UACES 44th Annual Conference

Cork, 1-3 September 2014

www.uaces.org

EU Guidelines Regarding Activities by Israel in the Occupied Territories: A Diplomatic Achievement or a Pyrrhic Victory?

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Introduction

More than ten years have passed since the EU first deprived exports originating in the territories occupied by Israel in 1967: the West Bank, Gaza Strip, East Jerusalem and the Golan Heights (hereby: 'the territories') of economic benefits emanating from the EU-Israel Association Agreement. This initiative was meant to make a political statement regarding EU's view on the Israeli presence in these territories, attempting to create an economic incentive for the parties in the region, to speed up towards a permanent settlement of the ongoing dispute between them.

The pragmatic effectiveness of that move seems to have been very limited: it is true that some of the Israeli industries situated in the territories at that time relocated into the pre-1967 Israeli borders, but at the same time, many Palestinians who used to work for these industries lost their jobs. The EU's measures did not cause a speed-up of the peace process and/or negotiations towards permanent arrangements in the region, nor had they facilitated the desired upgrade in EU's political involvement in the region. On the contrary, in Israeli eyes the image of the EU as a potential neutral mediator was further eroded by this act.

Recently, the EU Commission published guidelines[1] providing for non-eligibility of Israeli entities established in the territories, or activities held in the territories by entities established in Israel to grants, prizes and financial instruments provided by the EU. The guidelines state that their aim is

> to ensure the respect of EU positions and commitments in conformity with international law on the non-recognition by the EU of Israel's sovereignty over the territories…[2]

It is further stressed that these guidelines are in line with the position held by the EU's Foreign Affairs Council, which

> has underlined the importance of limiting the application of agreements with Israel to the territory of Israel as recognized by the EU.[3]

Indeed, the publication of these guidelines in Israel caused a huge media fuss, opening up again the ongoing Israeli discourse on the status of the territories. However, this fuss faded after some days, and the Israeli government chose to

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[1] 2013/C205/05 *Guidelines on the Eligibility of Israeli Entities in the territories Occupied by Israel since June 1967 for Grants, Prizes and Financial Instruments Funded by the EU from 2014 Onwards*, OJ C 205/5 of Jul. 19 2013.

[2] Ibid., para. 1. While the Israeli popular discourse refers to both the current and former sets of measures as 'sanctions', the EU stresses that these are not 'sanctions' according to public international law but rather reflect EU's insistence of respecting public international law rules regarding occupied territories, as well as the EU law as interpreted by the ECJ in Case C-386/08 Brita GmbH v. Hauptzollamt Hamburg-Hafen OJ C 100 (2010) (hereafter: **Brita** case).

[3] Ibid., para. 3.

respond to the guidelines reinforcing Israeli activities in the territories as well as the government's political commitment to the Israeli settlements in the territories, and declaring some counter-steps such as attempts to limit EU involvement in the territories, and Israeli consideration to abstein from participating in Horizon 2020.

In light of these facts, this article attempts to evaluate whether the EU's measures form a diplomatic achievement or rather a Pyrrhic victory.

Section 1 will address the prevention of Association agreement's benefits from exports originating in the territories and its legal implications. **Section 2** will compare between the two sets of measures, to evaluate their relative effectiveness in terms of achieving EU goals. **Section 3** will conclude, attempting to draw a lesson from this comparison.

Section 1: The Prevention of Association Agreement's Benefits from Goods Originating in the Territories

More than ten years ago the EU had first raised the claim that goods originating in the territories occupied by Israel in 1967 are not entitled to the benefits of the Israel-EU Association Agreement. Before that time, goods originating in these territories were exported to the EU with Israeli certificates of origin which were never doubted, thus enjoying the benefits of the 1975 Free Trade Area Agreement between Israel and the EU.

In 1995 the EU changed its strategy towards the region. Encouraged by the euphoria of the peace process negotiations held at that time, the EU initiated the Barcelona Process, aimed at implementing the EU model in the Mediterranean region, by creating a free trade zone between all its parties and between them and the EU.[4]

Like all the Association agreements concluded between the Mediterranean countries involved in the process[5] and the EU, the Israel-EU Association Agreement, concluded in 1995 and ratified in 2000, includes two political provisions: one expressing the commitment of the parties to democracy and human rights values, and the other establishing an ongoing political dialogue between the parties,[6] thus subjecting, for the first time, trade benefits to political context. The change in context legitimated the link later made by the EU, between political requirements and economic benefits, with regard to Israel's activity in the territories.

