



**2018/0256(NLE)**

6.9.2018

## **DRAFT OPINION**

of the Committee on Agriculture and Rural Development

for the Committee on International Trade

on the proposal for a Council decision on the conclusion of 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 (COM(2018)0481 – C8-0000/2018 – 2018/0256(NLE))

Rapporteur for opinion: Michel Dantin

PA\_Leg\_Consent

## SHORT JUSTIFICATION

The EU and Morocco concluded a Euro-Mediterranean Association Agreement in 2000. In 2012 liberalisation measures on agricultural products, processed agricultural products, fish, and fishery products were incorporated into the Association Agreement by an agreement in the form of an exchange of letters.

Following an action for annulment of the latter agreement brought by the Polisario Front on the grounds that the agreement was contrary to international law to the extent that it applied to Western Sahara, the Court of Justice handed down a judgment on 21 December 2016 (on appeal) to the effect that the agreement must be interpreted as not applying to Western Sahara. The Court did not rule out the possibility that Western Sahara might be covered, but, after referring to the relative effect of treaties, a general principle of international law, in connection with the question whether an agreement of that particular type was likely to benefit the people of Western Sahara, it specified that implementation of the agreement on a broader basis would, in any event, require the people to give their explicit consent.

The negotiations that followed in the wake of that judgment, conducted between the Commission and Morocco on the basis of a mandate adopted by the Council at the end of May 2017, were intended essentially to restore a legal basis for preferential trade between the EU, on the one hand, and Morocco and Western Sahara, on the other, while causing the least possible disruption to the trade concerned. The agreement in the form of an exchange of letters, which it has been proposed to the Council to conclude and to which Parliament is being called upon to give its consent, amends Protocols 4 and 1 to the EU-Morocco Association Agreement by providing that the trade preferences granted by the EU to the (Moroccan) products covered by the Association Agreement will be accorded in the same way to products from Western Sahara. The agreement, moreover, sets out ways to gauge the benefits of the preferences for the people affected, along with consultation arrangements.

The rapporteur for the opinion of the Committee on Agriculture and Rural Development obviously does not wish to venture into political assessment of the agreement (for that is a matter for other committees). He believes that the agreement should be approved by Parliament, since this would provide a stable and unassailable framework for trade with a major partner of the EU. However, in putting forward his own view concerning non-legislative resolution being drawn up by the Committee on International Trade, he feels that he should point out that certain fruit and vegetable imports from Morocco and Western Sahara (tomatoes, cucumbers, melons, etc.) are a highly sensitive issue for the European horticultural sector. He also has some reservations and questions about the way in which products imported from Western Sahara have been managed for customs purposes since the Court judgment of 21 December 2016. The Commission should keep alert to the market disruptions that might be caused by Moroccan and Western Saharan fruit and vegetable imports into the EU and never hesitate to activate the safeguard clause provided for in the agreement. Finally, it would be particularly desirable if the procedure for concluding the EU-Morocco agreement on the protection of geographical indications and designations of origin were completed as soon as possible.

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The Committee on Agriculture and Rural Development calls on the Committee on

International Trade, as the Committee responsible, to recommend approval of the proposal for a Council decision on the conclusion of 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.