EU/Morocco Sustainable Fisheries Partnership Agreement and Implementation Protocol

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PURPOSE: to approve, on behalf of the European Union, the Sustainable Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco, the Implementation Protocol thereto and an exchange of letters accompanying the said Agreement.

PROPOSED ACT: Council decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: a Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco entered into force on 28 February 2007. The last Implementation Protocol to this Agreement entered into force on 15 July 2014 and expired on 14 July 2018.

The Council authorised the Commission on 16 April 2018 to begin negotiations with Morocco with a view to amending the Partnership Agreement and agreeing on a new Implementation Protocol thereto. Following these negotiations, a **new Sustainable Fisheries Partnership Agreement between the European Union and Morocco**, including a new Implementation Protocol, an Annex and Appendices thereto as well as an exchange of letters accompanying the Fisheries Agreement, was initialled on 24 July 2018.
These negotiations and the resulting texts take full account of the **judgment of the Court of Justice of the European Union** of 27 February 2018 in Case C-266/165, whereby the Fisheries Agreement and the Protocol thereto do not apply to the waters adjacent to the territory of **Western Sahara**. In view of the considerations set out in the Court of Justice's judgment, and in accordance with the wishes of both parties, during the negotiations it was nonetheless possible to **include that territory** and the waters adjacent thereto in the Fisheries Partnership.

Furthermore, the continuation of the Fisheries Partnership is essential in order for this territory continue to benefit from the sectoral support provided under the Agreement, in compliance with Community and international law and for the benefit of the local populations.

The Union does not prejudice the outcome of the political process on the final status of Western Sahara taking place under the auspices of the United Nations, and it has constantly reaffirmed its commitment to the settlement of the dispute in Western Sahara.

CONTENT: the Commission proposes that the Council decide to approve, on behalf of the Union, the Sustainable Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco, the Implementation Protocol thereto and an exchange of letters accompanying the said Agreement.

The Protocol covers a period of **four years** as from the date of its application. The new Agreement aims to reflect the principles of the 2009 reform: **good fisheries governance and sustainability, respect for human rights, transparency and non-discrimination**. Amending the Agreement is necessary also in order to comply with the Court's judgment of 27 February 2018 and provide the legal basis for applying the Agreement to the waters adjacent to the territory of **Western Sahara**.

The main objective of the Fisheries Agreement and the new Protocol thereto is to establish, through a partnership, sustainable fisheries and to offer fishing opportunities to Union vessels in the fishing zone defined in the Fisheries Agreement.

The Protocol provides fishing opportunities for **128 vessels in 6 categories**:

- two categories of small-scale fishing in the north: pelagic fishing with seines and with bottom-set longlines;
- small-scale fishing in the south with pole-lines;
- demersal fishing in the south with bottom trawls and with bottom-set longlines;
- small-scale tuna fishing with poles;
- industrial pelagic fishing with pelagic or semi-pelagic trawls and with purse seines.

It will also contribute to **better management and conservation of fishery resources**, through financial support (sectoral support) for the implementation of programmes adopted at national level by the partner country, in particular as regards monitoring and combating illegal fishing and support for the small-scale fisheries sector, by seeing to the fair geographical distribution of the socio-economic benefits resulting from this support.
Lastly, the Protocol will contribute to the Kingdom of Morocco's **blue economy** by promoting growth linked to maritime activity and the sustainable exploitation of its marine resources.

BUDGETARY IMPLICATIONS: the annual financial contribution is **EUR 37 million**, increased annually to reach **EUR 42.4 million**, in the last year on the basis of:

- **a financial contribution for access by Union vessels** of EUR 19.1 million for the first year of application of the Protocol, increased to EUR 20 million in the second year and to EUR 21.9 million for the third and fourth year;
- **support for development of Morocco's sectoral fisheries policy** for an amount of EUR 17.9 million per year for the first year of application of the Protocol, increased to EUR 18.8 million in the second year and to EUR 20.5 million for the third and fourth year.