Soon after the conclusion of this Agreement, the EU concluded an Association Agreement with the PLO, in a similar format, under the Barcelona Process.[7] This

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[4] While most of the Mediterranean countries involved in the process signed Association Agreements with the EU, agreements between these countries were hardly signed, due to the political reality in the region.

[5] Including Algeria, Egypt, Jordan, Lebanon, Morocco, Syria, Tunisia, Turkey, the Palestinian Authority and Israel. For further information on this process see: http://www.eeas.europa.eu/euromed/barcelona_en.htm

[6] Articles 2 and 3, respectively, of the EU-Israel Association Agreement. See full text of the Agreement: http://eeas.europa.eu/delegations/israel/documents/eu_israel/asso_agree_en.pdf

[7] It may be claimed that this Agreement breached the customs envelope created by Israel and the PLO by the Oslo interim peace arrangements from 1993 and 1996, both including an identical Economic Protocol (Annex V) which gave the Israeli customs authority broad authority in the region, while

Agreement was perceived by the PLO as a legal alternative for the Israel-EU Association Agreement. Although it explicitly refers only to the West Bank and the Gaza Strip (thus excluding other occupied territories such as the Golan Heights and East Jerusalem[8]), it served as an incentive for the Palestinians to assume political pressure on the EU, to confront Israel regarding the status of exported goods originating in the territories.

After diplomatic efforts have failed to solve the controversy between Israel and the EU regarding this issue, Israel finally surrendered in 2004 to the EU's demand to specify on each certificate of origin the exact origin of the goods accompanied by it. This specification facilitated the deprivation of benefits from imports originating in the territories. Israel gave up its position regarding this issue due to intensive pressure assumed by the Israeli export community, which suffered substantial delays by customs authorities of EU countries, even regarding goods originating within the 1967 borders, explained by the necessity to examine thoroughly the origin of imports.[9] Israel preferred to refrain using the dispute settlement procedure provided for in Article 75 of the Association Agreement with the EU, being afraid from a decision which might affect the definition of its permanent borders. However, this was not the end of the story. In the meantime, the ECJ was approached by the German customs

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giving the Palestinian customs authority only limited responsibility and explicitly limiting the PLO's ability to conclude separate trade agreements only to an exhaustive list of Arab countries. The EU, which signed as a witness on the 1996 Oslo Agreement was well aware of these conditions, but nevertheless negotiated and concluded an Association Agreement with the PLO, contrary to the Oslo limitations, within the original period of its application (five years). This aspect was overlooked by the AG and ECJ in **Brita** case.

[8]The EU remains vague on how the statuses of East Jerusalem and the West Bank relate to each other., In fact, there may be two definitions to the term 'East Jerusalem'. The narrow definition includes a territory of some 6 sq. KM that according to the UN Plan for the Partition of Palestine (1947) should have been an international territory held by the UN. This plan was not implemented and in the independence war this territory was occupied by Jordan, which held it during 1948-1967. In 1950 Jordan annexed this territory and applied to it the Jordanian law but this annexation was officially recognized by only two countries - the UK and Pakistan, while some other countries recognized it de facto. However, since public international law rules do not allow to acquire a territory either by occupation or by annexation (subject to certain exceptions) and therefore the status of Jordan in that territory as a legal sovereign prior to the Israeli occupation is doubtful. Before Jordanian holding of this territory it was under the mandatory regime of the UK which expired, so it is unclear who should be considered as the due sovereign in this territory according to international law. In that sense, the legal status of this territory is different than the rest of territory - more than 60 sq. KM which are included in the broader term 'East Jerusalem' which was annexed by Israel after 1967, including territories which belonged to 28 villages in the West Bank as well as territories belonging to the municipal areas of Beit Lehem and Beit Jala.

