EU/Morocco Sustainable Fisheries Partnership Agreement and Implementation Protocol

2018/0349(NLE) - 27/11/2018 - Legislative proposal

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: on 22 May 2006, the Council adopted Regulation (EC) No 764/2006 on the conclusion of the Fisheries Partnership Agreement between the European Community and Morocco. The Agreement was subsequently tacitly renewed.

The last Protocol implementing the Agreement and setting out the fishing opportunities and financial contribution provided for therein expired on 14 July 2018.

In its judgment in case C-266/162 in reply to a request for a preliminary ruling on the validity and interpretation of the Agreement and of the Implementation Protocol thereto, the Court held that neither the Agreement nor the Implementation Protocol thereto apply to the waters adjacent to the territory of Western Sahara.

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, which is currently listed by the United Nations as a non-self-governing territory and administered principally by Morocco.

It should be possible for Union fleets to continue the fishing activities they had pursued since the entry into force of the Agreement, and the scope of application of the Agreement should be defined so as to include the waters adjacent to the territory of Western Sahara. Furthermore, the continuation of the fisheries partnership is essential in order for that territory to continue to benefit from the sectoral support provided under the Agreement, in compliance with Union and international law, including human rights, and for the benefit of the people concerned.

To that end, on 16 April 2018, the Council authorised the Commission to begin negotiations with Morocco with a view to amending the Agreement and agreeing on a new Implementation Protocol. Following those negotiations, a new Sustainable Fisheries Partnership Agreement between the European Union and Morocco, as well as a new Implementation Protocol thereto, including the Annex and Appendices to that Protocol, and the exchange of letters accompanying the Fisheries Agreement that forms an integral part of the Fisheries Agreement, were initialled on 24 July 2018.

In accordance with a Council Decision, the Fisheries Agreement, the Implementation Protocol thereto and the exchange of letters accompanying the Fisheries Agreement were signed, subject to their conclusion at a later date.

It is now necessary for these to be approved.

CONTENT: the Council seeks to approve, on behalf of the Union, the Sustainable Fisheries Partnership Agreement between the European Union and Morocco, the Implementation Protocol thereto and the exchange of letters accompanying the Fisheries Agreement.

Joint committee: a joint committee shall be established to monitoring the implementation. It may adopt amendments to the Implementation Protocol to the Fisheries Agreement. In order to facilitate the approval of those amendments, the Commission should be empowered, subject to specific conditions, to approve such amendments under a simplified procedure.