU member states and in Israel.

It would be good to base EU – Israeli relations on the words Josep Borrell said before the Knesset when he visited Israel in 2005 as EP President: "We need to meet more, we need to hold mutual visits... there could be difference of opinion, but we should solve them... Europe and Israel need one another. One cannot imagine neither Europe nor Israel without the strong bonds between them... the only way to overcome the

¹⁶ According to Mitvim's 2018 Foreign Affairs index, 55% of the Israelis polled thought the EU is a foe more than a friend and mere 18% thought it is a friend of Israel. See page 3 http://www.mitvim.org.il/images/Hebrew_report_-_2018_Israeli_Foreign_Policy_Index_of_the_Mitvim_Institute.pdf, retrieved July 7.

existing difficulties between Israel and Europe is to move forward to a common future."¹⁷ Where there's a will, there's a way.

¹⁷ https://knesset.gov.il/tq/knesset_new/knesset16_huka/HTML_28_03_2012_04-52-37-PM/FTR_262-05JUN27_SIFRIA-006.html. 27 June 2005. Translated from Hebrew by the author. last retrieved: 5 July 2019.