

Meeting compilation

Meeting of a delegation of academics under the coordination of ECCP with members of the cabinet of the EU commissioner for Start-ups, Research & Innovation on 15 October 2025

Meeting details

15 October 2025 4 pm

Berlaymont building, EU Commission, 200 Rue de la Loi, Brussels, Belgium

EU Commission participants: Andreas Schwarz (head of cabinet), Sophie Alexandrova (deputy head of cabinet), Bojan Grlas (deputy head of unit, DG Research)

Academics: Francesco Battaglia, Ivar Ekeland, Geneviève Girard, Maria-José Lera, Nozomi Takahashi, Federica Violi

GENERAL INTRODUCTION

The Israeli military/security industrial complex has been the major apparatus used to maintain the 58 year-long occupation with its apartheid-style discrimination and brutal repression of Palestinian people. Since 1997, even prior to the EU-Israel Association Agreement (EU-IAA) which went into effect in 2000, the EU has been feeding this monstrous edifice with €3 billion of funding¹ through research programmes including the current Horizon Europe scheme. This is on the top of €8 billion (under the European Defence Fund) and €500 million (under the Act in Support of Ammunition Production) channeled to Israel's weapon companies, directly arming Israel². Civil society organizations (since 2013³) and academics (since 2019⁴) have repeatedly raised ethical concerns due to the gross human rights violations in the Occupied Palestinian Territory (OPT). Even after 7 October 2023, €126M went to 130 new projects involving Israeli partners.

In January 2024, after the international Court of Justice (ICJ) provisionally concluded that the conduct of Israel in Gaza constituted plausible genocide⁵, the legal landscape has drastically changed. It gave rise to legally binding obligations to all third parties including the EU and member states to "prevent" the crime of genocide due to the erga omnes nature of the Convention of the Prevention and Punishment of the Crime of Genocide (Genocide Convention). Furthermore, the same court issued the long-

¹ <https://www.ftm.nl/artikelen/onderzoek-nederlandse-universiteiten-met-israelische-defensiebedrijven?share=H9JE9ZIBz18t%2Figt%2Fkpg9f24pdzhABspVxq3xaCT5e%2BF%2BzxAmILpXrT MbGYzRE%3D>

² <https://www.tni.org/en/publication/partners-in-crime-EU-complicity-Israel-genocide-Gaza>

³ <https://www.eccpalestine.org/eu-research-funding-and-israeli-violations-of-international-law/>

⁴ <https://www.eccpalestine.org/european-researchers-and-academics-protest-involvement-of-israeli-arms-companies-in-eu-research-programs/>

⁵ <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240126-ord-01-00-en.pdf>

awaited advisory opinion in July 2024⁶ ruling that Israel's protracted occupation and discriminatory policy are illegal outlining clear obligations for third parties. These legal developments defined a new frame to the decades-long human rights violations committed by Israel in the OPT. The EU's complicity is now not only morally despicable but also indisputably illegal. It has been described in more details how in particular EU funding contributes to an “economy of genocide” in the report of UN Special Rapporteur Francesca Albanese in June 2025⁷, that states: “The European Commission (EC)’s Horizon Europe programme actively facilitates collaboration with Israeli institutions, including those complicit in apartheid and genocide”. Moreover, the most recent report⁸ of the UN Special Rapporteur focuses on the legal responsibility of EU and its member states. It mentions the “European Commission Research and Innovation Framework (since 2021, Horizon Europe) [that] has provided €2.1 billion in grants to Israeli entities in science, technology and innovation, many developing dual-use and military technologies.” Furthermore, “the programme’s European Innovation Council has also financed 34 Israeli companies with €550 million of equity and blended finance since 2021, making Israel among the highest per capita beneficiaries.”

It took the EU 17 months to finally review Israel’s compliance with Article 2, human right close of the EU-IAA. Academics from France⁹, Belgium¹⁰, Spain¹¹, The Netherlands¹², [Ireland](https://www.bacbi.be)¹³ and the UK¹⁴, joined the efforts to collectively demand the European Commission to suspend Israel from the Horizon Europe. The recent petition¹⁵, in a follow-up to the earlier petition¹⁶, was addressed to the president of the European Commission, President of the European Council, High Representative for Foreign Affairs and Security Policy / Vice President (HRVP) and the Commissioner for Startups, Research and Innovation. It demanded the suspension of Israel from the EU Research programmes and was endorsed by 75 organizations and 4500 university staff, student and academics¹⁷. [Rectors of Belgian universities](https://www.redxpalestina.org)¹⁸ also called for the suspension of the EU-IAA, [effectively joining forces](https://www.bricup.org.uk)¹⁹ before the scheduled council meeting on June 23 this year when the review of its Article 2 was to be discussed. The HRVP Kallas proposed 10 possible sanctions in July including suspension of the EU-IAA and Horizon Europe but was unable to gain the consensus of 27 member states. In September the president von

⁶ <https://www.icj-cij.org/sites/default/files/case-related/186/186-20240719-pre-01-00-en.pdf>

⁷ <https://www.ohchr.org/en/documents/country-reports/ahrc5923-economy-occupation-economy-genocide-report-special-rapporteur>

⁸ <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/coiopt/a-80-492-advance-unedited-version.pdf>

⁹ <https://aurdip.org/?lang=en>

¹⁰ <https://www.bacbi.be>

¹¹ <https://www.redxpalestina.org>

¹² <https://www.dutchscholarsforpalestine.nl>

¹³ <https://academicsforpalestine.org>

¹⁴ <https://www.bricup.org.uk>

¹⁵ <https://aurdip.org/en/stop-european-funding-for-israeli-institutions-stop-complicity-in-occupation-apartheid-and-genocide/>

¹⁶ <https://aurdip.org/en/thousands-of-european-academics-ask-for-the-termination-of-european-support-for-israeli-academia/>

¹⁷ <https://aurdip.org/en/will-the-european-union-stop-funding-israeli-institutions/>

¹⁸ <https://vlir.be/nieuws/appeal-suspend-association-agreement/>

¹⁹ https://www.lemonde.fr/campus/article/2025/06/25/la-france-en-retrait-des-initiatives-europeennes-pour-denoncer-les-partenariats-avec-les-universites-israeliennes_6615886_4401467.html

der Leyen moved to terminate bilateral payment to Israel under the sole competence of the Commission and proposed suspension of Israel from the trade part of the EU-IAA and the EIC accelerator, a minor part of the Horizon Europe programme, finally breaking the 21 months' silence²⁰. However, this is too little too late, and the EU is still caught in its paralysis, unable to secure the needed consensus (not even a qualified majority). The academic delegation met the head and the deputy head of the cabinet of the Commissioner Zaharieva for Startups, Research and Innovation on behalf of the European Coordination for Committees and Associations for Palestine (ECCP) on 15 October after the initial cancelling of the scheduled meeting on 11 July.

