

Procedure file

Basic information	
NLE - Non-legislative enactments Decision	2018/0256(NLE) Procedure completed
EC/Morocco Euro-Mediterranean Association Agreement: products originating in Western Sahara (amend. Protocols 1 and 4) Accompanying procedure 2018/0256M(NLE) See also 1995/0363(AVC) Subject 6.20.03 Bilateral economic and trade agreements and relations 6.20.04 Union Customs Code, tariffs, preferential arrangements, rules of origin 6.40.05.02 Relations with the countries of the Great Maghreb and Maghreb Geographical area Morocco Western Sahara	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 International Trade	 SCHAAKE Marietje	10/12/2018
		Shadow rapporteur	
		 CICU Salvatore	
		 LOONES Sander	
	 JADOT Yannick		
	 BEGHIN Tiziana		
	Committee for opinion	Rapporteur for opinion	Appointed
 Foreign Affairs		 VISTISEN Anders	05/09/2018
 Agriculture and Rural Development			21/08/2018
 DANTIN Michel			
 Fisheries		The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date

Key events

11/06/2018	Preparatory document	COM(2018)0481	Summary
10/07/2018	Legislative proposal published	10593/2018	Summary
12/11/2018	Committee referral announced in Parliament		
10/12/2018	Vote in committee		
18/12/2018	Committee report tabled for plenary, 1st reading/single reading	A8-0471/2018	Summary
16/01/2019	Results of vote in Parliament		
16/01/2019	Decision by Parliament	T8-0017/2019	Summary
28/01/2019	Act adopted by Council after consultation of Parliament		
28/01/2019	End of procedure in Parliament		
06/02/2019	Final act published in Official Journal		

Technical information

Procedure reference	2018/0256(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
	See also 1995/0363(AVC)
Legal basis	Treaty on the Functioning of the EU TFEU 207-p4; Treaty on the Functioning of the EU TFEU 218-p6a
Stage reached in procedure	Procedure completed
Committee dossier	INTA/8/13678

Documentation gateway

Document attached to the procedure		COM(2018)0479	11/06/2018	EC	
Preparatory document		COM(2018)0481	11/06/2018	EC	Summary
Document attached to the procedure		SWD(2018)0346	11/06/2018	EC	
Legislative proposal		10593/2018	10/07/2018	CSL	Summary
Committee draft report		PE627.725	19/09/2018	EP	
Amendments tabled in committee		PE630.405	09/11/2018	EP	
Committee opinion	AFET	PE628.382	21/11/2018	EP	
Committee opinion	AGRI	PE626.968	29/11/2018	EP	

Committee report tabled for plenary, 1st reading/single reading	A8-0471/2018	18/12/2018	EP	Summary
Text adopted by Parliament, 1st reading/single reading	T8-0017/2019	16/01/2019	EP	Summary
Follow-up document	SWD(2020)0404	23/12/2020	EC	
Follow-up document	SWD(2021)0431	22/12/2021	EC	
Follow-up document	SWD(2022)0448	16/01/2023	EC	
Follow-up document	SWD(2024)0057	15/03/2024	EC	

Final act

[Decision 2019/217](#)
[OJ L 034 06.02.2019, p. 0001](#) Summary

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

PURPOSE: to conclude, on behalf of the Union, the agreement in the form of an Exchange of Letters between the EU and 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 Morocco, of the other part.

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: the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and Morocco, of the other part entered into force on 1 March 2000.

Liberalisation measures on agricultural products, processed agricultural products, fish and fishery products were introduced into the Association Agreement by an Agreement in the form of an Exchange of Letters between the European Union and the Kingdom of Morocco (the Liberalisation Agreement), which entered into force in 2012.

Since the Association Agreement entered into force, the Union has continued to strengthen its bilateral relations with Morocco and awarded it advanced status in 2008 which enshrines the strength of the bilateral links between the parties and their shared ambitions and commitments with a view to the advancement of their joint initiatives, such as good governance and political and socio-economic reforms.

At the same time, the Union has consistently reaffirmed its commitment to resolving the dispute in Western Sahara. Although it has not recognised Morocco's sovereignty over Western Sahara, it fully supports the efforts made by the United Nations Secretary-General and his personal envoy to help the parties reach a fair, lasting and mutually-acceptable political solution that would ensure the self-determination of the people of Western Sahara under agreements aligned with the principles and objectives of the Charter of the United Nations, as set out in the Resolutions of the UN Security Council, in particular Resolutions 2152 (2014) and 2218 (2015).

