

Subject: Request (CAB GABRIEL/113) - Meeting with Ambassador Leshno-Yaar - Background document for Commissioner Gabriel on JRC ongoing activities with Israel

Lines to take

- Welcome the **active participation of Israel** in **JRC Board of Governors**.
- Welcome the **positive cooperation** in research on peaceful uses of nuclear energy in the last years.
- Recognise the **interest of both sides to continue cooperation in nuclear research** and more specifically in radiation protection, medical applications, combatting illicit trafficking.
- Confirm the **intention of concluding an appropriate instrument** to succeed the expired Memorandum of Understanding.
- Welcome the **fruitful collaboration between JRC and the Israeli Ministry of Energy** and in particular:
 - The signature of the **Research Framework Arrangement**;
 - The joint research activities in the areas of **autonomous transportation system**;
 - The Ministry interest in JRC expertise on **knowledge management**.
- Highlight **JRC interest in concluding with a suitable Israeli counterpart a Research Framework Arrangement**, the text of which was negotiated with the Ministry of Science and Technology.
- JRC is looking forward to an **inclusive framework for collaboration with Israeli research institutions**, considering that the RFA with the Ministry of Energy covers only a very specific area of scientific collaboration.

Defensive points: On the negotiation of the Research Framework Arrangement (RFA) with the Israel Ministry of Science and Technology

- A **formal Interservice Consultation is required** when JRC intends to sign an arrangement with a governmental body of a third country.
- This **includes the planned Research Framework Arrangement (RFA)** with the Israel Ministry of Science and Technology.
- Within this EC internal process, the **registered address of the Israeli counterpart** was considered to be **inconsistent with the legal principles** that EU external action is called to comply with.
- **Specifically:**
 - the Israeli Ministry of Science and Technology is an entity with its **legally registered address** (3, Clermont Ganneau Street, Jerusalem) in the **occupied Palestinian territory**;
 - the **EU and its Member States do not recognise any changes to the pre-1967 borders** of the Israeli state, including with regard to Jerusalem, other than those agreed by the parties;
 - therefore the **RFA shall only be signed with an Israeli entity registered within Israel's pre-1967 borders.**
- **JRC is bound by these principles** and has no negotiating capacity on the matter.
- **Alternative options have been proposed by JRC** to allow the conclusion of the RFA with a **different Israeli counterpart**, thus indicating **JRC interest in the positive conclusion** of the negotiations.
- The **latest communication** (email of 14 January 2020) from the Israeli Ministry of Science and Technology informed JRC that the **Ministry will not be able to sign the arrangement with JRC until a new government is formed** in Israel and postponed further negotiations to Spring 2020.

Background

Main points

- The JRC collaborates with Israeli organisations since 2008 in the nuclear and non-nuclear areas.
- In the nuclear area, a **Memorandum of Understanding between JRC and the Israel Atomic Energy Commission (IAEC)** on research cooperation in the peaceful use of nuclear energy was signed in May 2008, and renewed in 2014. Under the MoU both entities have cooperated in **radiation protection, medical applications, nuclear data and combatting illicit trafficking of nuclear material**. The MoU expired in May 2018. Several meetings have taken place between JRC and IAEC to explore ways of further extending the cooperation in research in the peaceful use of nuclear energy. Notwithstanding, cooperation in nuclear research and training continues under the umbrella of JRC's Enlargement and Integration action.
- In the non-nuclear area, JRC has been collaborating mainly with the **Israeli Ministry of Energy** in the sector of **energy and sustainable water management**, especially since the signature of the **Research Framework Arrangement (RFA)** in December 2017. Within this framework, study visits have been organised and joint research activities carried out (i.e. on Automated Vehicles, so-called self-driving cars). Discussions to identify joint research initiatives for 2020, including the organisation of a joint workshop on Knowledge Management for the Ministry's officials, are ongoing.
- Upon Israeli initiative, in 2018 the **Ministry of Science and Technology (MoST)** and JRC started negotiating the conclusion of a Research Framework Arrangement. The objective was to put in place an umbrella arrangement to facilitate the establishment of scientific collaborations in multiple areas of common interest, able to involve the Israeli Government, universities and research institutions. Identified areas of cooperation were **urban development, digital transformation, disaster risk management, chemical and Natech (Natural Hazard Triggering Technological Disasters) accidents, medical technology, food, nutrition and health**.
- Israel is represented in the **JRC Board of Governors** by personal data. The JRC's Board of Governors (BoG) provides advice to the Director-General of the JRC. Each Commission decision having an impact on the JRC's strategy, structure, budget, programming and senior management appointments has to be presented and discussed with the Board of Governors. The Board is composed of one representative from each EU Member State (Members appointed with Commission Decision for 3 years following nominations of their respective government) as well as from all countries associated with the EU Framework Programme for Research and Innovation (Participants). It is in the latter capacity that Israel participates.