The following is the compilation of the interventions.

Opening declaration by Professor Em. Ivar Ekeland

This delegation met with the cabinet of former Commissioner Ivanova in September 2024. A meeting with the present cabinet was scheduled for July 11 but cancelled on July 9. In view of the urgency of the situation, we sent the Commission a petition signed by 75 organisations and 4500 academics requesting the suspension of Israel from the Horizon Europe program, together with a letter stressing the need for immediate action. Neither the meeting nor the petition elicited an answer.

We are happy that the meeting is finally taking place, and we thank Commissioner Zaharieva and her cabinet for letting it happen. We stress that the ongoing discussion we are having with the Commission is carried in light of the July 2024 Advisory Opinion by the International Court of Justice on the « Legal consequences arising from the policies and practices of Israel in the Occupied Palestinian Territories ». The Court states that the continued presence of Israel in the OPT is unlawful, that Israel has an obligation to leave, to evacuate the settlers and to make reparations to the indigenous population. It also states that all states are under obligation not to render assistance to Israel in maintaining the situation.

Stopping the genocide in Gaza would not alter this fundamental situation. It would open the time for justice : I am sure everyone in this room is looking forward to the time when the arrest warrants from the International Criminal Court are served to the Israel prime minister and to the former army chief of staff, and they are brought to justice. But this is a side issue : whatever ceasefire agreement is signed, the very presence of Israeli soldiers and settlers in the OPT is unlawful and the EU is under a legal obligation not to support it in any way.

Unfortunately, and this is why we are here, it does, as it is apparent from all the evidence my colleagues have gathered and put before you. We therefore ask two things from the EU

1. to suspend all ties with Israeli research institutions, just as on March 3, 2022, one week after the invasion of Ukraine, it suspended all ties with Russian research institutions,

²⁰ https://ec.europa.eu/commission/presscorner/detail/en/speech_25_2053

2. to disclose the ethical reviews of projects involving Israel partners and the monitoring procedures and practices of such projects

Prof. Em. Ivar Ekeland,
former President, Université de Paris-Dauphine
member of the Academia Europea, fellow of the Royal Society of Canada
foreign member, the Academies of Science of Norway, Palestine and Austria
Vice chair of AURDIP

International law context by Dr. Federica Violi

Introduction

The EU has an obligation to prevent and punish genocide, including through cooperation in ensuring accountability. However, this does not exhaust the extent of the EU's responsibilities. The **2024 ICJ Advisory Opinion**²¹ identifies a set of binding international obligations that apply directly to the EU and its institutions - this includes, critically, the **European Commission**²².

In the context of **research cooperation with Israel**, two obligations from the 2024 ICJ Advisory Opinion are particularly relevant:

1. The **duty to distinguish** between dealings with Israel within its own territory and those concerning the **Occupied Palestinian Territory (oPt)** - which includes the obligation to abstain from **treaty relations** where Israel purports to act on behalf of the oPt or where such relations would **entrench its unlawful presence**.
2. The obligation **not to render aid or assistance** in maintaining the illegal situation created by Israel in the oPt.²³

Relevance for Horizon Europe

Besides the specific agreement(s) between the EU and Israel on the Horizon Framework Programs,²⁴ Israel's participation in Horizon Europe as an associated country is also governed by the **2013 EU Guidelines on the eligibility of Israeli entities and activities in occupied territories**.²⁵ These Guidelines formally allow EU support in the form of

²¹ International Court of Justice, *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion 19 July 2024.

²² While self-evident, it is worth restating that the EU is bound by international law, including both customary rules and treaties it has ratified. These rules form an integral part of the EU legal order. In addition to the explicit references to international law in Articles 3(5) and 21 TEU, the Court of Justice of the European Union has repeatedly affirmed their binding nature for the EU. See amongst others: Case C-162/96 *Racke GmbH & Co v Hauptzollamt Mainz* [1998] ECR I – 3655; Case C-386/08 *Firma Brita* EU:C:2011:347.

²³ *Ibid.* par. 278.

²⁴ The latest instrument is the 'AGREEMENT between the European Union, of the one part, and Israel, of the other part, on the participation of Israel in the Union programme Horizon Europe – the Framework Programme for Research and Innovation', L 95/143, 23 March 2022.

²⁵ 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, C 205/05, 19 July 2013.

grants, prizes and financial instruments only to entities established in and activities taking place **within Israel's pre-1967 borders**.

However, as extensively shown by Hernandez and Wessel,²⁶ the current legal and regulatory framework has not been sufficient to ensure legal compliance with EU's international obligations.

First, the **2013 Guidelines** contain **two major exceptions**:

1. **Article 6(a)**: allows contractors and subcontractors selected by grant recipients to operate in the OPT, effectively exempting downstream activities from restrictions. This provision is clearly problematic in light of the EU's duty to refrain from any dealings that could entrench Israel's unlawful presence in the oPt, as well as its obligation not to aid or assist in maintaining the illegal situation.
2. **Article 11(b)** exempts Israeli public authorities at national level located in the oPt, in evident contradiction with – amongst others – EU's obligation to abstain from treaty relations where Israel purports to act on behalf of the oPt.

Second, funding has still flowed to entities directly implicated in Israel's unlawful actions in the OPT, in part due to **weak screening mechanisms**. Entities such as **Elbit Systems** and **Teva Pharmaceuticals** are examples of beneficiaries with known links to settlement related activities. While the 2013 Guidelines prohibit the *direct* allocation of Union funds to support such activities, inadequate scrutiny may nonetheless give rise to breaches of the obligation to distinguish between dealings with Israel within its territory and those relating to the oPt, as well as of the duty to refrain from dealings that might entrench Israel's unlawful presence therein. The current ethics checks and reviews mostly rely on a self-assessment appraisal; they lack any reference to the 2013 Guidelines and are not activated in project implementation, unless required at the outset as condition for funding or prompted by external ad hoc reporting. Furthermore, under the 2013 Guidelines (par. 16), Israeli entities are only required to submit a 'declaration of honour' that their application is in line with the Guidelines.

Third, even if for entities or activities within pre-1967 borders, Israel's participation to Horizon Europe remains problematic. Horizon Europe funding has been allocated to Israeli institutions embedded in what has been described as the **military-academic complex**, which supports weapon- and security system- development used to maintain Israel's presence in the OPT. This is articulated in extensive detail in this report, including funding for dual use technologies used for military purposes. Israel remains one of the top non-EU recipients of **security research funds**. This concern is further heightened by the inclusion among beneficiaries of entities such as the **Ministry of**

²⁶ The report authored by Gleider Hernández and Ramses A. Wessel examines rigorously and in detail **all international obligations the EU** (and evidently its institutions) is bound by in relation to the ICJ Advisory Opinion of July 2024. See Expert Legal Opinion on the Implications for the European Union of the July 2024 International Court of Justice Advisory Opinion regarding the Policies and Practices of Israel in the Occupied Palestinian Territory. European Parliament (2025). Available at <https://research.rug.nl/en/publications/expert-legal-opinion-on-the-implications-for-the-european-union-o>. This expert legal opinion was commissioned to the authors by MEPs Barry Andrews, Hana Jalloul Muro, Matjaž Nemeč, Villy Søvndal and Tineke Strik.

