

Non-paper by Sweden and France on the EU's differentiation policy

The Comprehensive Plan to end the Gaza Conflict could pave the way for long-term stability and peace through the two-state solution. However, Israel's continued settlement policy on the West Bank severely undermines this vision.

In its Advisory Opinion of 19 July 2024, the International Court of Justice clearly states that Israel's continued presence in the Occupied Palestinian Territory is unlawful. According to the Court, Gaza and the West Bank, including East Jerusalem, constitute a single, indivisible territorial unit whose unity, contiguity and integrity must be legally maintained and respected. Regardless of being in clear violation of international law, settlements and settler violence are increasing at a record pace. The so-called E1-project would, if implemented, lead to a separation of northern and southern parts of the West Bank, as well as isolating East Jerusalem from the rest of the West Bank.

We believe that the EU urgently needs to increase pressure on Israel to halt its settlement policy and practices.

In addition to continue expressing strong dissatisfaction with Israel's illegal actions on the West Bank, we believe that the EU should take stronger action to limit commercial engagement with illegal settlements. We therefore call on the Commission to urgently consider the legal and practical feasibility of introducing measures such as tariffs on settlement products and import restrictions through export licences, on the basis that the illegal settlements fall outside the scope of the Association Agreement.

We take note of HRVP's reply to the letter of June 19th, 2025, initiated by Belgium and signed by a number of countries, stating that the Commission's reading of the ICJ Advisory Opinion is that the EU is not obliged to impose an import ban on settlement products. However, we believe that the ever and fast deteriorating situation calls for such action.

We would welcome concrete proposals by the Commission, in close cooperation with the EEAS, on different options for discussions in the Council in the coming weeks.