Thus, the legal status of 'East Jerusalem' at least in the narrow sense is different then that of the West Bank. This fact seems to be acknowledged by the EU which refers to East Jerusalem explicitly and separately in all its relevant decisions and documents, including the Avis published in 2001, the Brita judgment and the recent guidelines. In the EU-PLO Association Agreement the term 'West Bank' is not defined, but at the same time 'East Jerusalem' is not mentioned, unlike the other decisions and documents which explicitly mention it. Thus it is doubtful whether the agreement implicitly includes East Jerusalem. It may be argued that the fact that the EU refers to a Palestinian state with East Jerusalem as its capital suggests that implicitly East Jerusalem is considered part of the West Bank, but it should be noted that this future capital is planned to be situated in Abu Dis, which is part of the broad – not of the narrow – definition of East Jerusalem. It is also unlikely that the parties concluded an agreement referring to a territory which is pragmatically not under PLO government.

[9] These unjustified and costly delays could have, in many cases, been regarded as non-tariff barriers breaching Article 16 of the Association Agreement between the parties. Nevertheless, this claim was never brought up by Israel.

authorities, asked to interpret the relevant EU law with regard to entitlement of soft drinks imported by the German company Brita from an Israeli factory situated in the territories. Israel had no legal standing in this case and was thus unable to present its legal claims before the ECJ. The Advocate General's opinion and the ECJ's decision in this case established the legal justification for the political position of the EU, determining the following principles:

1. This is not a technical customs dispute but rather a controversy about the territorial scope of the Association agreement between the EU and Israel. [10]
2. Based on the UN Charter (mentioned in the preamble to the Agreement), and on three UN resolutions (the Plan for the Partition of Palestine, drawn up by UNSCOP and approved in November 1947 by the UN General Assembly and UN Council resolutions 242 and 338), the West Bank and the Gaza Strip do not form part of the State of Israel.[11]
3. Subjecting the products originating in the West Bank to the benefits accruing from the EC-Israel Agreement 'would have consequences of divesting the EC-PLO Agreement of some of its effectiveness'.[12]
4. Hence, for the West Bank and the Gaza Strip the qualified authority to issue certificates of origin (according to EU-PLO's Association Agreement) is the Palestinian customs authority.[13]
5. However, it was recognized by the court that pragmatically it may be 'difficult' for the Palestinian customs authority to exercise its authority.[14]

The **Brita** decision was heavily criticized,[15] both legally and pragmatically. Its pragmatic consequences are as follows:

- A substantial part of the West Bank is not covered by both Association agreements, being uncovered by the Israel-EU Agreement, according to the court, while the Palestinian Authority is unable to exercise its authorities in these territories which are under Israeli government. As a result, Israeli and Palestinian businesses and populations in these areas are not entitled to the benefits of any of the Association Agreements.

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[10] Paras. 72-81, 86, 92-96 of the AG's Opinion, para. 70 of the ECJ's judgment. It is explained there that any other interpretation could lead to continuous legal uncertainty and to non-uniform treatment of the products originating in the occupied territories in different Member States, as their customs authorities may differently refer to these certificates of origin (ECJ's judgment, para. 38).

[11] Paras. 109-112 of the AG's Opinion. The ECJ does simply conclude that each of the Association Agreements involved have a different scope of application: paras. 47, 53 of its judgment).

[12] Para. 125 of the AG's Opinion, para. 52 of ECJ's judgment.

[13] ECJ's judgment, paras. 56-57.

[14] Paras. 47, 53 of the ECJ's judgment refer to the division of powers. Para. 140 of the AG's Opinion mentions the 'difficulty'. In fact, it is not 'difficult' but rather impossible for that authority to issue certificates of origin in territories like the one under dispute in this case (Mishor Adumim) since it was not yet redeployed to the Palestinian Authority and is still under full Israeli government. This fact was ignored by the AG as well as by the ECJ.

[15] See, for example, Guy Harpaz & Eyal Rubinson, *The Interface Between Trade, Law and Politics and the Erosion of Normative Power Europe: Comment on Brita*, 35 E.L.Rev, 551 (2010); Laura Puccio, *Understanding EU Practice in Bilateral Free-Trade Agreements: Brita and Preferential Rules of Origin in International Law*, 36 E.L.Rev., 124 (2011); Paul James Cardwell, *Adjudicating on the Origin of Products from Israel and the West Bank: Brita GmbH v. Hauptzollamt Hamburg-Hafen (C-398/06)*, 17 EPL, 37 (2011); Nellie Munin, *Can Customs Rules Solve Difficulties Created by Public International Law? - Thoughts on the ECJ's Judgment in Brita Case (C-368/08)*, the Global Trade and Customs Journal, issue 6-4, p. 193-207 (2011).

