



2018/0349M(NLE)

4.12.2018

AMENDMENTS

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Draft report

Alain Cadec

(PE630.449v01-00)

conclusion of 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 (2018/0349M(NLE))

Amendment 1

Linnéa Engström, Marco Affronte

Motion for a resolution

Citation 12 a (new)

Motion for a resolution

Amendment

- *having regard to the Rome Statute of the International Criminal Court, and in particular its article 8.2 that defines "the transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory" as a war crime;*

Or. en

Amendment 2

Sylvie Goddyn

Motion for a resolution

Recital A a (new)

Motion for a resolution

Amendment

Aa. whereas, in total, trade between the Kingdom of Morocco and the European Union amounted to more than EUR 37 billion in 2017 and the trade balance was clearly tipped in the EU's favour, with EUR 22 billion of exports, compared with EUR 15 billion of imports;

Or. fr

Amendment 3

Linnéa Engström, Marco Affronte

Motion for a resolution
Recital B

Motion for a resolution

B. whereas the new Sustainable Fisheries Partnership Agreement (hereinafter SFPA) establishes the fishing opportunities for 164 EU vessels, which are to catch only the allowable catch surplus referred to in Article 62(2) and (3) of the United Nations Convention on the Law of the Sea, as identified ***in a clear and transparent manner*** on the basis of ***available and scientific advice***;

Amendment

B. whereas the new Sustainable Fisheries Partnership Agreement (hereinafter SFPA) establishes the fishing opportunities for 164 EU vessels, which are to catch only the allowable catch surplus referred to in Article 62(2) and (3) of the United Nations Convention on the Law of the Sea, as identified ***primarily*** on the basis of ***Moroccan sources***;

Or. en

Amendment 4
Marco Affronte, Linnéa Engström

Motion for a resolution
Recital B a (new)

Motion for a resolution

Amendment

Ba. whereas the external, ex-post evaluation of the 2014-2018 FPA was based primarily on Moroccan sources; whereas its authors visited Morocco but not Western Sahara during the drafting of the evaluation; whereas only one NGO active in the fisheries or maritime sector contributed to the evaluation while all the other consulted stakeholders were EU-based or Moroccan professional associations or EU Member States representatives;

Or. en

Amendment 5
Linnéa Engström, Marco Affronte

Motion for a resolution
Recital C

Motion for a resolution

C. whereas the SFPA provides for access to the fishing zones within the scope of the Agreement in exchange for financial contributions (compensation for access, sectoral support and fees payable by ship-owners) which serve to further the achievement of *shared* objectives;

Amendment

C. whereas the SFPA provides for access to the fishing zones within the scope of the Agreement in exchange for financial contributions (compensation for access, sectoral support and fees payable by ship-owners) which serve to further the achievement of objectives *set between the EU and Morocco; whereas the vast majority of the fishing to be carried out under the SFPA will take place in the waters of Western Sahara;*

Or. en

Amendment 6
António Marinho e Pinto

Motion for a resolution
Recital C a (new)

Motion for a resolution

Amendment

Ca. whereas as long as there is no political solution to the problem regarding the Kingdom of Morocco and the territory of Western Sahara, the conclusion of agreements between the European Union and the Kingdom of Morocco will always be very uncertain owing to the UN's position and, more recently, the judgment of the Court of Justice of the European Union of 27 February 2018;

Or. pt

Amendment 7
Renata Briano

Motion for a resolution
Recital C a (new)

Motion for a resolution

Amendment

Ca. whereas the SFPA is between the EU and the Kingdom of Morocco and shall apply only to the territories and the waters of Morocco as internationally recognized;

Or. en

**Amendment 8
Renata Briano**

**Motion for a resolution
Recital C b (new)**

Motion for a resolution

Amendment

Cb. whereas the proposed SFPA is to cover only the part of Western Sahara controlled by Morocco and not to include the rest of the territory;

Or. en

**Amendment 9
Renata Briano**

**Motion for a resolution
Recital D**

Motion for a resolution

Amendment

D. whereas the Court of Justice of the European Union (hereinafter ‘the Court’), in its judgment of 27 February 2018 in case C-266/16, held that the Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco, which came into force on 28 February 2007, is not legally applicable to the waters ***adjacent to the territory*** of Western Sahara;

