Basic information

2018/0349(NLE) NLE - Non-legislative enactments Decision	Procedure completed
EU/Morocco Sustainable Fisheries Partnership Agreement and Implementation Protocol Accompanying procedure 2018/0349M(NLE) **Subject** 3.15.15.04 Fisheries agreements with Maghreb and Mediterranean countries **Geographical area** Morocco	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
PECH Fisheries	CADEC Alain (PPE)	29/08/2018

Committee for opinion	Rapporteur for opinion	Appointed
DEVE Development	The committee decided not to give an opinion.	
BUDG Budgets	FERNANDES José Manuel (PPE)	13/11/2018

Council of the European Union

Council configuration	Meetings	Date
Competitiveness (Internal Market, Industry, Research and Space)	3655	2018-11-29

European Commission

Commission DG	Commissioner
Maritime Affairs and Fisheries	VELLA Karmenu

Key events

Date	Event	Reference	Summary
08/10/2018	Preparatory document	COM(2018)0678	Summary

27/11/2018	Legislative proposal published	14367/2018	Summary
17/01/2019	Committee referral announced in Parliament		
23/01/2019	Vote in committee		
25/01/2019	Committee report tabled for plenary, 1st reading/single reading	A8-0027/2019	Summary
12/02/2019	Decision by Parliament	T8-0065/2019	Summary
12/02/2019	Results of vote in Parliament		
04/03/2019	Act adopted by Council after consultation of Parliament		
04/03/2019	End of procedure in Parliament		
20/03/2019	Final act published in Official Journal		

Technical information

Procedure reference	2018/0349(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
Amendments and repeals	Accompanying procedure 2018/0349M(NLE)
Legal basis	Treaty on the Functioning of the European Union TFEU 218-p6a Treaty on the Functioning of the European Union TFEU 218-p7 Treaty on the Functioning of the European Union TFEU 043-p2
Stage reached in procedure	Procedure completed
Committee dossier	PECH/8/14749

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE629.380	08/11/2018	
Amendments tabled in committee		PE631.858	04/12/2018	
Committee opinion	BUDG	PE630.543	12/12/2018	
Committee report tabled for plenary, 1st reading/single reading		A8-0027/2019	25/01/2019	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0065/2019	12/02/2019	Summary

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	12983/2018	27/11/2018	
Legislative proposal	14367/2018	27/11/2018	Summary

European Commission

Document type	Reference	Date	Summary
Commission document (COM)	COM(2018)0677	08/10/2018	
Preparatory document	COM(2018)0678	08/10/2018	Summary
Document attached to the procedure	SWD(2018)0433	08/10/2018	

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

Final act	
Decision 2019/0441 OJ L 077 20.03.2019, p. 0004	Summary

EU/Morocco Sustainable Fisheries Partnership Agreement and Implementation Protocol

2018/0349(NLE) - 08/10/2018

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.

EU/Morocco Sustainable Fisheries Partnership Agreement and Implementation Protocol

2018/0349(NLE) - 20/03/2019 - Final act

PURPOSE: to approve the conclusion, on behalf of the European Union, of the Partnership Agreement on Sustainable Fisheries between the European Union and the Kingdom of Morocco, the Implementation Protocol thereto and the Exchange of Letters accompanying the Agreement.

NON-LEGISLATIVE ACT: Council Decision (EU) 2019/441 on the conclusion of the Sustainable Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco, the Implementation Protocol thereto and the Exchange of Letters accompanying the Agreement.

CONTENT: the Council adopted a Decision on the conclusion, on behalf of the Union, of the Partnership Agreement on sustainable fisheries between the European Union and Morocco, the Implementation Protocol thereto and the Exchange of Letters accompanying the Agreement.

Objective and scope

The objective of the Fisheries Agreement is to enable the Union and the Kingdom of Morocco to work together more closely on promoting a sustainable fisheries policy and sound exploitation of fishery resources in the fishing zone defined in the Fisheries Agreement and supporting the Kingdom of Morocco's efforts to develop the fisheries sector and a blue economy.