- Following the logic of the **Brita** case, not only goods originating in the West Bank, but also goods originating in East Jerusalem and in the Golan heights, which are not even covered by the EU-PLO Agreement, explicitly referring only to the West Bank and the Gaza Strip, are not entitled to the benefits of the EU-Israel Association Agreement, thus being also deprived of any option of benefiting from any trade concessions while exported to the EU.

- The suggested interpretation undermines wishful cooperation between Israeli and Palestinian industries and workers in the meantime. Such cooperation could have encouraged normalization of economic relations and a daily dialogue between the two peoples that might, in the long run, contribute to the enhancement of the peace process.

Nevertheless, the **Brita** judgment became part of EU law, thus affecting further action by EU institutions and Members, as well as further judgments by the ECJ.

Section 2: The Measures Imposed by the Commission's Guidelines

The legal effect of the **Brita** judgment is well reflected in the new guidelines published recently by the EU Commission. The guidelines specifically refer to this judgment as determining the territorial application of the EU-Israel Association Agreement,[16] excluding the West Bank, the Gaza Strip, but also East Jerusalem and the Golan Heights, to which neither the EU-PLO Association Agreement nor the dispute in **Brita** case refer.

Indeed, the two sets of measures share many common aspects:

1. *The actors* in both cases are Israel and the EU.
2. In both cases, the parties play *similar roles*: the EU is imposing the sanction while Israel is the party on which the measures are imposed.
3. Both cases share the *same political context*: the Israeli-Palestinian ongoing dispute.
4. Both sets of measures have the same *territorial application*.
5. In both cases, action by the EU was backed by *a political decision by the Foreign Affairs Council.*[17]
6. Both sets of measures rely on the Association Agreement between the parties and the **Brita** judgment interpreting it for *legal justification*.

[16] Footnote 1 of 2013/C205/05 *Guidelines on the Eligibility of Israeli Entities in the Territories Occupied by Israel since June 1967 for Grants, Prizes and Financial Instruments Funded by the EU from 2014 Onwards*, OJ C 205/5 of Jul. 19 2013. It should be noted that between the two sets of measures discussed in this paper the EU Commission issued two other official documents applying agreed provisions to Israel while excluding the territories from their scope: Commission Decision of 31 January 2011 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequate protection of personal data by the State of Israel with regard to automated processing of personal data, OJ L 27/39 1.2.2011, Article 2 and Commission implementing regulation (EU) No. 594/2013 of 21 June 2013 amending implementing regulation (EU) No. 543/2011 as regards marketing standards in the fruit and vegetables sector and correcting that implementing regulation, OJ L 170/43 22.6.2013, para. (7).

[17] Footnote 3 of the guidelines specify the Foreign Affairs Council conclusions on the MEPP adopted in December 2009, December 2010, April 2011, May and December 2012. See, in particular, *Foreign Affairs Council Conclusions on the Middle East Peace Process adopted on 10 December 2012*, http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/134140.pdf

7. *The EU's motive* for both sets of measures is its aspiration to have substantial political effect in the region in return for economic benefits accorded by it to the parties. The EU's High Representative, Ms. Ashton[18] published, in proximity to the publication of the guidelines, a statement stressing that the guidelines will only become operative in January 2014, and

> In the meanwhile the EU looks forward to working and consulting with Israel on a broad range of bilateral issues, and has invited Israel to hold discussions on the territorial scope of agreements with the EU that are currently under preparation.

   This statement includes some interesting aspects: it implies for some 'carrots' that may be offered by the EU in form of promoting bilateral cooperation with Israel; it implies that EU's position, expressed by the guidelines, may not be final and may be open for negotiations; it further mentions discussions which are prepared 'in the meanwhile', implying for the forum in which the 'sticks' and 'carrots' may be considered (in a context that would hopefully allow the EU to successfully change Israel's position regarding the regional dispute and/or EU involvement in the region).
8. *The manner of operation:* both sets of measures share the use of an allegedly 'neutral' technical provision to apply steps allegedly necessary to comply with the rules of public international law (as understood by the EU).[19]
9. *The current sanction are perceived as complementing and reinforcing the former measures,* to improve wishful political results.[20]