Defence, Israeli Aerospace Industries, and the Ministry of National Security, all central to maintaining the unlawful occupation.

Given the above, the (1) **Commission must urgently reassess and revise the 2013 Guidelines** and implement (2) **stronger screening and oversight mechanisms** to ensure compliance with the ICJ's findings. This also includes a (3) **stringent obligation to review Israel's participation in all Horizon Europe funded projects** to ensure compliance with the EU's international legal duties.

Contractual Leverage under Horizon Europe

The **General Model Grant Agreement** for Horizon Europe (Article 14.2) requires beneficiaries to respect **EU values. Annex 5 further specifies that beneficiaries must comply with ethical principles and EU, international, and national law** and explicitly mandates an exclusive focus on **civil applications**.²⁷

Where a breach of the grant agreement occurs, the Commission is empowered to **reduce (Art. 18.2, 28), suspend (Art. 31.2), or terminate (Art. 32.3)** the grant, including selectively with respect to one beneficiary.

In other words, the Commission has both the **legal authority and contractual tools** to act in cases of non-compliance by Israeli institutions. However – consistently with the principles set out above – contractual measures cannot be triggered merely in response to external, ad hoc reporting. Compliance with the EU's international obligations requires the Commission to engage in **systematic and proactive review and screening of all funded programs**.

Legal Risk of Inaction

In summary, based on the analysis outlined above, the Commission has a duty to:

- **Reassess and revise the 2013 Guidelines** to address existing legal and regulatory gaps;
- **Tighten ethics checks and screening** to comply with EU international obligations;
- **Review Israeli participation in Horizon Europe**. This means reviewing **all projects** Israeli institutions are involved in and are beneficiaries of.

If the Commission does not take any meaningful action, where it has competence and power to do so, failure to act might materialise. By **not reviewing all existing Horizon Europe funding streams** or by **not acting on evidence of contractual breaches** - it may be exposed to **judicial claims for failure to act**, particularly under **Article 265 TFEU**. Furthermore, claims might be submitted to the **Ombudsman** (Art. 228 TFEU) for

²⁷ The contractual outlook of research-related agreements has been thoroughly analysed by Gamze Erdem Türkelli, Koen De Feyter and Thalia Kruger *Serious Breaches of Obligations Arising from Peremptory Norms of General International Law & Consequences for Institutional Cooperation with Universities in Israel*. Legal Brief written in the individual capacities of the authors. Law & Development Research Group, Faculty of Law, University of Antwerp (June 2025). Available at [0961f696-b017-4904-b4a1-22d7b5e6c149.pdf](https://www.legalbrief.be/0961f696-b017-4904-b4a1-22d7b5e6c149.pdf)

cases of maladministration, and a role might also be played by the **Court of Auditors** (art. 287 TFEU) in its competence of revenue and expenditure auditing.

The Commission's passivity, in the face of serious and substantiated violations, could amount to a **breach of its legal duties** under both EU and international law. The Commission has both the **competence and the responsibility** to ensure that all cooperation under Horizon Europe aligns with the EU's international legal obligations. In light of the ICJ's authoritative guidance, maintaining the status quo is no longer tenable.

Dr. Federica Violi,
Prof. Asso. Erasmus University Rotterdam

Projects involving Israeli identities funded by Horizon Europe: Why it is problematic, by Prof. Francesco Battaglia

For the reasons that we explain here, we of course find that the entire participation of Israel to the Horizon Europe program needs to be suspended, to say the least. The European Commission proposed in July a suspension limited to the participation of Israeli startups to the EIC Accelerator program. We think this is insufficient, yet we understand why the Commission decided to start from there.

The Israeli startup ecosystem is to a very large extent dependent from and integrated in the military complex of that country. Israel is the largest pro-capita exporter of weapons in the world and many of those technologies come from startups (often spinoffs of Israeli universities). We are talking about innovations in drone or small arms to facial recognition software, from incarceration and riot gear to digital surveillance.

These startups benefit from the genocidal actions of the Israeli government, because the government is their largest customer and funder and because they use the "performance" of their products in their marketing, enabling them to sell their weapons as "battle tested". They not shy to even use video footage (as it is the case for startup Rafael) from destruction in Gaza to advertise their product.

In what follows we will give a overview of some of the HE project that present in our opinion the greatest risk of infringing EU and HE provisions safeguarding human rights and preventing dual use applications. It is important to notice the participation of Israeli businesses and academic institutions, showing the inextricable links of Israeli academia to the genocidal effort.

Prof. Francesco Battaglia
Prof. Radboud University, The Netherlands
Member of the Academia Europea
Member DSP

Detailed analysis of the projects funded by Horizon Europe, by Dr. Geneviève Girard

NB: the parts in grey have been added for more details to the reader but were not communicated to the EU team on site during the meeting on 15 October. However, concerning the HERWINGT part, they were communicated to the EU in previous contacts (for example the open letter of July 2025).

In Horizon Europe, there is a total of ~800 projects in collaboration with one or more Israeli actors. ~650 of them are still running after December this year. Already a few tens have been identified as clearly dual-use by media and experts^{28,29,30}. Many more involve very possibly problematic topics and certainly problematic Israeli participants, potentially responsible for war crimes.

Combining the two aspects, i.e. risk of dual use (and further than that, risk of criminal use, for example in discriminatory screening of Palestinians) and problematic participants, leads to a long list of problematic projects. At this point in time, more than 2 years in the acute phase of genocide, it is not possible to understand how this projects are still running. Importantly, this list is very conservative and a large under-estimation of the number of projects that are really problematic. Due to a lack of time, only ~25% of the 650 projects mentioned above have been analyzed. Besides, many topics that might appear harmless have not been selected. However, concerning a country that is so existentially entangled in a system of oppression, apartheid and colonization as Israel³¹, there is no such thing as a harmless scientific topic. A famous illustration of that is the recent example of “Lavender”, an AI-driven system that generates kill lists by analyzing surveillance data. It is allegedly based on same machine-learning techniques as for... medieval studies³². In the same way, improved data collection and integration of satellite data for agriculture³³ might be translated for military satellite data, innovations for automotive industry might be applicable to drones technology³⁴, setting up 6G networks for telecommunications will also speed up military telecommunications^{28,35}, and so on.

Among those many examples, three projects illustrate that European funding is likely used for highly questionable and probably even criminal aims. They also indicate that EU is not in control of the application of its own rules.

