

Procedure file

Basic information		
NLE - Non-legislative enactments Decision	2010/0181(NLE)	Procedure completed
EU/Morocco Agreement: dispute settlement mechanism		
Subject 6.20.03 Bilateral economic and trade agreements and relations 6.40.05.02 Relations with the countries of the Great Maghreb and Maghreb		
Geographical area Morocco		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	INTA International Trade		15/09/2010
		S&D CUTA George Sabin	
		Shadow rapporteur	
		PPE ZALBA BIDEAIN Pablo	
		ALDE DE SARNEZ Marielle	
	Committee for opinion	Rapporteur for opinion	Appointed
	AFET Foreign Affairs	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	Foreign Affairs	3086	13/05/2011
European Commission	Commission DG	Commissioner	
	Trade	DE GUCHT Karel	

Key events			
22/06/2010	Preparatory document	COM(2010)0326	Summary
12/10/2010	Legislative proposal published	13754/2010	Summary
16/12/2010	Committee referral announced in Parliament		
16/03/2011	Vote in committee		Summary
18/03/2011	Committee report tabled for plenary, 1st reading/single reading	A7-0066/2011	
06/04/2011	Results of vote in Parliament		
06/04/2011	Decision by Parliament	T7-0132/2011	Summary

13/05/2011	Act adopted by Council after consultation of Parliament		
13/05/2011	End of procedure in Parliament		
05/07/2011	Final act published in Official Journal		

Technical information	
Procedure reference	2010/0181(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
Legal basis	Treaty on the Functioning of the EU TFEU 218-p6a; Treaty on the Functioning of the EU TFEU 207-p4
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	INTA/7/03248

Documentation gateway					
Preparatory document		COM(2010)0326	22/06/2010	EC	Summary
Legislative proposal		13754/2010	12/10/2010	CSL	Summary
Document attached to the procedure		13973/2010	12/10/2010	CSL	Summary
Committee draft report		PE452.789	13/12/2010	EP	
Committee report tabled for plenary, 1st reading/single reading		A7-0066/2011	18/03/2011	EP	
Text adopted by Parliament, 1st reading/single reading		T7-0132/2011	06/04/2011	EP	Summary

Additional information	
National parliaments	IPEX
European Commission	EUR-Lex

Final act
Decision 2011/392 OJ L 176 05.07.2011, p. 0001 Summary

EU/Morocco Agreement: dispute settlement mechanism

PURPOSE: to conclude an Agreement between the EU and Morocco establishing a Dispute Settlement Mechanism.

PROPOSED ACT: Council Decision.

BACKGROUND: the Euro-Mediterranean Agreements contain provisions liberalising trade in goods, but the dispute settlement rules applicable to disputes concerning these provisions rely mainly on a diplomatic approach and can be easily blocked by the party complained against. In the context of an upgrading of Euro-Mediterranean trade relations, it was opportune to create a dispute settlement mechanism applicable to trade disputes based on streamlined and effective procedures within firm time limits, and modelled on the dispute settlement mechanisms of the most recent agreements concluded by the EU and on the WTO Dispute Settlement Understanding. Such a mechanism will increase the security and predictability of bilateral trade relations. To this end in the framework of the European Neighbourhood Policy EU-Morocco Action Plan the parties agreed to elaborate rules of procedure for dispute settlement.

The Commission has negotiated in regional and bilateral mode with several Mediterranean partners. Negotiations with Morocco resulted in a draft Agreement that was initialled at the Euro-Mediterranean Trade Ministerial Conference in Brussels on 9 December 2009.

LEGAL BASE: Article 207(4), first sub-paragraph, in conjunction with Article 218(6)(a)(v) of the Treaty on the Functioning of the European Union.

IMPACT ASSESSMENT: no impact assessment was carried out.

CONTENT: this Agreement follows the model of the dispute settlement chapter of current Free Trade Agreement negotiations, and is based on the WTO Dispute Settlement Understanding, adapted to a bilateral context. The scope of the dispute settlement mechanism includes Title II of the EU-Morocco Association Agreement, with the usual exception of the article on anti-dumping. After the entry into force of the Agreement on the liberalisation of agricultural products, initialled on 14 December 2009, disputes arising from that agreement would also be subject to this Agreement.

The text provides for the following:

- opportunities to settle disputes before establishing an arbitration panel, through consultations and mediation;
- streamlined and effective procedures on the composition of the arbitration panel and compliance proceedings with clear time-limits;
- provisions on temporary remedies in case of non-compliance;
- rules on openness and transparency, with provisions on open hearings, amicus curiae briefs, and the publication of the panel report;
- provisions on relations with the WTO Dispute Settlement Understanding.

BUDGETARY IMPLICATIONS: this proposal has no implication for the EU's budget.

EU/Morocco Agreement: dispute settlement mechanism

The document presents the definitive text of the Agreement between the EU and Morocco establishing a Dispute Settlement Mechanism.