D. whereas the Court of Justice of the European Union (hereinafter ‘the Court’), in its judgment of 27 February 2018 in case C-266/16, held that the Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco, which came into force on 28 February 2007, is not legally applicable to the waters of Western Sahara;

Amendment 10

Renata Briano

Motion for a resolution

Recital F

Motion for a resolution

F. whereas, in paragraph 69 of the judgment in case C-266/16, the Court held that the waters ***adjacent to the territory*** of Western Sahara are not part of the waters falling ‘within the sovereignty or jurisdiction’ of Morocco referred to in Article 2(a) of the 2007 Partnership Agreement;

Amendment

F. whereas, in paragraph 69 of the judgment in case C-266/16, the Court held that the waters of Western Sahara are not part of the waters falling ‘within the sovereignty or jurisdiction’ of Morocco referred to in Article 2(a) of the 2007 Partnership Agreement;

Or. en

Amendment 11

Renata Briano

Motion for a resolution

Recital G

Motion for a resolution

G. whereas, in its judgment of 21 December 2016 in case C-104/16 P, the Court held that where a treaty is intended to apply not only to the sovereign territory of a state but also beyond that territory, it should include explicit provision to that effect;

Amendment

deleted

Or. en

Amendment 12

Maria Lidia Senra Rodríguez, João Ferreira

Motion for a resolution
Recital G a (new)

Motion for a resolution

Amendment

Ga. whereas Western Sahara is currently a Non-Self-Governing Territory under the foreign military occupation of Morocco, divided by a military wall of more than 2,700 kilometres and that access to the natural resources of Western Sahara is one of the keys of the conflict and its exploitation without consent of the Saharawi people supposes a violation of Article 73 of the Charter of the United Nations;

Or. en

Amendment 13
Renata Briano

Motion for a resolution
Recital H

Motion for a resolution

Amendment

H. whereas the Court also held that, under the principle of the relative effect of treaties, a treaty may not apply to a territory without the consent of the **population** of that territory;

H. whereas the Court also held that, under the principle of the relative effect of treaties, a treaty may not apply to a territory without the consent of the **people** of that territory;

Or. en

Amendment 14
Linnéa Engström, Marco Affronte

Motion for a resolution
Recital H

Motion for a resolution

Amendment

H. whereas the Court also held that, under the principle of the relative effect of

H. whereas the Court also held that, under the principle of the relative effect of

treaties, a treaty may not apply to a territory without the consent of the *population* of that territory;

treaties, a treaty may not apply to a territory without the consent of the *people* of that territory;

Or. en

Amendment 15

Renata Briano

Motion for a resolution

Recital I

Motion for a resolution

Amendment

I. whereas the Court did not give a precise definition of the concept of consent;

deleted

Or. en

Amendment 16

Linnéa Engström, Marco Affronte

Motion for a resolution

Recital I

Motion for a resolution

Amendment

I. whereas the Court did not give a precise definition of the concept of consent;

deleted

Or. en

Amendment 17

Maria Lidia Senra Rodríguez, João Ferreira

Motion for a resolution

Recital I a (new)

Motion for a resolution

Amendment

Ia. Whereas 83.7% of the catches

obtained in the waters occupied by Morocco come from the area of Dakhla, in the Saharawi fishing ground, being Saharawi less than 5% of the workers in the sector and none work in the port, but precarious workforce, and that in the area 3188 Moroccan boats operate in front of 312 Saharawi;

Or. en

Amendment 18
Renata Briano

Motion for a resolution
Recital I a (new)

Motion for a resolution

Amendment

Ia. whereas the Court recalled that United Nations recognizes the Polisario Front as the representative of the people of Western Sahara, in accordance with Resolution 34/37 - 1979 of the General Assembly of the United Nations;

Or. en

Amendment 19
Renata Briano

Motion for a resolution
Recital J

Motion for a resolution

Amendment

J. whereas the Council included in its proposal for a decision the further stipulation that the agreement should benefit the local populations;

deleted

Or. en

Amendment 20
Linnéa Engström, Marco Affronte

Motion for a resolution
Recital J

Motion for a resolution

J. whereas the Council included in its proposal for a decision the further stipulation that the agreement should benefit the local populations;