²⁸ <https://delta.tudelft.nl/en/article/tu-delft-engaged-in-multiple-dual-use-studies-with-israel>

²⁹ <https://www.ftm.nl/artikelen/onderzoek-nederlandse-universiteiten-met-israelische-defensiebedrijven>

³⁰ <https://www.trouw.nl/duurzaamheid-economie/de-tu-eindhoven-boycot-een-israelische-universiteit-en-werkt-ermee-samen-hoe-kan-dat~b24e0cd5e/>

³¹ <https://dokumen.pub/ten-myths-about-israel-1786630192-9781786630193.html>

³² <https://www.aljazeera.com/news/2024/12/18/eu-horizon-funding-israel>

³³ <https://cordis.europa.eu/project/id/101086355>

³⁴ <https://cordis.europa.eu/project/id/101194414>

³⁵ <https://cordis.europa.eu/project/id/101182933>

HERWINGT: From no-dual use to claimed military applications

On 10 February 2025, answering Parliamentary question E-001930/2024(ASW), Commissioner Zaharieva confirmed the “**exclusive focus on civil applications**” of activities carried out under Horizon Europe and mentioned “several mechanisms” for monitoring “the use of EU funds and compliance with the contractual obligations”, with concrete consequences if violations are observed. Then, on 4 March 2025, answering Parliamentary question E-002908/2024, Commissioner Zaharieva added: “The projects **in which Israel Aerospace Industries [IAI] participates** are of a **purely civil nature**. These include, inter alia, projects to develop **hybrid electric regional aircrafts** [...]”.

The Horizon Europe project HERWINGT “develops key technologies to address a new wing design for a hybrid electric regional aircraft”³⁶ and involves IAI. However, two industrial participants to this project openly endorse military and therefore dual-use applications in the Plan for Dissemination & Exploitation³⁷ available on the Commission website Cordis already months before those statements: Airbus names “**Dual Use Multimissions Aircrafts** through new versions of **C295**” (C295 being a **military aircraft**³⁸); Aciturri Engineering SL mentions, “not only [...] Hybrid Electrical Regional Aircrafts, but also [...] any other category of airframes, within civil aviation, and also it will be valid for military ones”.

One more blatant issue of HERWINGT is that IAI is the top supplier of the Israel army³⁹.

UNDERSEC – Collaborating with a criminal government body led by an “ICC-wanted” figure

Talking about problematic partners, the Horizon Europe project UNDERSEC⁴⁰ involves the Ministry of Defense, and the Israeli weapons manufacturer Rafael. The latter recently used as promotion material a video of one of its drones killing an unarmed civilian⁴¹. The Israeli Ministry of Defense has a huge responsibility in conducting the Gaza genocide⁴². Its former head is subject to an arrest warrant for crimes against humanity⁴³ and was in office during the first year of the project. The project addresses the topic of underwater security, with acknowledged dual-use applications, as illustrated by the wish expressed in the publicly available Undersec Stakeholders

³⁶ <https://cordis.europa.eu/project/id/101102010>

³⁷

<https://ec.europa.eu/research/participants/documents/downloadPublic?documentIds=080166e5f9f6f270&apld=PPGMS>

³⁸ <https://www.airbus.com/en/products-services/defence/military-aircraft/c295>

³⁹ <https://www.iai.co.il/about/history>

⁴⁰ <https://cordis.europa.eu/project/id/101121288>

⁴¹ <https://euobserver.com/eu-and-the-world/ar3905e1da>

⁴² <https://www.ohchr.org/en/press-releases/2025/09/israel-has-committed-genocide-gaza-strip-un-commission-finds>

⁴³ <https://www.icc-cpi.int/defendant/gallant#:~:text=Allegedly%20responsible%20for%20the%20war,at%20least%2020%20May%202024.>

Engagement Plan⁴⁴ to “[integrate] UnderSec’s solutions into **broader defense strategies** [of] the **NATO Allied Maritime Command**”, NATO being openly a “political and **military alliance**”⁴⁵. Like for HERWINGT above, this is in violation of the “purely civil nature” of Horizon Europe, and the EU cannot ignore this, given that the documents are published on its very own Cordis website.

REACT – Dual-use in collaboration with criminal scientists

Last but not least, the Horizon Europe project REACT⁴⁶, involving neuromorphic computing that is interesting for the arms industry, for example concerning drones. Shahaar Kvatinsky, the scientist responsible for the Israeli side of the project, has recently been identified by the Dutch media⁴⁷ as an IDF reserve officer of the Golani brigade. He fought in many wars, in Lebanon and at least 4 wars in Gaza, including the current genocidal one (still in 2025). In 2024 he signed an open letter calling the members of the War Cabinet to “*not allow humanitarian supplies and the operations of hospitals within Gaza City.*” His research group has close links to the arms industry, in particular Elbit. REACT starts on November 1st this year and this information has just been published in the Dutch media today (15/10/2025). Given that the military service in Israel is obligatory for the majority of the population, and the essential role of the military not only in the genocide but also the continuing process of oppression, apartheid and colonization, this poses the problem of complicity not only at institutional level for Israeli participants, but also at individual level. The Kvatinsky case is probably only the tip of the iceberg, as shown by the also recent publication about the possible criminal profile of a high-ranking Philips manager in the Netherlands⁴⁸.

Dr. Geneviève Girard
Senior policy advisor, TU Delft, The Netherlands
Member DSP

Struggle of European Universities and Researchers: Their moral decision is punished by the inaction of the European Commission, by Dr. Maria-José Lera

Universities are no strangers to this international regulation. In fact, one example is the Belgian universities, which have collected signatures and sent an official letter to the President of the European Commission, Ursula von der Leyen, reiterating their urgent request to suspend the Association Agreement between the EU and Israel as far as Horizon Europe is concerned. They also called on the Commission to proceed with the

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<https://ec.europa.eu/research/participants/documents/downloadPublic?documentIds=080166e51db6d949&appId=PPGMS>

⁴⁵ <https://www.nato.int/>

⁴⁶ <https://cordis.europa.eu/project/id/101226463>

⁴⁷ <https://www.platform-investico.nl/onderzoeken/universiteiten-groningen-en-eindhoven-werken-met-israelische-legercommandant>

⁴⁸ <https://www.ftm.nl/artikelen/topman-van-philips-vocht-mee-met-het-israelische-leger>

development of a human rights assessment tool for all European academic programs. However, they have not received any response yet.

Regarding Horizon Projects the role to run the project is held on specific researchers, and when some of them act according to the rule, they face economic and professional difficulties.

This is an example in Spain.