These similarities establish some basis for comparison between the two rounds of measures. However, it is the differences between the two rounds of measures which reflect the lessons drawn by the EU from the former round of measures, implemented in the current round:

1. *The implementing authority:* while the former set of measures was practically implemented by the national customs authorities of the Member States (a fact that caused confusion and different interpretations and implementation of law by different customs authorities before the **Brita** judgment), the current measures are applied by EU institutions and bodies. This fact is meant to ensure concentrated and uniform implementation.
2. *The instruments* used by the EU are different: in the former case, the Commission first published warnings to EU importers[21]- an administrative instrument, and later the **Brita** judgment was decided. In the current case the

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[18] A 391/13 *Statement by the High Representative Catherine Ashton on the Publication of Guidelines on Israel and EU Funding Instruments*, Brussels 19 Jul. (2013)

[19] See paragraph 1 of the Guidelines, ibid footnote 16; for alternative understanding of international law rules, as well as for the selectivity of the EU in insisting their enforcement, see Nellie Munin, footnote 15.

[20] See the answer to question 2 of the *Frequently Asked Questions on: Guidelines on the Eligibility of Israeli Entities and Their Activities in the Territories Occupied by Israel Since June 1967 for Grants, Prizes and Financial Instruments Funded by the EU from 2014 Onwards* (2013) http://eeas.europa.eu/delegations/israel/documents/press_corner/20130719_faq_guidelines_eu_grants_en.pdf

[21] Warnings to importers regarding the status of imported goods from the territories, issued by the Commission: Notice to importers – Importations from Israel into the Community. 8 Nov. 1997 (OJ 1997 C388, 13); Notice to importers – Imports from Israel into the Community, of 23 November 2001 (OJ 2001 C328, p. 6).

guidelines form an administrative instrument. The guidelines preview future inclusion of their content in international agreements, protocols thereto or Memoranda of understanding with Israeli and other counterparts.

3. *The timing of instruments* is different: in the former case, both instruments were published *ex post*, while the current guidelines were published *ex ante*.
4. *The measures are different:* prevention of import benefits in the former case, prevention of access to prizes, grants and financial instruments in the current case.
5. *The affected subjects in the two cases are different:* exporters and (and indirectly, producers) of goods originating in the territories in the former case, entities established in the territories and activities performed there by Israeli entities (and indirectly, the Israeli individuals who are potential beneficiaries thereof) in the latter case. Moreover, the current measures are not limited to one sector. Thus, At least potentially, they may affect much broader populations.
6. *Palestinians are explicitly excluded from the potentially affected activities/subjects:* learning from the consequences of the **Brita** decision, from which both Israeli and Palestinian subjects suffered, the guidelines explicitly exclude from their scope of application Palestinian subjects and activities made in favor of 'protected persons' according to the 4th Geneva Convention, as well as to promote the peace process in the region.
7. *The economic effect of both measures is different:* while the former case presents a transparent and quantifiable method, the guidelines' effect is difficult to assess, for the following reasons:
    a. Even without the guidelines, any financial support of the kinds covered by them is *potential*, being subject to a process of choice. Thus, it is difficult to predict success of Israeli applications compared to other, competing applications that may be submitted.
    b. The guidelines apply to different areas of activity, e.g. research, culture, education, and sports. It is difficult to predict its effect on each of these different fields.
    c. Since the guidelines are meant to be in force at least until 2020, it is difficult to predict their effect in future years.
    d. By preventing access to EU financing, the guidelines also prevent from the potential beneficiaries the indirect benefits of international professional networking, exposure and recognition, which are difficult to quantify in advance.
    e. The language of the guidelines is open for discretionary interpretation. This assumption underlines the EU call to Israel to discuss their implementation.

    The potential economic effect of the guidelines should not be underestimated. However, the impossibility to quantify it *ex post* seems to contribute to its deterring effect in Israeli eyes.
8. While the former set of measures could have been understood as a single step, *the accumulative effect* of both sets of measures creates, for the first time, a sense of a gradual scale of measures that may include future, additional more severe steps. This is an implied threat.

Section 3: Lessons to be Learned

The comparison between the two sets of measures seems to lead to some insights, both regarding the management and essence of this controversy.