Amendment

J. ***whereas the Court ruled that the consent of the people of Western Sahara was a core requirement and that it was unnecessary to determine whether the implementation of an agreement in relation to Western Sahara is likely to harm the people of that territory, or to benefit it; whereas the Council nonetheless included in its proposal for a decision the further stipulation that the agreement should benefit the local populations; whereas the notion of local population reflects, according to the Commission Staff Working Document, the "Moroccan interpretation" (page 11);***

Or. en

Amendment 21
Renata Briano

Motion for a resolution
Recital J a (new)

Motion for a resolution

Ja. whereas the external evaluation of the previous FPA estimated that 92% of the catches took place in Western Sahara;

Or. en

Amendment 22
Renata Briano

Motion for a resolution
Recital L

Motion for a resolution

Amendment

L. *whereas the SFPA is intended to ensure that fish stocks are exploited in a sustainable way and that the value of fisheries products is enhanced;*

deleted

Or. en

Amendment 23

Linnéa Engström, Marco Affronte

Motion for a resolution

Recital L

Motion for a resolution

Amendment

L. *whereas **the SFPA is** intended to ensure that fish stocks are exploited in a sustainable way and that the value of fisheries products is enhanced;*

L. *whereas **SFPAs are** intended to ensure that fish stocks are exploited in a sustainable way and that the value of fisheries products is enhanced;*

Or. en

Amendment 24

Sylvie Goddyn

Motion for a resolution

Recital L a (new)

Motion for a resolution

Amendment

La. *whereas the SFPA has contributed, in particular, to the development of fisheries processing in the Western Sahara;*

Or. fr

Amendment 25

Renata Briano

Motion for a resolution
Recital M

Motion for a resolution

Amendment

M. *whereas the SFPA establishes new legal, environmental, economic and social governance arrangements to support the development of the local fisheries sector, which is a major economic resource for the territories concerned;*

deleted

Or. en

Amendment 26
Linnéa Engström, Marco Affronte

Motion for a resolution
Recital M

Motion for a resolution

Amendment

M. *whereas the SFPA establishes **new legal, environmental, economic and social governance** arrangements to support the development of the local fisheries sector, which is **a major economic resource for the territories concerned;***

M. *whereas the SFPA establishes arrangements to support the development of the local fisheries sector **in Western Sahara**, which is **owned and staffed primarily by Moroccan nationals who have settled into the territory recently;***

Or. en

Amendment 27
Maria Lidia Senra Rodríguez, João Ferreira

Motion for a resolution
Recital M a (new)

Motion for a resolution

Amendment

Ma. *Whereas it is estimated that 92% of the catches made by European fleets under the EU-Morocco Fisheries Agreement take place precisely in the waters of Western Sahara;*

Amendment 28

Maria Lidia Senra Rodríguez, João Ferreira

Motion for a resolution

Recital M b (new)

Motion for a resolution

Amendment

Mb. whereas under the EU-Morocco Agreement, the fleet of European Union countries has captured 324584 tonnes of fish in four years worth more than 300 million euros;

Amendment 29

Maria Lidia Senra Rodríguez, João Ferreira

Motion for a resolution

Recital M c (new)

Motion for a resolution

Amendment

Mc. considering, taking into account the judgment of the CJEU of 27 February 2018, EU has committed a fraud of 95.8 million euros to the EU budget, since the EU-Morocco Fisheries Agreement is no applicable to the waters of Western Sahara and the European Union has paid 58.8 million euros of access to fishery resources based on this Agreement, and 37 million for sectoral support:

Amendment 30

Maria Lidia Senra Rodríguez, João Ferreira

Motion for a resolution
Recital M d (new)

Motion for a resolution

Amendment

Md. whereas, due to the illegal application of the EU-Morocco Fisheries Agreement to Western Sahara, the Saharawi people have stopped receiving 58.8 million access to fishery resources, 34 million in canon, 300 million in value of catches and 37million in sectoral support, the economic damage caused reaches 430 million euros;

Or. en

Amendment 31
Maria Lidia Senra Rodríguez, João Ferreira

Motion for a resolution
Recital M e (new)

Motion for a resolution

Amendment

Me. whereas the people of Western Sahara have not given their consent to this agreement, an indispensable requirement for it to be applied in Western Sahara as established in the judgment of the CJEU, a consent that must be expressed through its legitimate representative, the Polisario Front, in application of Resolution34/37 of the General Assembly of the United Nations:

Or. en

Amendment 32
Linnéa Engström, Marco Affronte

Motion for a resolution
Paragraph -1 (new)

