

EUROPEAN EXTERNAL ACTION SERVICE



Head of Division

MENA Middle East and North Africa

MENA 2 Middle East II – Israel, occupied Palestinian territories and MEPP

Brussels,
A(2024)2660392-3112676

Dear Petitioner,

Thank you for your message of 11 April 2024 to the President of the European Commission, Ursula von der Leyen. I have been asked to reply on her behalf.

The EU leaders at the European Council of 27-28 June noted with utmost concern the unacceptable number of civilian casualties, especially children, as well as the catastrophic levels of hunger and imminent risk of famine caused by the insufficient entry of aid into Gaza.

The EU leaders also reiterated the importance of implementing the orders of the International Court of Justice, which are legally binding, and called for the implementation of UN Security Council Resolution 2735 and the ceasefire proposal.

The control on the export of arms by Member States is subject to national legislation, the Council Common Position 2008/944/CFSP¹ and the Arms Trade Treaty² (ATT). The competent authorities of Member States take the final decision on whether to authorise or deny an individual export or transit license of military equipment, in accordance with the said legal frameworks. Member States are solely responsible to ensure compliance with applicable laws, including the Common Position and the ATT. The European Commission is not in a position to assess specific export cases against the criteria of the Common Position, nor is mandated, under EU law, to enforce the Common Position or other applicable laws.

The Council, through its competent Working Group, works towards increased convergence amongst Member States' arms export policies. This includes exchanges of views on application of the criteria of the Common Position. Specifically, the impact of the conflict in Gaza on national arms exports policies of Member States is continuously on the agenda and Member States confidentially share information about their respective approaches.

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32008E0944>

² <https://thearmstradetreaty.org/treaty-text.html?templateId=209884>

The EU will continue to do its utmost to help alleviate the suffering of civilians in Gaza, and to urge an immediate comprehensive ceasefire which will end hostilities. The EU remains committed to a lasting and sustainable peace based on the two-state solution through reinvigorated efforts in the Middle East Peace Process.

(e-signed)
Michael Mann