JRC cooperates expensively with Israel in the following formats and fields:

1. Nuclear cooperation

In May 2008, the **Joint Research Centre of the European Commission and the Israel Atomic Energy Commission** concluded a **Memorandum of Understanding** on research cooperation in the peaceful use of nuclear energy. It was extended until its expiry in May 2018.

The MoU defined the scope of **cooperation in scientific areas related to basic research** in fields like nuclear sciences, radiation safety and security, nuclear medicine application.¹ During the time in which the MoU was in force, both parties collaborated in successful projects dealing with:

- Nuclear Safety:
 - The interaction of simple gases and uranium/uranium-dioxide surfaces
 - Basic coordination chemistry of actinides
 - Electronic structure and macroscopic properties of actinide compounds
 - [REDACTED] public security [REDACTED]
- Nuclear Data
 - Towards production of 25-keV neutrons with liquid-lithium target and measurement of the $^{208}\text{Bi}(n,g)^{210}\text{m,gBi}$ cross sections
 - Investigation of analysis method for mass determination by pulsed neutron interrogation
- Nuclear Forensics
 - [REDACTED] public security [REDACTED]
 - [REDACTED] public security [REDACTED]
 - public security [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

Cooperation in some of these projects continues, even if the MoU expired in 2018. JRC and the Atomic Energy Commission of Israel have held several meetings in which both sides have stressed their intention to continue the cooperation in nuclear research topics such as radiation protection, medical applications of radioisotopes and combatting illicit trafficking.

2. Non-nuclear cooperation within Research Framework Agreement

In **December 2017**, JRC concluded a **Research Framework Arrangement with the Israeli Ministry of Energy**, for collaboration in the sector of energy and sustainable water management.

Activities within this framework comprise:

- **Study visits** are taking place.
- JRC scientists participate on a regular basis in **workshops and conferences** (last on June 17th 2019 - a workshop organised by the Israeli government in the framework of the international outreach activities associated to the EU Long Term Strategy (LTS) for Decarbonisation, presented by the Commission last year in which several DGs (JRC, MOVE, CLIMA) were involved.
- Joint research activities on **Automated Vehicles** were carried out in 2018.

In **2019**, JRC and the **Ministry of Energy of Israel** discussed scientific **collaborations for 2019-2020** on the following topics:

¹ In particular, the application of isotopes and radiation in food and agriculture; radiation medicine and health; basic research in nuclear sciences, radiochemistry and radiopharmaceuticals; nuclear and radiation safety and security, including radiation spectrometry; safety of nuclear installations and radiation protection in medical exposures; verification methodologies and technologies; dosimetry standards and monitoring of radioactivity in the environment; quality assurance and quality control methodologies and procedures; plus knowledge management.

- Cross-sectoral management of **water-and resources in the Mediterranean** region;
- **Smart grids**, reliability distribution/transmission grids, protection of energy infrastructure;
- **Clean Energy for Sustainable Development** (i.e. pathways towards the decarbonisation of urban areas, and how to match reduced energy demand with local renewable energy production);
- **Photovoltaics**.