Motion for a resolution

Amendment

-1. Recalls that the EU and its Member States do not recognise Moroccan sovereignty over the territorial waters of Western Sahara; notes that the Court of Justice of the European Union has affirmed the separate and distinct status of the territory of Western Sahara, including its waters, in relation to any State, including the Kingdom of Morocco;

Or. en

Amendment 33

Linnéa Engström, Marco Affronte

Motion for a resolution

Paragraph -1 a (new)

Motion for a resolution

Amendment

-1a. Insists on the importance that this agreement does not imply any recognition of Morocco's sovereignty over the territorial waters of Western Sahara;

Or. en

Amendment 34

Maria Lidia Senra Rodríguez, João Ferreira

Motion for a resolution

Paragraph 1

Motion for a resolution

Amendment

1. Takes note of the two conditions set in the Court's judgment, to explicitly mention Western Sahara in the Agreement text and to obtain the consent of the people, and of the third criterion added by the Council, which is the need to ensure that the Agreement benefits the

deleted

local population;

Or. es

Amendment 35
Renata Briano

Motion for a resolution
Paragraph 1

Motion for a resolution

1. Takes note of the *two conditions* set in the Court's *judgment, to explicitly mention Western Sahara in the Agreement text and* to obtain the consent of the people, and of the third criterion added by the Council, which is the need to ensure that the Agreement benefits the *local population;*

Amendment

1. Takes note of the *condition* set in the Court's *judgements*, to obtain the consent of the people *of Western Sahara* and of the third criterion added by the Council, which is the need to ensure that the Agreement benefits the *people of Western Sahara;*

Or. en

Amendment 36
Isabelle Thomas

Motion for a resolution
Paragraph 1

Motion for a resolution

1. Takes note of the two conditions set in the Court's judgment, to explicitly mention Western Sahara in the Agreement text and to obtain the consent of the people, and of the third criterion added by the Council, which is the need to ensure that the Agreement benefits the local population;

Amendment

1. Takes note of the two conditions set in the Court's judgment, to explicitly mention Western Sahara in the Agreement text and to obtain the consent of the people *and their legal representatives*, and of the third criterion added by the Council, which is the need to ensure that the Agreement benefits the local population;

Or. fr

Amendment 37
Nils Torvalds

Motion for a resolution
Paragraph 1

Motion for a resolution

1. Takes note of the two conditions set in the Court's judgment, to explicitly mention Western Sahara in the Agreement text and to obtain the consent of the people, and of the third criterion added by the Council, which is the need to ensure that the Agreement benefits the local population;

Amendment

1. Takes note of the two conditions set in the Court's judgment, to explicitly mention Western Sahara in the Agreement text and to obtain the consent of the people, and of the third criterion added by the Council, which is the need to ensure that the Agreement benefits the local population; ***emphasises that a pre-condition for the Parliament to give its consent to the agreement is that all these conditions are clearly fulfilled and that there is no legal uncertainty in that regard;***

Or. en

Amendment 38
Linnéa Engström, Marco Affronte

Motion for a resolution
Paragraph 1 a (new)

Motion for a resolution

Amendment

1a. Recalls that the Commission did "not challenge the capacity as representative of the Saharawi people enjoyed by the Front Polisario which was recognised by the UN General Assembly" during the legal proceedings in front of the Court of Justice of the EU (T-512/12); notes that the Front Polisario, as the recognized representative of the people of Western Sahara, did not express its consent to the SFPA;

Or. en

Amendment 39
Nils Torvalds

Motion for a resolution
Paragraph 1 a (new)

Motion for a resolution

Amendment

1a. Underlines the need for legal certainty for EU fishermen operating in the waters adjacent to Western Sahara; expresses its great concern about the implications of accepting an agreement that risks being rejected by the Court;

Or. en

Amendment 40
Maria Lidia Senra Rodríguez, João Ferreira

Motion for a resolution
Paragraph 1 a (new)

Motion for a resolution

Amendment

1a. Urges the European Commission to enter into negotiations with the Polisario Front whenever it wishes that an agreement could be applicable to Western Sahara;

Or. en

Amendment 41
Maria Lidia Senra Rodríguez, João Ferreira

Motion for a resolution
Paragraph 1 b (new)

