EC/Morocco Euro-Mediterranean Association Agreement: amending Protocols 1 and 4

2018/0256M(NLE) - 16/01/2019 - Text adopted by Parliament, single reading

The European Parliament adopted by 442 votes to 172, with 65 abstentions, a non-legislative resolution on the draft Council decision on the conclusion of the agreement in the form of an Exchange of Letters between the European Union and the Kingdom of Morocco on the amendment of Protocols 1 and 4 to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part.

Parliament also adopted a legislative resolution on the draft Council Decision.

Background

The European Union and the Kingdom of Morocco enjoy historical relations and maintain close cooperation developed through a broad partnership that covers political, economic and social aspects, such as security of migrants, as strengthened by the advanced status and the willingness of both parties to further develop it.

The Liberalisation Agreement between the EU and Morocco entered into force on 1 September 2013. However, on 10 December 2015 the first instance of the Court of Justice of the European Union repealed the Council decision to conclude the Liberalisation Agreement. It was determined that the Liberalisation Agreement did not provide a legal basis for Western Sahara to be included, and therefore could not apply to this territory.

Following the CJEU judgment, the Council gave the Commission a mandate to modify protocols 1 and 4 of the Euro-Mediterranean Association Agreement in order to allow for the inclusion of Western Saharan products. Their inclusion by definition necessitates some form of traceability to identify such products.

Recommendations

Parliament stressed that:

- since the CJEU judgment, Member States cannot legally apply trade preferences to products from the non-self-governing territory of Western Sahara and that the legal uncertainty affecting economic operators has to come to an end;

- this agreement does not imply any form of recognition of Morocco’s sovereignty over Western Sahara, presently listed by the United Nations as a non-self-governing territory for the purposes of Article 73 of its Charter; the EU’s position remains that of supporting UN efforts to secure a just, lasting and mutually acceptable solution to the conflict in Western Sahara that will provide for the self-determination of the people of Western Sahara, in accordance with international law;

- the agreement can lead to the promotion of social and sustainable development which makes a key contribution to current economic, social and environmental development and to the potential creation of both low- and high-skilled local employment opportunities with an estimated 59 000 or so jobs are dependent on exports, corresponding to roughly 10 % of the population living in the territory;

- without this agreement in force, including the mechanism allowing for the identification of products, it will be impossible to know whether, and how many, products originating in the non-self-governing territory of Western Sahara are entering the European market;

- during inclusive consultations led by the Commission and the EEAS with a range of Western Saharan organisations and other organisations and bodies, majority support was expressed, by the parties participating, for the socio-economic benefits the proposed tariff preferences would bring;

- the EU tariff preferences have had a positive impact on the agricultural and fisheries products sectors and their export levels in the non-self-governing territory of Western Sahara;

- the EU's ongoing engagement in the territory will have a positive leverage effect on its sustainable development, the local population will profit from economic development and the spill-over effects created in terms of investment in infrastructure, employment, health and education;

- a key criterion for Parliament before giving its consent to the agreement is to ensure that a mechanism will be put in place for Member States' customs authorities to have access to reliable information on products originating in Western Sahara and imported into the EU, in full compliance with EU customs legislation;

The Commission is called on to promote equivalency of measures and controls between Morocco and the European Union in the area of sanitary, phytosanitary, traceability and environmental standards as well as labelling of origin rules, in order to guarantee fair competition between the two markets.