ECWF FACTSHEET

ECJ ruling of FOODSTUFFS ORIGINATING IN TERRITORIES OCCUPIED BY THE STATE OF ISRAEL

This decision indirectly supports BDS at pan-European level. It has been criticized by many because of its unfair or discriminatory treatment of Israel. It has a serious adverse impact on trade relations between Israel and the European Union.

https://www.jpost.com/Arab-Israeli-Conflict/Top-European-Court-to-rule-on-West-Bank-settler-product-labeling-today-607587
https://www.foxnews.com/politics/u-s-opposes-european-court-of-justice-ruling-to-label-settlement-products

The European Court of Justice (ECJ) ruled that "Foodstuffs originating in territories occupied   by the State of Israel must bear the indication of their territory of origin, accompanied –   where those foodstuffs come from a locality or a group of localities constituting an Israeli settlement within that territory – by the indication of that provenance,"

Specifically the word "settlement" will now need to be included on consumer labels for Israeli goods produced in east Jerusalem and the Golan Heights, as well as the West Bank   settlements.

The ECJ ruling is binding and that action can be taken against countries that do not comply with the ruling.
"The decision that was handed down today is binding on every member state of the European Union. It is up to the EU or any institution, such as the commission, to introduce proceedings if a member state does not abide by this rule," Briand said.

"Our demand is not only for the *correct labeling* reflecting the certificate of origin of products coming from illegal colonial settlements, but for the *banning of those products from international markets*," Erekat said.

Both politicians called on the United Nations Human Rights Council, in the wake of the ruling, to publish its database of Israeli and international businesses operating over the pre-1967 lines, which in Israel is known as "the blacklist."

Why is European Court of Justice's decision discriminatory against Israel?

• No similar mandate exists with regard to any other territorial conflicts, such as Tibet, Cyprus and Western Sahara.

• The ruling's entire objective is to single out and apply a double standard against Israel. There are over 200 ongoing territorial disputes across the world, yet the ECJ has not rendered a single ruling related to the labeling of products originating from these territories," the ministry said. https://www.reuters.com/article/us-eu-court-israel-settlements/eu-court-rules-goods-from-israeli-settlements-must-be-labeled-

idUSKBN1XM1WU

- Ban hurts Palestinians who work in these areas and who are employed by Israel and foreign companies
  https://www.timesofisrael.com/grapes-of-wrath-israel-sours-on-west-bank-winery-in-spat-over-eu-labeling/

"Either way, I do not think that EU member states will be able to enforce any EU regulation that requires it to label only Israeli products. Since most EU member states have robust anti-discrimination laws, it will require any EU regulation to apply, in a non-discriminatory fashion, to any products imported into the EU that come from either disputed territories or territories engaged in human rights violations."
In other words, if Europe's top court decides that West Bank products must be labeled, she said, "that means Styrofoam cups from China, wine from Turkey, oil from Iran, will all be mandated to have labels indicating the particular political circumstances of each country. That will obviously be an economic nightmare for Europe and totally unenforceable."

But according to about half a dozen Israeli officials who discussed the issue with The Times of Israel, this line of argument is likely a massive miscalculation.

It's possible that a handful of courts, especially those in countries more supportive of Israel such as Hungary or Germany, would rule against labeling on discrimination grounds, they posit, but ultimately, the matter will be referred back to the court in Luxembourg — the EU's highest legal instance — where it has already been settled.