Motion for a resolution

Amendment

1b. Reiterates the illegality of this new agreement between the Union and Morocco by including fishing exploitation from Western Sahara and highlights the doubts that some Member States, social

organizations, the Polisario Front or the European Parliament's Legal Service have expressed in regarding its possible legal and political repercussions on the question of the exercise of the right to self-determination of Western Sahara;

Or. en

Amendment 42

Maria Lidia Senra Rodríguez, João Ferreira

Motion for a resolution

Paragraph 1 c (new)

Motion for a resolution

Amendment

1c. Stresses the consent of the legitimate representative of the Saharawi people, the Polisario Front, has not been obtained, since the talks have been limited to a "consultation" related to trade in Western Sahara without there having been a real process of consent;

Or. en

Amendment 43

Renata Briano

Motion for a resolution

Paragraph 2

Motion for a resolution

Amendment

2. Notes that Article 1h of the new Partnership Agreement, which it has been proposed that the Council conclude, explicitly provides that the fishing zone shall include the waters *adjacent to* Western Sahara, whereas the previous agreement contained no such provision;

2. Notes that Article 1h of the new Partnership Agreement, which it has been proposed that the Council conclude, explicitly provides that the fishing zone shall include the waters *of* Western Sahara, whereas the previous agreement contained no such provision;

Or. en

Amendment 44
Linnéa Engström, Marco Affronte

Motion for a resolution
Paragraph 2 a (new)

Motion for a resolution

Amendment

2a. Deplores the fact that the former EU-Morocco Fisheries Agreement had been applied illegally to the waters of Western Sahara and consequently that over 90% of the catches under this Agreement originated in the latter and that very substantial amounts of EU funding were allocated to the government of Morocco without a legal basis; calls on the Commission to establish the exact amount of EU funds illegally granted to the government of Morocco and to ensure its reimbursement to the EU budget; warns that the European Anti-Fraud Office (OLAF) should assess this situation in the absence of corrective action on the part of the Commission;

Or. en

Amendment 45
Maria Lidia Senra Rodríguez, João Ferreira

Motion for a resolution
Paragraph 3

Motion for a resolution

Amendment

3. Welcomes this clarification and the legal certainty that it provides for EU operators fishing in the waters in question;

deleted

Or. es

Amendment 46
Renata Briano

Motion for a resolution
Paragraph 3

Motion for a resolution

Amendment

3. *Welcomes this clarification and the legal certainty that it provides for EU operators fishing in the waters in question;*

deleted

Or. en

Amendment 47
Linnéa Engström, Marco Affronte

Motion for a resolution
Paragraph 3

Motion for a resolution

Amendment

3. *Welcomes this clarification and the legal certainty that it provides for EU operators fishing in the waters in question;*

3. *Deplores that the application by the Commission of the former EU-Morocco Fisheries Agreement to the waters of Western Sahara without a legal basis has, among others, led fishing operators in France to face legal proceedings by the Front Polisario, and other EU-based operators might be at risk of further legal action; believes that the proposed agreement fails to provide the necessary clarification and the legal certainty for EU operators fishing in the waters in question;*

Or. en

Amendment 48
Nils Torvalds

Motion for a resolution
Paragraph 3

Motion for a resolution

3. ***Welcomes this*** clarification ***and*** the legal ***certainty that it provides*** for EU operators fishing in the waters in question;

Amendment

3. ***Takes note of this attempted*** clarification; ***deplores, however,*** the legal ***uncertainty that still follows the judgement of the Court*** for EU operators fishing in the waters in question;

Or. en

Amendment 49

Linnéa Engström, Marco Affronte

Motion for a resolution

Paragraph 3 a (new)

Motion for a resolution

Amendment

3a. Deplores that the Commission and the EEAS did not travel to the part of Western Sahara that is under the control of the Front Polisario, nor to the Saharawi refugee camps in Tinduf, Algeria, when negotiating this agreement;

Or. en

Amendment 50

Linnéa Engström, Marco Affronte

Motion for a resolution

Paragraph 3 b (new)

Motion for a resolution

Amendment

3b. Recalls that the coastal area of Western Sahara between Guerguerat and Lagouira and the adjacent territorial waters are under the control of the Polisario Front, as well as a third of Western Sahara in the eastern and southern part of the territory; notes that this area is excluded from the application of the agreement; expects the Commission

to ensure that any current or potential fishing sector operators in and fishery products from the part of Western Sahara outside Moroccan control will not be discriminated as a result of this agreement; considers that the partial territorial application of this agreement is without precedent in EU fisheries policy and undermines the EU's obligation to respect the fundamental principle of territorial integrity under international law;