"It should be noted that within the Madrid Complutense University there has been the case of the TROPA research group (UCM group with reference 970965, rated as excellent) which has been forced to renounce its participation in a project of the Horizon Europe 2025 program (called "HORIZON-CL5-2025-03-D1-02: Advancing Earth System Models to increase understanding of Earth system change", with an estimated total funding per project of about 7.5 million euros), by refusing to collaborate with Israeli institutions (Weizmann Institute of Science, in this case), whose involvement contravenes the ICJ Advisory Opinion cited above. This decision, motivated by the TROPA-UCM group's firm commitment to compliance with International Law, has resulted in direct harm to those who act with legal and ethical responsibility, while those who violate this legal framework continue to participate unimpeded."

We were invited to participate in the project on November 23, 2024, by colleagues from the Max Planck Institute für Meteorology. It was a medium-large proposal (€7.5M) that closed on September 24, 2025. We said yes that we were delighted, because it was the natural continuation of another European project in which we had been collaborating with them. On the return from the Christmas holidays, they wrote to all the partners who had been contacting separately to organize a proposal preparation meeting in February and that is when we realized that one of the institutions that would participate was Israeli. So, after some deliberation within the group, on January 14 I wrote to the coordinator to ask her to speak by videoconference. We met the next day, and I explained to him, that we could not participate together with this other Israeli partner, so we dropped out of the project. The coordinator, being German, did not expect a resignation at all for this reason. I am not quite convinced that they understood our position.

For our group, this decision means not only renouncing a potential important funding for 4 years for our research, but it has also implied a cut in collaboration with other partners, especially the Germans, who do not understand this boycott well. I do not think they will count on us for future calls.

Do the commission have any answer for universities and research group that want to accomplish with the international law?

Dr. Maria- José Lera
Prof. Assist., University of Seville
Senior member RUxP

Conclusive remarks by Dr. Nozomi Takahashi

We wonder if the commissioner is aware of the gravity of the situation. The UN described the genocide in Gaza as the most profound crisis since its foundation. This did not start on 7 October. Neither it ends with the current peace agreement. **As far as the occupation, colonization and apartheid persists, the legal obligations arising from the ICJ advisory opinion are still binding.**

We noted that the President von der Leyen proposed to suspend Israel from **the EIC Accelerator fund, a part of the Horizon Europe programme**. However, considering the enormity of death, destruction and ongoing illegal activities of Israel, **it is too late too little. There should be a full accountability.** The EU failed to fulfil its obligation to prevent the genocide, but the obligation to punish genocide remains. It now must show its determination to punish genocide, if its respect for the rule of law is not hollow words.

That's why we still demand the suspension of Israel from the entire Horizon Europe programme. We acknowledge that the total suspension requires the consensus of the 27 member states. But we believe that commissioner Zaharieva has power to **suspend all projects involving Israel in dual-use research, due to the very high risks involved.** The ethical oversight is her mandate. As already exposed by some media reports and by our own analysis presented today, there is **a clear pattern of violations.** Any project involving Israel in dual-use poses a significant high risk to have the EU's fund to be used in breach of international law and EU's own regulation. So we demand that at least all projects involving Israel in dual-use technology should be suspended.

We believe that you have already initiated a review of some projects because you were alerted by the media and by us.

As reported in media the case involving **Xtend**, now metamorphosed into Extend Defence, and **Rafael** are clear examples of outrageous violations. **Did the commissioner take any measures against these companies?** Xtend received the EIC accelerator fund in the past. The media reporting must have prompted the President in her proposal to suspend Israel from this particular programme within the Horizon Europe programme.

And how about the case of **the Israeli Ministry of Defense**? It's a huge public concern that the very ministry, committing war crimes after war crimes in Gaza and its former head is wanted by ICC for war crimes and crimes against humanity, is receiving the EU research money. **Did the former commissioner initiate a review of the conduct of the Israeli Ministry of defence when the ICC chief prosecutor requested an arrest warrant in May 2024?**

The cabinet head of the former commissioner told us last year that they have initiated an investigation into **13 projects** we described in the earlier petition. All projects involving **Israel Aerospace Industries and Elbit systems** were reviewed according to the commissioner's answer to parliamentary questions. **Could you disclose these results?**

These are the questions we academics and European citizens want to have answers. The European citizens have a right to know whether their tax money is diverted to support international crimes.

The commissioner must have discussed this issue with the President and the HRVP during the weekly meetings. Former commissioners, Carlos Moedas and Mariya Gabriel, answered also on behalf of the High Representative/Vice President. Commissioner Ivanova partly answered on her own behalf. We will appreciate if the Commissioner Zaharieva answers us also on behalf of the president and HRVP.

Dr. Nozomi Takahashi,
Senior scientist, VIB-Ghent University
Chair of Belgian Academics and Artists for Palestine (BA4P)

Reaction of the cabinet members

The main points of the reaction of Mr. Schwarz en Ms. Alexandrova after our presentation were:

- They understand our point of view but ask us to understand that the EU is based on the rule of law and that in that sense “everything that EU does is legal unless proven otherwise” (quote from Mr. Schwarz). If we have proof of the contrary, they will be happy to mobilize their experts to review it. “Please accept that we consider ourselves to be lawful” (quote from Mr. Schwarz).
- The proposal related to putting sanctions against Israeli start-ups in the context of the EIC accelerator is still on the table.
- For clarification, Israel is paying a fee to participate in the Horizon Europe as an associated country and therefore contributing to the fund.
- At the moment, what is most important is the ceasefire that was just announced in Gaza and we should all be very happy about this.
- Also importantly, the EU is demanding its own monitoring presence at Rafah to ensure the unhindered passage of humanitarian aid.

GENERAL CONCLUSION

At the meeting on 15 October the head of cabinet Mr. Andreas Schwartz stated that “everything that EU does is legal unless proven otherwise” while acknowledging that “the interpretation of what is legal might differ between the parties.” This blunt statement shows that they are not open for a dialogue. It is curious which different interpretation they have to justify the legality of their inaction vis a vis genocide, occupation and apartheid. They did not give direct answer to the questions posed during the meeting but promised to answer in writing.

One week after the meeting on 15 October, our delegates received an answer from the Commissioner Zaharieva to the earlier open letter as promised by the deputy head of

the cabinet Ms. Sophie Alexandrova. The letter states that the commission proposed the suspension of the EIC Accelerator programme, a part of the Horizon Europe, and that it requires a qualified majority of the 27 member states, as if this absolves the Commission for its responsibility and justifies its inaction.

The commissioner further argues “actions or behaviour of the State of Israel cannot be considered automatically attributable to Israeli entities participating in Horizon Europe. Therefore, under the current legislative framework, **termination of participation based solely on the nationality of the beneficiary would amount to discrimination, which is prohibited under the Association Agreement**”, exactly the same argument set forward by the former commissioner Iliana Ivanova in her earlier answer to us.

This argument is false in several reasons.

