

## **Background note on the EU-Israel ACAA protocol.**

### **What is ACAA?**

ACAA or “the protocol on Conformity Assessment and Acceptance of Industrial Products” is a protocol attached to the EU-Israel Association Agreement. It seeks to **facilitate access of partner countries in EU’s internal market through the** elimination of technical barriers to trade in industrial products. At present the ACAA protocol is limited to pharmaceutical products because Israel has adopted the sufficient technical legislation to adapt to European standards in this field. ACAA works like a mutual recognition agreement whereby the EU agrees that Israeli pharmaceutical products are produced according to the same standards as EU pharmaceutical products and EU’s products are recognized as compliant with Israeli products. In practice, the ACAA will allow all pharmaceutical products to enter the respective markets of the parties without additional testing and conformity assessment procedures.

### **What is an assent procedure?**

With the introduction of the Lisbon Treaty, the application of the assent procedure has been extended to trade agreements with third countries. In order for ACAA to enter into force, the Council must obtain the European Parliament's (EP) assent. With the assent procedure, the EP may accept or reject a proposal but cannot amend it. It can also decide to postpone the vote.

For the ACAA protocol, the assent procedure has been suspended since June 2010 after a decision of the conference of the political coordinators of International trade committee of the EP (INTA) and the Foreign Affairs committee (AFET) not to submit the protocol to a vote in the INTA. Members of the EP (MEP) from the EPP (European People’s Party) were the only ones willing to proceed with ACAA but they were a minority. In March 2011, the Liberal (ALDE) MEPs member of INTA decided to proceed with the vote because they considered that the freeze was decided undemocratically. The decision of the Liberals now allows for the [0]procedure for vote to continue. A new rapporteur, Vital Moreira (S&D – Progressive alliance of Socialist and Democrats) was appointed. In his report, he recommends that the EP *officially* suspends its vote of the ACAA protocol for two years.<sup>1</sup>

### **What to request and why?**

The EP should suspend its vote on the ACAA protocol until Israel complies with several fundamental international humanitarian law and human rights law standards, related both to the human rights situation inside Israel and Israel’s obligations towards the Palestinians living in the OPT.

It is a matter of respecting the principle of **coherence** (article 21 of the treaty of the UE) between the regular condemnations by the EU of the many violations of international human rights and humanitarian law by Israel and the conduct of its bilateral relations with Israel. It is also a matter of respecting the principle of *positive conditionality* which

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<sup>1</sup> Vital Moreira’s report is available at <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A7-2012-0078+0+DOC+PDF+V0//EN&language=EN>

guides the implementation by the EU of its bilateral relations with the countries at its periphery -the EU uses an incentive based approach which aims at supporting and giving advantages (including greater access to EU internal market) to countries that move quicker and further towards reform and respect for human rights.<sup>2</sup>

In 2008, a couple of days before the Israeli offensive on the Gaza Strip, AFET adopted a similar argument to suspend its vote to the protocol to the EU-Israel association agreement allowing Israel's participation to certain Community programmes. It remains suspended until today, preventing Israel to participate in several community programs.

### **What is the calendar?**

On the 24<sup>th</sup> of April 2012, the AFET committee will decide what to recommend to the INTA committee. During the 2d week of May (date not determined yet), the INTA committee will accept, reject or postpone its consent to the ACAA protocol. MEPs of the AFET and INTA should be lobbied starting from the 10<sup>th</sup> of April.

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<sup>2</sup> This principle has been restated by the Council in a declaration in May 2011 and by the European Parliament in a resolution in December 2011, both times in the context of the revision of the European Neighbourhood Policy. Available at [http://www.consilium.europa.eu/uedocs/cms\\_Data/docs/pressdata/EN/foraff/122917.pdf](http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/122917.pdf) and <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2011-0576+0+DOC+XML+V0//EN>