

Message 001

Communication from the Commission - TRIS/(2026) 1516

Directive (EU) 2015/1535

Notification: 2026/0279/NL

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késésekét - Non fa decorrere la mora - Atidėjimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħx il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20261516.EN

1. MSG 001 IND 2026 0279 NL EN 05-06-2026 NL NOTIF

2. Netherlands

3A. Ministerie van Buitenlandse Zaken. Naast deze notificatie onder Richtlijn (EU) 2015/1535 is de ontwerpmaatregel op 22 mei jl. ook genotificeerd in het kader van de gemeenschappelijke handelspolitiek op basis van artikel 24, tweede lid, van Verordening (EU) 2015/478 en artikel 33 van Verordening (EU) nr. 2015/936 met een brief van de Minister van Buitenlandse Handel en Ontwikkelingssamenwerking aan de Eurocommissaris voor Handel en Economische Veiligheid [bijlage 1].

3B. Ministerie van Buitenlandse Zaken, Directies Juridische Zaken en Internationale Marktordening en Handelspolitiek

4. 2026/0279/NL - X00M - GOODS AND MISCELLANEOUS PRODUCTS

5. Decree on temporary economic restrictions for counteracting the maintenance of unlawful settlements operating in the territories occupied by Israel

6. Goods coming from an unlawful settlement in the territories occupied by Israel. The measures do not apply to one specific type of product, but to all products of a certain origin. Imports and e-commerce are

prohibited.

7.

8. This draft decree has been drawn up pursuant to the Dutch Sanctions Act 1977 [Sanctiewet 1977] and sets out measures concerning trade in goods originating from illegal settlements in the Israeli-occupied territories (the Palestinian Territories and the Golan Heights). The decree includes both a customs measure (import ban), various market surveillance measures (prohibition of purchase, prohibition of sale and prohibition of the provision of intermediary services), as well as a prohibition on the circumvention of these prohibitions. With the draft decree, the Netherlands is further implementing the advisory opinion of the International Court of Justice of 19 July 2024, United Nations Security Council Resolutions 465 (1980) and 497 (1981) and the recommendations contained in United Nations General Assembly Resolutions ES-10/24 and A-79/90.

9. Articles 3(1) and 5 of the draft measure may contain technical regulations. Article 3(1) prohibits the importation of all goods wholly or partly obtained from or produced in an unlawful settlement in the Israeli-occupied territories, listed in the EU postcode list, with the exception of goods eligible for preferential treatment in accordance with Article 64 of the Union Customs Code. Article 5 prohibits the sale of the aforementioned goods and may contain a technical requirement insofar as it relates to distance selling (e-commerce).

No mutual recognition provision has been included in the draft measure. This is also not possible because, for reasons of public order, there is a total ban on the import, purchase and sale of goods originating from unlawful settlements in the Israeli-occupied territories. By its nature, there are no equivalent foreign requirements.

The prohibitions on import, sale, purchase and provision of intermediary services in the draft measure apply to all economic operators. No distinction is made on the basis of nationality. The technical regulation is non-discriminatory.

9a. The draft measure pursues overriding reasons in the public interest, namely the respect of fundamental rights and the promotion of the development of the international legal order. The protection and promotion of human rights and the international legal order are at the core of the foreign policy of the Netherlands. In addition, the development of this legal order is enshrined in Article 90 of the Constitution of the Netherlands. These interests are of fundamental importance to the Netherlands and are regarded as matters of public order.

The Israeli occupation as such is unlawful and the settlements and their expansion in the occupied territories are also in violation of international law. Since the publication of the ICJ Opinion and the adoption of Resolutions ES 10/24 and A-79/90, Israel has continued to perpetuate persistent violations of international law in relation to the Israeli-occupied territories. This includes, for example, the continued occupation of Syrian territory, Israel's decision to allow new settlements in the so-called E1 area and the related 'Fabric of Life' infrastructure project, as well as calls for the annexation of (parts of) the West Bank. Israeli action constitutes, in itself, a genuine and serious threat to the international legal order, and thus a sufficiently serious threat to overriding reasons in the public interest.

The measures chosen are a further elaboration of the ICJ Opinion, UNGA Resolution ES-10/24, Resolution A/RES/79/90 and UN Security Council Resolution 497 (1981), which call on States to take measures to prevent trade or investment relationships that contribute to maintaining the unlawful situation created by Israel in the occupied Palestinian territory. After all, the measures restrict trade in goods originating from illegal settlements in the Israeli-occupied territories and are therefore, according to the government, directly aimed at protecting human rights and the international legal order.

The Dutch government considers that the measures are appropriate to contribute to the respect of fundamental rights and to the promotion of the development of the international legal order and are proportionate. The measures have been narrowed down as carefully as possible to prohibit the import, purchase and sale of goods and related brokering services, as well as circumvention of these prohibitions, in order to affect the flows of goods related to economically meaningful activities in relation to the illegal settlements in the Israeli-occupied territories.

9b. The measures also restrict trade between Member States and therefore fall within the scope of the prohibition on quantitative import restrictions and measures having equivalent effect laid down in Article 34 TFEU. As regards the justification of the measures under Article 36 TFEU on the grounds of public order, the same arguments as those set out above apply *mutatis mutandis*.

9c. The prohibitions apply only to goods coming from an unlawful settlement in the Israeli-occupied territories and not to Israeli goods in general, nor to goods from the Palestinian Territories and Syria that do not originate from an Israeli settlement. There is therefore no question of a general trade boycott of goods from Israel, but rather of targeted and limited measures aimed solely at promoting international law, as part of public policy. Furthermore, the measures do not affect trade in similar goods of a different origin, meaning that consumers and businesses retain access to alternative legal trade channels. The prohibitions apply exclusively to a limited category of goods, namely goods originating from illegal settlements in the territories occupied by Israel. Trade in all other lawfully produced or imported goods - both from Israel itself and from other third countries - remains possible. Businesses affected by the prohibitions can therefore continue their commercial activities provided they have sufficient alternative sources of supply for the same type of goods.

10. Numbers or titles of the basic texts: There are no basic texts.

11. Yes

12. Israeli action in the occupied territories leads to a deterioration of the situation there, undermines the two-state solution and is contrary to international law. All of this requires urgent steps. The Dutch government supports the ICJ's call to end the unlawful occupation as soon as possible, whilst taking into account Israel's legitimate security interests. Given the lack of sufficient support at EU level for effective measures regarding the illegal settlements in the Israeli-occupied territories, and in view of the expiry of the 12-month period set out in Resolution ES-10/24 on 18 September 2025, and in accordance with Article 90 of the Dutch Constitution, which requires the Dutch government to actively promote the development of the international legal order and the protection of public order, the Dutch government intends to impose national trade bans on all goods originating from the illegal settlements in the Israeli-occupied territories. These measures are intended to prevent Dutch economic activities from contributing to the perpetuation of a situation that contravenes international law. In doing so, the Dutch Government also follows up on three

widely adopted motions by the Lower House of the Dutch Parliament calling for these measures to be introduced as soon as possible, which demonstrates the social importance of these measures in the Netherlands.

13. No

14. No

15. Yes

16.

TBT aspects: No

SPS aspects: No

European Commission

Contact point Directive (EU) 2015/1535

email: grow-dir2015-1535-central@ec.europa.eu