First, the act of sanction is meant to fulfil legal obligations arising from the Genocide convention, ICJ orders and advisory opinion as well as the EU’s own legislation regarding Article 2 of the EU-IAA and is not based on the nationality as such.

Second, the commission’s proposal to suspend the EIC accelerator confirms that the breach of Article 2 by Israel justifies the suspension of the Israeli participants of the EIC Accelerator programme.

Third, termination would not be based *solely* based on nationality. In fact, nationality does not play a role per se. The ground for terminating participation would lie rather on evidence of (contributions to) grave breaches of international law. So why does it not apply to the Israeli participants of Horizon Europe?

Fourth, The Commission has excluded Russia from all European research cooperations within a matter of a week after the invasion of Ukraine in 2022. **If excluding Israel is in breach of the EU’s legislative framework, the act of the Commission to exclude Russia must have been illegal.** Russians will be very happy to hear this statement from the Commissioner.

The Commissioner further continues:

“I would like to confirm once again that all projects listed in your letter went through an ethics screening as part of the evaluation process (be it for Horizon 2020 or Horizon Europe), and the evaluators did not conclude that any of the proposed activities in those projects go beyond the required exclusive focus on civil applications.”

The same answer she gave to the parliamentary questions posed by several members of the European parliament, again without showing any evidence. Besides, this addresses neither the contradiction with the evidence found by us that participants openly endorse the non-exclusive focus on civil applications for several projects (including HERWINGT, UnderSec and ROXANNE), nor the obvious flaws of the ethics checks we reported in detail in our open letter of July.

We demanded in our open letter to disclose the result of the review, and this was repeated during the meeting again. Furthermore, we requested that, at a minimum, all projects involving Israeli entities are subject to a systematic and comprehensive review, as well as a revision of the 2013 Guidelines to Guidelines on the eligibility of Israeli entities and their activities.

Officials emphasized that Israel makes contributions as an associated non-EU country to participate in Horizon Europe.

This argument is unpersuasive and does not absolve the EU of responsibility: given the fungibility of funds, the ultimate responsibility for disbursement rests with the Commission authorizing the grants. Even more, Israel's contribution to Horizon Europe programs could be made regarding Israel's benefits for its academic and industrial sectors. In some ways Israel is "buying" strategically the Horizon grants, getting important benefits from them, as it is having access to a wide network or expertise, expanding their products to the European markets, and improving in cutting edge research at maximum level. With the same money, but without the possibility to be part of a European network, the research and innovation in Israel would be seriously and negatively affected.

There are many questions in the open letter that were not addressed. We explicitly pointed out that Article 14 of the model grant agreement states "**The beneficiaries must commit to and ensure the respect of basic EU values (such as respect for human dignity, freedom, democracy, equality, the rule of law and human rights, including the rights of minorities)**" and questioned how, for instance, the Israeli Ministry of Defence and Israeli ministry of Public Security would qualify such requirements. There was no answer to these questions.

Article 19 of the Horizon Europe regulations states: "Actions carried out under the Programme shall comply with ethical principles and relevant Union, national and international law". Non-fulfillment should result in rejection or termination." We were left to wonder how projects involving an Israeli weapon company that advertised its drone killing an unarmed civilian in Gaza is complying with ethical principles. Limiting the oversight only during the strict term of the project appears far too irresponsible to the concerned public. These projects have been said to have passed the ethical screening and monitoring. We can only conclude that the rules are intentionally made to allow the permissive use of civil research feeding into military purposes even in the middle of allegation of genocide, war crimes and crimes against humanity by the Israeli military industrial complex.

Additionally, in the letter from Commissioner Ivanova to us, the mention of the new funding destined to Gaza's research – dedicating a total of €1 million (over the €95,5 billion) to help 50 Gaza's researchers digitally to carry on with their research – ignores the total destruction of Gaza including Internet connection.

The rudimentary answer from the Commissioner Ivanova and Zaharieva raised more questions than solving them. As agreed between both parties, we will keep engaged in the written follow-up. However, we feel that this communication can be of interest to the general public. It is for this reason we disclose the information to the press.

Appendix – international law context, long version, by Federica Violi

Introduction*

The EU has an obligation to prevent and punish genocide, including through cooperation in ensuring accountability.⁴⁹ However, this does not exhaust the extent of the EU's responsibilities. The **2024 ICJ Advisory Opinion**⁵⁰ identifies a set of binding international obligations that apply directly to the EU and its institutions - this includes, critically, the **European Commission**.

In the context of **research cooperation with Israel**, two obligations from the ICJ Opinion are particularly relevant:

1. The **duty to distinguish** between dealings with Israel within its own territory and those concerning the **Occupied Palestinian Territory (oPt)** - which includes the obligation to abstain from **treaty relations** where Israel purports to act on behalf of the OPT or where such relations would **entrench its unlawful presence**.⁵¹
2. The obligation **not to render aid or assistance** in maintaining the illegal situation created by Israel in the OPT.⁵²

* This legal brief has benefited from the valuable feedback of experts in international and EU law, whose identities are kept confidential.

⁴⁹ While self-evident, it is worth restating that the EU is bound by international law, including both customary rules and treaties it has ratified. These rules form an integral part of the EU legal order. In addition to the explicit references to international law in Articles 3(5) and 21 TEU, the Court of Justice of the European Union has repeatedly affirmed their binding nature for the EU. See amongst others: Case C-162/96 Racke GmbH & Co v Hauptzollamt Mainz [1998] ECR I – 3655; Case C-386/08 Firma Brita EU:C:2011:347, at par. 42, the Court mentions “(..) the rules of customary international law (..) are binding upon the Community institutions and form part of the Community legal order (see, to that effect, *Racke*, paragraphs 24, 45 and 46)”. Specifically, regarding the obligation to prevent genocide, the ICJ clarified in *Bosnia v. Serbia* (2007, para. 430) that this duty arises **as soon as a State becomes aware of a serious risk that genocide may occur**, not after genocide has already taken place.

⁵⁰ International Court of Justice, *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion 19 July 2024.

⁵¹ *Ibid.*, para 278. The Court notes in particular that “(..) the duty of distinguishing dealings with Israel between its own territory and the Occupied Palestinian Territory encompasses, inter alia, **the obligation to abstain from treaty relations with Israel in all cases in which it purports to act on behalf of the Occupied Palestinian Territory** or a part thereof on matters concerning the Occupied Palestinian Territory or a part of its territory; **to abstain from entering into economic or trade dealings with Israel concerning the Occupied Palestinian Territory or parts thereof which may entrench its unlawful presence in the territory**; to abstain, in the establishment and maintenance of diplomatic missions in Israel, from any recognition of its illegal presence in the Occupied Palestinian Territory; and **to take steps to prevent trade or investment relations that assist in the maintenance of the illegal situation created by Israel in the Occupied Palestinian Territory** (see *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)*, Advisory Opinion, I.C.J. Reports 1971, pp. 55-56, paras. 122, 125-127)”

⁵² *Ibid.*, par. 279.