In its judgment of 21 December 2016 in Case C-104/16 P3, the Court of Justice of the European Union ruled that the Association Agreement and the Liberalisation Agreement between the Union and Morocco did not apply to Western Sahara.

Following the Court judgment, the practice of applying the trade preferences set out in the Association Agreement and its protocols on a de facto basis to products originating in Western Sahara, a non-self-governing territory, could not continue, unless Protocol 1 (access to the EU market for Moroccan agricultural products, processed agricultural products, fish and fishery products) and Protocol 4 (concerning rules of origin) were amended to establish that products originating in Western Sahara should be treated in the same way as those from Morocco.

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

An agreement between the EU and Morocco is the only means of ensuring that the import of products originating in Western Sahara benefits from preferential origin, given that only the Moroccan authorities are able to ensure compliance with the rules necessary for the granting of such preferences.

CONTENT: the present proposal calls on the Council to adopt the decision to approve, 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.

This proposal applies amendments to 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.

The aim of the proposal is to:

- avoid disrupting trade with Western Sahara while maintaining access to the EU market at a stable level, since no new preferences are

- being granted;
- foster the economic development of Western Sahara by treating its exports to the EU the same as exports of products of Moroccan origin.

These measures will prevent Western Sahara suffering a competitive disadvantage and missing out on investment opportunities compared with neighbouring countries, which benefit from tariff preferences on different grounds (association agreements or the Generalised System of Preferences).

Lastly, it should be emphasised that the judgment delivered by the Court of Justice on 27 February 2018 in Case C-266/16 relates to the partnership agreement between the EU and Morocco in the fishing industry. This is a separate issue from the matter of market access, which is covered by the Association Agreement and therefore this proposal.

Any agreement is understood to be purely provisional, pending the resolution of the dispute through the UN and in accordance with the relevant resolutions of the UN Security Council. On this point, the Agreement states that it is concluded without prejudice to the respective positions of the European Union and Morocco with regard to the status of Western Sahara.

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

PURPOSE: to conclude, on behalf of the Union, the agreement in the form of an Exchange of Letters between the EU and 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 Morocco, of the other part.

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: the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and Morocco, of the other part entered into force on 1 March 2000.

Since the Association Agreement came into force, products from Western Sahara certified to be of Moroccan origin have been imported to the Union, benefiting from the tariff preferences laid down in its relevant provisions.

In its judgment of 21 December 2016, 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. An agreement between the European Union and the Kingdom of Morocco is the only means of ensuring that the import of products originating in Western Sahara benefits from preferential origin, given that only the Moroccan authorities are able to ensure compliance with the rules necessary for the granting of such preferences.

It has been assessed that the extension of tariff preferences to products originating in Western Sahara will have a positive overall effect for the people concerned. The existence in Western Sahara of economic and production activities that would benefit greatly from the tariff preferences laid down in the Association Agreement shows that failure to grant tariff preferences would significantly jeopardise exports from Western Sahara, especially those of fishery and agricultural products.

It is assessed that by stimulating investment, the granting of tariff preferences should also have a positive impact on the development of Western Saharas economy.

Having regard to the considerations on consent in the ruling of the Court of Justice, the Commission, in liaison with the European External Action Service, has taken all reasonable and feasible steps in the current context to adequately involve the people concerned in order to ascertain their consent to the agreement.

The text of the Agreement does not imply that it recognises Morocco's sovereignty over Western Sahara. The Union will also continue to step up its efforts in support of the process, initiated and pursued through the United Nations, working towards a peaceful resolution of the dispute.

CONTENT: the draft Council Decision seeks, on behalf of the Union, to approve 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.

This draft Decision seeks to apply amendments to 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.

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

The Committee on International Trade adopted the recommendation by Marietje SCHAAKE (ALDE, NL) 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.

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

As a reminder, the aim of the proposal is to avoid disrupting trade with Western Sahara while maintaining access to the EU market at a stable

level, since no new preferences are being granted. In particular, it aims to foster the economic development of Western Sahara by treating its exports to the EU the same as exports of products of Moroccan origin. These measures will prevent Western Sahara suffering a competitive disadvantage and missing out on investment opportunities compared with neighbouring countries, which benefit from tariff preferences on different grounds (association agreements or the Generalised System of Preferences).

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

The European Parliament adopted by 444 votes to 167, with 68 abstentions, a 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 gave its consent to the conclusion of the agreement.

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

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.