To recall, Parties negotiated an [Agreement](#), the objective of which is to avoid and settle any trade dispute between the Parties with a view to arrive at, where possible, a mutually agreed solution.

Scope: the provisions of this Agreement apply with respect to any dispute concerning an alleged violation of the provisions of Title II of 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 or of the Agreement in the form of an [Exchange of Letters](#) between the European Union and the Kingdom of Morocco concerning reciprocal liberalisation measures on agricultural products and processed agricultural products.

Main provisions: the Agreement provides for the following:

- opportunities to settle disputes before establishing an arbitration panel, through consultations and mediation;
- streamlined and effective procedures on the composition of the arbitration panel and compliance proceedings with clear time-limits;
- rules on openness and transparency, with provisions on open hearings, amicus curiae briefs, and the publication of the panel report;
- provisions on relations with the WTO Dispute Settlement Understanding.

The procedures of this Agreement shall apply if, 60 days after a dispute has been referred to the Association Council pursuant to Article 86 of the Association Agreement, the Association Council has failed to settle the dispute.

For further information on this Agreement, please refer to the summary of the previous initial legislative document dated 22/06/2010.

EU/Morocco Agreement: dispute settlement mechanism

PURPOSE: to conclude an Agreement between the EU and Morocco establishing a Dispute Settlement Mechanism.

PROPOSED ACT: Council Decision.

BACKGROUND: on 24 February 2006, the Council authorised the Commission to open negotiations with partners in the Mediterranean region in order to establish a dispute settlement mechanism related to trade provisions. These negotiations have been concluded and an Agreement between the European Union and the Kingdom of Morocco establishing a Dispute Settlement Mechanism was initialled on 9 December 2009.

It is now necessary to conclude the Agreement on behalf of the Union.

IMPACT ASSESSMENT: no impact assessment was carried out.

LEGAL BASE: the first sub-paragraph of Article 207(4), in conjunction with Article 218(6)(a)(v) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: with this draft decision, the Agreement between the EU and Morocco establishing a Dispute Settlement Mechanism is hereby approved on behalf of the Union.

The text of the Agreement is attached to this Decision (see Council Doc. [13973/10](#)).

For further details on the content of this Agreement please refer to the previous initial legislative document dated 22/06/2010.

BUDGETARY IMPLICATION: the proposal has no implications for the Union's budget.

EU/Morocco Agreement: dispute settlement mechanism

The Committee on International Trade adopted the report drafted by George Sabin CUTA? (S&D, RO) in which it recommends the European Parliament to give its consent to the conclusion of an Agreement between the European Union and Morocco establishing a Dispute Settlement Mechanism.

EU/Morocco Agreement: dispute settlement mechanism

The European Parliament adopted a legislative resolution on the draft Council decision on the conclusion of an Agreement between the European Union and the Kingdom of Morocco establishing a Dispute Settlement Mechanism.

Parliament gives its consent to the conclusion of the Agreement.

EU/Morocco Agreement: dispute settlement mechanism

PURPOSE: to conclude an Agreement between the EU and Morocco establishing a Dispute Settlement Mechanism.

NON-LEGISLATIVE ACT: Council Decision 2011/392/EU on the conclusion of an Agreement between the European Union and the Kingdom of Morocco establishing a dispute settlement mechanism.

BACKGROUND: on 24 February 2006 the Council authorised the Commission to open negotiations with partners in the Mediterranean region in order to establish a dispute settlement mechanism related to trade provisions.

These negotiations have been concluded and an Agreement between the European Union and the Kingdom of Morocco establishing a Dispute Settlement Mechanism was initialled on 9 December 2009 and signed on 13 December 2010.

It is now necessary to conclude the Agreement on behalf of the European Union.

CONTENT: with this Decision, the Agreement between the European Union and the Kingdom of Morocco establishing a Dispute Settlement Mechanism is hereby approved on behalf of the Union.

The Agreement follows the model of the chapter on dispute settlement, which is included in the current negotiations of free trade agreements, and is based on the Memorandum of Understanding of the WTO, adapted to a bilateral context.

The scope of the dispute settlement mechanism includes Title II of the Association Agreement between the EU and Morocco, with the usual exception of the article on anti-dumping measures. After the entry into force of the Agreement on the liberalisation measures on agricultural products, signed on 14 December 2009, disputes will be governed by this Agreement.

The Agreement provides for the following:

- opportunities to settle disputes before establishing an arbitration panel, through consultations and mediation;
- streamlined and effective procedures on the composition of the arbitration panel and compliance proceedings with clear time-limits;
- rules on openness and transparency, with provisions on open hearings, amicus curiae briefs, and the publication of the panel report;
- provisions on relations with the WTO Dispute Settlement Understanding.

ENTRY INTO FORCE: 13 May 2011. The date of entry into force of the Agreement will be published in the Official Journal of the European Union by the General Secretariat of the Council.