Relevance for Horizon Europe

Israel participates in the **Horizon Europe** framework programme as an associated country via specific agreements with the EU.⁵³ Such participation is also covered by the **2013 EU Guidelines on the eligibility of Israeli entities and their activities in occupied territories**.⁵⁴ The purpose of these Guidelines 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 occupied by Israel since June 1967.”⁵⁵ This instrument formally allows EU support in the form of grants, prizes, and financial instruments only to entities established in and activities taking place within Israel’s pre-1967 borders.⁵⁶

In terms of regulatory and administrative framework, it should also be added that Horizon Europe project proposals undergo **an ethics evaluation before** funding is awarded, based on an ethics self-assessment appraisal. Importantly, with the introduction of Horizon Europe, ethics panels **will no longer assess dual-use** or exclusive civil application issues. Applicants’ dual-use declarations will suffice, while scientific evaluators will verify the civil application focus. Ethics checks and reviews are formally envisaged during project implementation.⁵⁷ However, the circumstances and procedures governing their activation remain unclear, except in obvious cases where additional ethics measures are imposed at the outset as a condition of funding. As recently indicated by Commissioner Zaharieva,⁵⁸ “(t)he Commission and its Agencies would review all **reported** cases which allegedly breach Horizon Europe rules”. On the basis of this statement, such checks appear to be undertaken only when prompted by external reports indicating potential issues with a project.

As thoroughly articulated by Hernandez and Wessel in their extensive report,⁵⁹ the regulatory framework briefly outlined above has proven inadequate to ensure

⁵³ The latest instrument is the ‘AGREEMENT between the European Union, of the one part, and Israel, of the other part, on the participation of Israel in the Union programme Horizon Europe – the Framework Programme for Research and Innovation’, L 95/143, 23 March 2022.

⁵⁴ 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, C 205/05, 19 July 2023.

⁵⁵ *Ibid* paras 1 – 4 for full detail.

⁵⁶ Note that the terms ‘partially or entirely’/ ‘Any activity or part thereof’ are used in several parts of the Guidelines, indicating an approach that clearly recognises the continuum of connection between an activity and an Israeli entity

⁵⁷ Presentation by Research Ethics & Integrity Sector, SCIENCE POLICY, ADVICE & ETHICS Unit, DG Research & Innovation, 13 September 2021. [The-Ethics-Appraisal-Scheme- BBMRI-webinar-september-2021_version-for-dessimination.pdf](#). See also ECCP, EU Mechanism of Ethical Screening in Eu Research Programs: Why Does It Not Work? February 2021 [Brief guidelines EN](#)

⁵⁸ EN E-002355/2025 Answer given by Ms Zaharieva on behalf of the European Commission (21.10.2025), [E-10-2025-002355-ASW_EN.pdf](#). The answer is provided in response to ‘Question for written answer E-002355/2025 to the Commission. Rule 144. [Submitted by] Thijs Reuten (S&D), Tineke Strik (Verts/ALE). Available at [Parliamentary question | Answer for question E-002355/25 | E-002355/2025\(ASW\) | European Parliament](#).

⁵⁹ Gleider Hernández and Ramses A. Wessel, Expert Legal Opinion on the Implications for the European Union of the July 2024 International Court of Justice Advisory Opinion regarding the Policies and Practices of Israel in the Occupied Palestinian Territory. European Parliament (2025), p 47 ff. The report examines rigorously and in detail all international obligations the EU (and evidently its institutions) is bound by in relation to the ICJ Advisory Opinion of July 2024. This expert legal opinion was commissioned to the authors

compliance with the EU's international obligations, whose binding force for the EU – it bears repeating – is also mandated by the EU Treaties.⁶⁰

(i) First of all, the **2013 Guidelines** contain **two major exceptions**:

- **Article 6(a)**: excludes contractors and subcontractors selected by grant recipients from the scope of application, effectively exempting downstream activities from the restrictions provided in the 2013 Guidelines. This provision is clearly problematic in light of the EU's duty to refrain from any dealings that could entrench Israel's unlawful presence in the oPt, as well as its obligation not to aid or assist in maintaining the illegal situation.

- **Article 11(b)** exempts 'Israeli public authorities at national level (ministries and government agencies or authorities)' located in the oPt, in evident contradiction with – amongst others – EU's obligation to abstain from treaty relations where Israel purports to act on behalf of the oPt.

(ii) Furthermore, EU funding has still flowed to entities directly implicated in Israel's unlawful actions in the oPt. Entities such as **Elbit Systems (amongst the largest recipient)** and **Teva Pharmaceuticals** are examples of beneficiaries with known links to settlement related activities. While the 2013 Guidelines prohibit the *direct* allocation of Union funds to support such activities, inadequate scrutiny may nonetheless give rise to breaches of the obligation to distinguish between dealings with Israel within its territory and those relating to the oPt, as well as of the duty to refrain from dealings that might entrench Israel's unlawful presence therein. This possibility is exacerbated by weak screening: there is no reference to the 2013 Guidelines in the ethics self-assessment, and since ethics screening relies on that assessment, no effective review concerning the Guidelines takes place. The grant agreements likewise omit any reference to them, and ethics experts involved in evaluations may also be unfamiliar with their content. Moreover, no mandatory ethics checks are required in the implementation phase for projects to which the Guidelines apply. Last but not least, such situation might be compounded by a lack of transparent reporting by relevant Israeli entities who are only required to submit 'a declaration of honour' that the application is in accordance with the requirements of the Guidelines.⁶¹ As a result, even entities included e.g. in the United Nations Database of all business enterprises involved in activities related to the Israeli settlements in the

by MEPs Barry Andrews, Hana Jalloul Muro, Matjaž Nemeč, Villy Søvndal and Tineke Strik. Available at <https://research.rug.nl/en/publications/expert-legal-opinion-on-the-implications-for-the-european-union-o>.

⁶⁰ See above fn 1.

⁶¹ 2013 Guidelines, par. 16.