Management of the Controversy

In terms of dispute management, Israel seems to have failed to prevent the imposition of both sets of measures. While in the first case Israel invested substantial diplomatic and political efforts to prevent the measures but consciously gave up the legal option, in the current case, according to the press,[22] Israeli diplomats and decision makers were not fully aware that the idea of the guidelines is seriously developed and considered by the EU. Furthermore, when the guidelines were published, reactions by Israeli politicians were very much affected by the public rage invoked by the guidelines, instead of reflecting a well informed and weighed understanding and strategy. The further tightening of measures on Israel puts in question Israel's choice not to opt for a legal dispute settlement in the first round, which could have changed the legal result established by the **Brita** decision and maybe discourage the EU from taking further action. While these lines are written Israel and the EU are negotiating the guidelines. Israel showed up to these discussions and may have some maneuvering space regarding the implementation and interpretation of the guidelines, but obviously at that stage the scope of its potential effect is much more limited than it could have been had Israel reacted to this initiative in due time.

While Israel was dragged into the process, the EU led it. In both cases the EU initiated the measures, thus having enough time to plan, consider and weigh the options and choose the manner of action as well as the timing. However, despite these advantages, it is obvious from the fact that the EU decided to tighten the pressure on Israel by the current set of measures that the effectiveness of the former measures was limited. The comparison between the two sets of measures reflects that unlike Israel, the EU had learned some lessons from the former round of measures, applying them in the current one.

Essence of the Controversy

It is clear to all parties involved that the underlying theme of both sets of measures is the political context: the status of the territories and the potential role of the EU in the region.

In light of the presumably non-satisfactory results of the former round of measures for the EU it is hard to imagine that the EU now expects the new round of measures to make an extreme difference. These measures may imply economic damage to certain entities and activities, thus indirectly affecting certain individuals, but it is highly probable that they would not change Israel's position regarding the peace negotiations and/or results. The negative Israeli public opinion regarding the EU's position towards the regional dispute, strengthened by this move, may further deter Israeli politicians from supporting the enhancement of EU involvement in the region as a mediator. Consequently, the major gain the EU draws from such move may be the creation and maintenance of an international diplomatic image of a determinant fighter for peace

[22] See, for example: אטילה שומפלבי, "אירופה קידמה, ישראל לא הגיבה: 'מחדל מביך'", ידיעות אחרונות (2013) 17 ביולי (YNET); סגן שר החוץ: הבדיקה על ההתנהלות בנוגע לחרם האיחוד לא טובה, ערוץ 7 9 ספטמבר (2013)

and human rights. In that sense, the timing the EU chose to publish the guidelines (right after the US succeeded to talk Israel and the Palestinians into resuming negotiations) was perfect. It is misfortunate, though, that this image is not consistently followed by the EU regarding other parts of the world.

Conclusion

Undoubtedly, the publication of EU's guidelines holds some short term advantages in term of EU policy: the EU succeeded to surprise (and maybe embarrass) Israel. It succeeded to make a political statement which is valuable in terms of its international position and to find an original way to affect processes in the region, which was not taken by other international players. The instrument chosen is not expensive to operate and is flexible, allowing for discretion regarding its implementation, thus creating a trigger for discussions with Israel, in an attempt to affect its position. Flexibility allows the EU to be more generous where European interests, such as cooperation with Israel in R&D matters are at stake, for example. At the same time the guidelines imply a threat for further action, being a second step in a sequence of measures.

However, with regard to the long run, the effect of the guidelines on the regional process as well as on the political position of the EU in the process is doubtful. It may be safely assumed that frustration in both sides will sooner or later lead to another attempt to tighten the regime of measures imposed by the EU on Israel. This assumption relies, among other things, on the tough positions expressed and exercised by Israel, on the intention of the EU, expressed in the guidelines, to 'endeavor to have the content of these guidelines reflected in international agreements or protocols thereto or Memoranda of Understanding with Israeli counterparts or with other parties',[23] and on former discussions in the Foreign Affairs Council and in other EU forums, where total suspension of the EU-Israel Association Agreement was considered, for example during the second Intifada.

Thus, while Israel should improve both its sensitivity and awareness to EU initiatives, to be able to react to them politically and diplomatically promptly and in due time, as well as its understanding of the EU's mechanisms of decision-making and the implications of different instruments used by the EU, the EU should reconsider the effectiveness (and limits) of the measures it imposes in terms of promoting EU's interests in the region in the long run.

[23] Paragraph 21 of the Guidelines, ibid footnote 1.