But after the change of Point of Contact in the Ministry of Energy in September 2019 and the general elections in Israel the **communications became less regular**.

2.1 Issue with new RFA

In **Autumn 2018**, following the interest expressed by the Israeli member of JRC Board of Governors, **JRC and the IL Ministry of Science and Technology started the negotiation of a Research Framework Arrangement (RFA) with the Ministry of Science and Technology (MoST)**. The RFA was intended to be an umbrella agreement aiming to facilitate the establishment of JRC scientific collaboration with the Israeli Government, universities and research institutions, in urban development, digital transformation, disaster risk management, chemical and Natech (Natural Hazard Triggering Technological Disasters) accidents, medical technology, food, nutrition and health.

In October 2019, **an Interservice Consultation for the RFA between JRC and the Israeli Ministry of Science and Technology was launched**. Out of the eleven Services consulted, DG RTD, DG SANTE, DG ENV, DG ENER, DG CLIMA, DG ECHO, and DG CNECT provided a positive opinion with no comments.

EEAS, DG NEAR, SEC GEN, EC Legal Service provided a **positive opinion with comments**, requiring specific changes to be included in a re-drafted text. In particular, the request was made to **change the Israeli counterpart in the RFA**, due to the fact that the Ministry of Science and Technology has its registered address in the occupied Palestinian territory, and therefore outside the pre-1967 borders of the Israeli state, which are the sole recognised by the EU.

Specifically each of the four abovementioned Services objected that:

- the Israeli Ministry of Science and Technology is an entity with its legally registered address (3, Clermont Ganneau Street, Jerusalem) in the occupied Palestinian territory;
- the EU and its Member States do not recognise any changes to the pre-1967 borders of the Israeli state, including with regard to Jerusalem, other than those agreed by the parties;²
- therefore the RFA in object shall only be signed with an Israeli entity registered within Israel's pre-1967 borders.

Both the **Legal Service and the SecGen highlighted** that *“this issue cannot be resolved [...] by merely removing the reference to the address 3, Clermont Ganneau Street (or to any other location in East Jerusalem or elsewhere in the occupied Palestinian territory), as this*

² In line with the UNSC Resolution 2334(2016), the EU considers Israeli settlements in occupied territories as illegal under international law and a possible obstacle to the achievement of a two-state solution. Furthermore, according to the Council Conclusions of 18 January 2016 on the Middle East Peace Process, the EU considers that “the settlement activity in East Jerusalem seriously jeopardises the possibility of Jerusalem serving as the future capital of both states”.

Ministry is established in occupied territory. It would therefore appear necessary to find another counterpart".

Following this Inter Service Consultation, the **negotiation of the RFA was put on hold**. In early December 2019, JRC reported the outcome of the Inter Service Consultation to the Israeli Ministry of Science and Technology, to whom JRC outlined the EU-relevant political and legal nature of the raised issue and the lack of any negotiating capacity of JRC around it. This position was reiterated to the representative of the Israeli Mission to the EU and NATO, who had contacted JRC in mid December.

The **Ministry of Science and Technology recently** (14 January 2020) informed JRC that the **negotiations on the arrangement with JRC will be continued** once a **new Government will be formed** in Israel, likely in April /May 2020.

2.2 Collaboration on disaster preparedness

In connection to the project of the Research Framework Arrangement, JRC has been working on the proposal for a **Collaborative Research Arrangement with Israel's National Emergency Management Authority (NEMA)**, which is in charge of directing and coordinating preparedness and response of Israeli Government offices, infrastructures and local authorities in case of emergency.

Israel is the most advanced country for **Tsunami preparedness measures** in the Mediterranean, with all beaches equipped with Tsunami alerting signs and a dedicated emergency response team defining the priorities in terms of intervention. After a visit of an Israeli delegation at JRC Ispra site in 2017, a mutual interest emerged on the tools and capacities developed by both sides to support the entire disaster risk management cycle (disaster prevention, preparedness, response and recovery).

Another subject but public security & international relations

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