Occupied Palestinian Territory, including East Jerusalem, might escape scrutiny, as already occurred for other sources of EU disbursement.⁶²

- (iii) Finally, even for activities within pre-1967 border and potentially in conformity with the Guidelines, participation of Israel to Horizon Europe remains highly problematic. Among the beneficiaries are Israeli institutions embedded in what has been described as the **military-academic complex**, supporting the development of weapon- and security systems used to maintain Israel's presence in the oPt. This report documents such involvement in extensive detail, including funding for dual use technologies with military applications. As reported by TNI, Israel remains the top non-European recipient of **security research funds through Horizon Europe**.⁶³ Given the limited oversight of projects with dual-use potential, breaches of the EU's international obligations appear highly probable. This concern is heightened by the inclusion among recipients of entities such as the **Ministry of Defence, Israel Aerospace Industries, and the Ministry of National Security** – institutions **central to maintaining the unlawful occupation** and cited both in the 2024 ICJ Advisory Opinion and the 2024 ICJ Order for Provisional Measures.⁶⁴

Given the above, the Commission has a duty to **(1) urgently reassess and revise the 2013 Guidelines** and **(2) implement stronger screening and oversight mechanisms** to ensure compliance with the obligations laid out in the 2024 ICJ Advisory Opinion. Additionally, these obligations entail **(3) a stringent duty for the EU to review Israel's participation in all Horizon Europe-funded projects**, so as to ensure compliance with the EU's international legal duties. These duties cannot be fulfilled simply by addressing external reports concerning individual projects on an ad hoc basis. Given the structural entanglement of many Israeli entities with the illegal occupation, even seemingly 'benign' projects may indirectly reinforce Israeli's unlawful presence. A systematic and comprehensive review is therefore required to align with the Union's international legal obligations and to avoid contributing, directly or indirectly, to maintaining the illegal situation created by Israel.

⁶² A/HRC/60/19, updated version: 26 February 2025. This has already occurred with Bank Leumi, an entity included in the UN database due to its financial activities, such as providing services and loans to settlements. This Bank has long been recipient of financial support via the European Investment Bank. The Ombudsman has very recently opened an inquire on the matter, see [How the European Investment Bank \(EIB\) dealt with concerns about EIB financed projects involving Israeli entities involved in activities in the occupied territories | Case opened | European Ombudsman](#).

⁶³ See Hernandez & Wessel, fn 11, at 50, and Yussef Al Tamini, Implications of the ICJ Advisory Opinion for the EU-Israel Association Agreement, in EjiL: Talk! 30 July 2024, at [Implications of the ICJ Advisory Opinion for the EU-Israel Association Agreement – EjiL: Talk!](#).

⁶⁴ International Court of Justice, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Provisional Measures, Order, 26 January 2024.

Contractual Leverage under Horizon Europe

The **General Model Grant Agreement** for Horizon Europe (Article 14.2) requires beneficiaries to respect basic **EU values**. **Crucially, these include the rule of law and human rights**. Annex 5 further specifies that beneficiaries must comply with **ethical principles** and **EU, international, and national law** and explicitly mandates an exclusive focus on **civil applications**.⁶⁵ The Desca Model Agreement incorporates these obligations at Art. 4.1, indicating that “[e]ach party undertakes to... perform and fulfil, promptly and on time, all of its obligations under the Grant Agreement (...)”.

Where a breach of the grant agreement occurs, the **Commission is empowered to reduce (Art. 18.2, 28), suspend (Art. 31.2), or terminate (Art. 32.3)** the grant, including selectively with respect to one beneficiary.

In other words, the Commission has both the **legal authority** and **contractual tools** to act in cases of non-compliance by Israeli institutions with the provisions outlined above. However – consistently with the principles set out above – contractual measures cannot be triggered merely in response to external, ad hoc reporting. Compliance with the EU’s international obligations requires the Commission to engage in **systematic and proactive review and screening**.

Legal Risk of Inaction

In summary, the Commission has a clear obligation to comply with international and EU law in the exercise of its own powers in the area of research cooperation. As such, based on the analysis presented above, the Commission is required to adopt the following measures in order to ensure compliance with its legal obligations:

- **Reassess and revise the 2013 Guidelines** to address existing legal gaps;
- **Tighten current ethics checks and screenings** to comply with EU international obligations;
- **Review Israeli participation** in Horizon Europe. This means conducting a **systematic and comprehensive review of all projects** Israeli institutions are involved in and are beneficiaries of.

If the Commission does not take any meaningful action, where it has competence and power to do so, failure to act might materialise. By **not reviewing all existing funding streams** or by **not acting on evidence of contractual breaches**, it may be exposed to **judicial claims for failure to act**, particularly under **Article 265 TFEU**. Claims might also be brought to the **Ombudsman**, which can open inquiries on ‘instances of maladministration in the activities of the Union institutions, bodies, offices or agencies(..)’ (Art. 228 TFEU), as already occurred in the matter concerning the European

⁶⁵ The contractual outlook of research-related agreements has been thoroughly analysed by Gamze Erdem Türkelli, Koen De Feyter and Thalia Kruger, *Serious Breaches of Obligations Arising from Peremptory Norms of General International Law & Consequences for Institutional Cooperation with Universities in Israel*. Legal Brief written in the individual capacities of the authors. Law & Development Research Group, Faculty of Law, University of Antwerp (June 2025). Available at [0961f696-b017-4904-b4a1-22d7b5e6c149.pdf](https://www.researchgate.net/publication/391111111)

Investment Bank lending to Bank Leumi.⁶⁶ Pursuant to Art. 287(4), the **Court of Auditors** ‘may, at any time, submit observations on specific questions and deliver opinions at the request of one of the other institutions of the Union’. This competence extends to issues concerning the allocation of the EU budget and, in particular, whether revenues have been received and expenditures incurred **lawfully and regularly**, including disbursement decisions under Horizon Europe.⁶⁷ In the context of associated countries for the Horizon Europe programme, the Court of Auditors may also audit contributions of non-European countries as part of the EU’s revenues. This is quite relevant as Israel’s contributions allow the country to benefit from participating in Horizon Europe.

Regardless of available remedies, **the Commission is bound to uphold the rule of law and respect its legal obligations irrespective of the likelihood of judicial or administrative review.**⁶⁸ The existence of actions before the CJEU or other bodies does not exempt the Commission from compliance with Article 2 TEU and from honouring its role as the guardian of Treaties under Article 17(1) TEU. In a Union founded on the rule of law, adherence to legality and values must prevail.

The Commission’s passivity, in the face of serious and substantiated violations, could amount to a **breach of its legal duties** under both EU and international law. The Commission has both the **competence and the responsibility** to ensure that all cooperation under Horizon Europe aligns with the EU’s international legal obligations. In light of the ICJ’s authoritative guidance, maintaining the status quo is no longer tenable.

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⁶⁶ See above fn 14. Overall, the Ombudsman has exerted considerable pressure on the Commission to reform and improve its practices, see Paul Craig, Gráinne de Burca, EU Law. Text, Cases and Materials (OUP 2020), at 465; see also Mark Dawson, The Governance of EU Fundamental Rights, (CUP 2017), at 116.

⁶⁷ For the agreement with Israel on Horizon Europe (above fn 5), the specific auditing role of the Court of Auditors to access documents and sites of Israeli entities is described under Annex III.

⁶⁸ Anastasia Karatzia and Theodore Konstadinides, The Legal Nature and Character of Memoranda of Understanding as Instruments used by the European Central Bank, in European Law Review, 2019, 447, at 464.

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