

ORAL QUESTION WITH DEBATE O-0053/03

pursuant to Rule 42 of the Rules of Procedure

by John Cushnahan, Luisa Morgantini, Margrietus van den Berg, Jan Dhaene, Bartho Pronk, Ulla Sandbæk, Bob van den Bos, Gerard Collins, Jacques Poos, Mary Banotti, Alain Lipietz, Luigi Vinci, Jan Wiersma, Ole Andreasen, Renzo Imbeni, Jonas Sjöstedt, Dirk Sterckx, Esko Seppänen, Joost Lagendijk, Brian Crowley, Hans Modrow, Anders Wijkman, Juan Izquierdo Collado, Elisabeth Schroedter, John Hume, Inger Schörling, Ilda Figueiredo, Bashir Khanbhai, Nelly Maes, Bent Andersen, Pernille Frahm, Paul Lannoye, Anna Karamanou, Caroline Lucas, Lissy Gröner, Richard Balfe, Sylviane Ainaridi, James Fitzsimons, Joaquim Miranda, Johan Van Hecke, Lucio Manisco, Francisca Sauquillo Pérez del Arco, Bart Staes, Jens-Peter Bonde, Laura González Álvarez, Paulo Casaca, Nuala Ahern, John McCartin, Stephen Hughes, Eurig Wyn, Anne Van Lancker, Proinsias De Rossa, Fernando Fernández Martín, Professor Sir Neil MacCormick, Johanna Boogerd-Quaak, Olivier Dupuis, Giuseppe Di Lello Finuoli, María Sornosa Martínez, Danielle Auroi, Fiorella Ghilardotti, Claude Turmes, Miguel Martínez Martínez, Yasmine Boudjenah, Patricia McKenna, Roseline Vachetta and Alain Krivine
to the Commission

Subject: Application of the EC-Israel Association Agreement

Referring to Israel's systematic practice of issuing proofs of origin to products that have been wholly produced or substantially processed in its illegal settlements, on 23 November 1997 the Commission notified Community operators of 'certain substantial errors in the application of those same agreements, to the extent that the validity of all preferential certificates issued by Israel, for all products, are put in doubt'. In a second notice dated 8 November 2001, the Commission confirmed the persistence of these 'substantial errors'. Do the substantial errors committed by Israel continue to cause deficiencies in the implementation of the Association Agreement by the Community and the Member States, resulting in the improper accrual of the benefits of trade preferences to illegally established settlement enterprises?

Israel has stated that it 'defines its territoriality according to national law and issues certificates of origin accordingly'. Since the national law in question mandates settlement and annexation measures in contravention of mandatory provisions of public international law binding on Israel and all EU Member States, can these substantial errors be treated by the Community as resulting from a 'difference in interpretation' of the agreements?

The Commission has described 'exports from Israeli settlements in the West Bank and Gaza Strip under preferential treatment' as 'violations' of the EC-Israel trade agreements¹. In the face of such violations, can the Community rely on the Member States' use of the verification procedure to 'ensure a proper implementation of the Association Agreement and to identify the unlawfully issued proofs of origin'²? Do the Member States subject all proofs of origin issued by Israel to verification? Is it true that the Member States have recovered duties on suspected settlement products only after Israel has elected not to answer their verification questions? When Israel's customs has responded to Member State verification inquiries by naming the settlement locations in which suspect products were produced, enabling some unlawfully issued proofs of origin to be identified, is it true that the Member

¹ Commissioner Patten in a speech to the European Parliamentary Plenary 16 May 2001 quoting the Communication from the Commission to the Council and the European Parliament of 12 May 1998 (SEC(1998)695/final)

² As stated in the Commission's Common Reply to oral questions: H-0266/03 by Mr Lipietz, H-0268/03 by Mrs Banotti, H-0270/03 by Mr Cushnahan H-0272/03 by Mrs Morgantini, H-0278/03 by Mr Pronk, H-0283/03 by Mr Dhaene, H-0287/03 by Mrs Sandbaek, of 13 May 2003

States involved accepted Israel's determinations that the products in question were entitled to preferential treatment and failed to recover duties? Has the application of the verification procedure by the Member States ever been relied upon in any other case to reduce the incidence of undetected fraud arising from a trading partner's deliberate, systematic and persistent errors in implementing its agreement without the Community also taking measures under the agreement to prevent those errors from inducing such fraud?

Tabled: 24.06.2003

Forwarded: 26.06.2003

Deadline for reply: 03.07.2003