The scope of the agreement is defined to include waters adjacent to the territory of Western Sahara. For the purposes of the Agreement, the 'fishing zone' means the waters of the Eastern Central Atlantic Ocean between the parallels 35° 47′ 18″ north and 20° 46′ 13″ north, including the adjacent waters of Western Sahara, covering all management areas.

It should be recalled that in its judgment in Case C-266/16 in reply to a preliminary ruling on the validity and interpretation of the Agreement and its Implementation Protocol, the Court ruled that neither the Agreement nor its Implementation Protocol is applicable to waters adjacent to the territory of Western Sahara.

The Commission assessed the potential impact of the Fisheries Agreement on sustainable development, in particular as regards the benefits for the people concerned and the exploitation of the natural resources of the territories concerned.

In view of the considerations set out in the Court of Justice's judgment, the Commission, together with the European External Action Service, took all reasonable and feasible measures in the current context to properly involve the people concerned in order to ascertain their consent. Extensive consultations were carried out in Western Sahara and in the Kingdom of Morocco, and the socioeconomic and political actors who participated in the consultations were clearly in favour of concluding the Fisheries Agreement.

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.

Fishing opportunities

The following fishing opportunities are granted pursuant to the Fisheries Agreement:

- for the category ‘Small-scale pelagic fishing with seins, north’: 22 Union vessels;
- for the category ‘Small-scale fishing with bottom longlines, north’: 35 Union vessels;
- for the category ‘Small-scale pole-and-line fishing, south’: 10 Union vessels;
- for the category ‘Demersal fishing with bottom trawls and bottom longlines, south’: 16 Union vessels;
- for the category ‘Small-scale tuna fishing with poles’: 27 Union vessels;
- for the category ‘Industrial pelagic or semi-pelagic trawling and purse seining’, an annual quota of: (i) 85 000 tonnes for the first year of application, 18 Union vessels, (ii) 90 000 tonnes for the second year of application, 18 Union vessels, (iii) 100 000 tonnes for the third and fourth years of application, 18 Union vessels.

Financial contribution

The total annual value of this Protocol is estimated at:

- EUR 48 100 000 for the first year of application;
- EUR 50 400 000 for the second year of application;
- EUR 55 100 000 for the third and fourth years of application.

The Fisheries Agreement establishes the Joint Committee to monitor its application. It may adopt amendments to the Protocol implementing the Fisheries Agreement. In order to facilitate the approval of such amendments, the Commission will be empowered, subject to specific conditions, to approve such amendments by a simplified procedure.

ENTRY INTO FORCE: 21.3.2019.

EU/Morocco Sustainable Fisheries Partnership Agreement and Implementation Protocol

2018/0349(NLE) - 12/02/2019 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 415 votes to 189, with 49 abstentions, a legislative resolution on the draft Council decision on the conclusion of the sustainable fisheries partnership agreement between the European Union and the Kingdom of Morocco, the implementation protocol thereto and the exchange of letters accompanying the agreement.

Parliament gave its consent to the conclusion of the agreement.

EU/Morocco Sustainable Fisheries Partnership Agreement and Implementation Protocol

2018/0349(NLE) - 25/01/2019 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Fisheries adopted the report by Alain CADEC (EPP, FR) on the draft Council decision on the conclusion of the Sustainable Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco, the Implementation Protocol thereto and the exchange of letters accompanying the Agreement.

The committee recommended that the European Parliament give its consent to conclusion of the agreement.

The new sustainable fisheries partnership agreement is intended to promote sustainable and responsible fisheries and to contribute to the strict observance of international law while securing mutual benefits for the European Union and Morocco. It gives EU vessels access to the waters covered by the agreement and the protocol in force, and to the adjacent waters of the non-autonomous territory of Western Sahara, and ensures that they have the requisite permits.

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.

EU/Morocco Sustainable Fisheries Partnership Agreement and Implementation Protocol

2018/0349(NLE) - 08/10/2018 - Preparatory document

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.

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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.

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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**.

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