

EC/Morocco Euro-Mediterranean Association Agreement: products originating in Western Sahara (amend. Protocols 1 and 4)

2018/0256(NLE) - 28/01/2019 - Final act

PURPOSE: to approve 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.

NON-LEGISLATIVE ACT: Council Decision (EU) 2019/217 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.

CONTENT: the Council approved, on behalf of the Union, 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.

The Euro-Mediterranean Association Agreement between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part, entered into force on 1 March 2000. Since the entry into force of the Association Agreement, products originating in Western Sahara and certified as being of Moroccan origin have been imported into the Union under the tariff preferences provided for in the relevant provisions of the Agreement.

However, in its judgment of 21 December 2016 in Case C-104/16 P (*Conseil/Front Polisario*), the Court of Justice specified that the Association Agreement covered the territory of the Kingdom of Morocco alone and not Western Sahara, which is a non-self-governing territory.

On 29 May 2017, the Council authorised the Commission to open negotiations with the Kingdom of Morocco with a view to establishing, in accordance with the judgment of the Court of Justice, a legal basis to grant the tariff preferences laid down in the Association Agreement to products originating in Western Sahara.

After the Commission's assessment of the potential impact of an agreement between the European Union and the Kingdom of Morocco, it was considered that the extension of tariff preferences to products originating in Western Sahara will have an overall positive impact on the populations concerned.

This Decision amends Protocol 4 and Protocol 1 of the EU-Morocco Association Agreement with a view to respecting the obligations of the Court judgment of 21 December 2016 and providing a legal basis for granting preferences to products from Western Sahara.

It should be noted that the Union does not prejudge the outcome of the United Nations' political process on the final status of Western Sahara and, has consistently reaffirmed its commitment to resolving the dispute in Western Sahara, presently listed by the United Nations as a non-self-governing territory, large parts of which are currently administered by the Kingdom of Morocco.

ENTRY INTO FORCE: 7.2.2019.