Or. en

Amendment 51

Maria Lidia Senra Rodríguez, João Ferreira

Motion for a resolution

Paragraph 4

Motion for a resolution

Amendment

4. Notes that the European External Action Service (EEAS) and the Commission conducted a process of consultations with the local populations affected by the SFPA and with interested parties;

deleted

Or. es

Amendment 52

Linnéa Engström, Marco Affronte

Motion for a resolution

Paragraph 4

Motion for a resolution

Amendment

4. Notes that the European External Action Service (EEAS) and the Commission conducted a process of consultations *with the local populations affected* by the SFPA and with interested

4. *Deplores* that the European External Action Service (EEAS) and the Commission conducted a process of consultations *only after the agreement had been initialled between Morocco and the*

parties;

Commission and consequently, that this process was rejected by the genuine Saharawi civil society organisations; notes in this regard that the stakeholders who participated in these consultations were all established under Moroccan law or representatives of the Moroccan authorities;

Or. en

Amendment 53
Nils Torvalds

Motion for a resolution
Paragraph 4

Motion for a resolution

4. Notes that the European External Action Service (EEAS) and the Commission **conducted** a process of consultations with the local populations affected by the SFPA and with interested parties;

Amendment

4. Notes that the European External Action Service (EEAS) and the Commission ***made attempts to conduct*** a process of consultations with the local populations affected by the SFPA and with interested parties; ***questions, however, whether this was done in a sufficiently prudent manner to offer the legal certainty needed for the Parliament to give its consent to the agreement;***

Or. en

Amendment 54
Renata Briano

Motion for a resolution
Paragraph 4

Motion for a resolution

4. Notes that the European External Action Service (EEAS) and the Commission conducted a process of consultations with the ***local populations*** affected by the SFPA ***and with interested***

Amendment

4. Notes that the European External Action Service (EEAS) and the Commission conducted a process of consultations with the ***Moroccan parties*** affected by the SFPA; ***highlights that the***

parties;

people of Western Sahara and the representative of the people of Western Sahara were not involved of the process of consultation;

Or. en

Amendment 55
Renata Briano

Motion for a resolution
Paragraph 4 a (new)

Motion for a resolution

Amendment

4a. Notes that the Western Sahara civil society did not take part in the consultation process conducted by the European External Action Service (EEAS);

Or. en

Amendment 56
Maria Lidia Senra Rodríguez, João Ferreira

Motion for a resolution
Paragraph 5

Motion for a resolution

Amendment

5. Takes note of the Commission report on the evaluation of the benefits of the SFPA for the population of Western Sahara;

deleted

Or. es

Amendment 57
Renata Briano

Motion for a resolution
Paragraph 5

Motion for a resolution

Amendment

5. Takes note of the Commission report on the evaluation of the benefits of the SFPA for the population of Western Sahara;

deleted

Or. en

Amendment 58

Linnéa Engström, Marco Affronte

Motion for a resolution

Paragraph 5

Motion for a resolution

Amendment

5. Takes note of the Commission report on the evaluation of the benefits of the SFPA for the population of Western Sahara;

5. Takes note of the Commission report on the evaluation of the benefits of the SFPA for the population of Western Sahara **and notes that the Commission itself states that the notion of "population living in the territory" refers to "the Moroccan interpretation" (Staff Working Document SWD (2018) 433 final, page 11); notes that the Commission refers to statistics exclusively provided by Morocco, when estimating the current and prospective employment in the fisheries sector that will benefit from the agreement;**

Or. en

Amendment 59

Nils Torvalds

Motion for a resolution

Paragraph 5

Motion for a resolution

Amendment

5. Takes note of the Commission report on the evaluation of the benefits of

5. Takes note of the Commission report on the evaluation of the benefits of

the SFPa for the population of Western Sahara;

the SFPa for the population of Western Sahara; *notes with regret how difficult it is to find a conclusive answer to whether and to what extent the SFPa benefits the population of Western Sahara*

Or. en

Amendment 60
Renata Briano

Motion for a resolution
Paragraph 7

Motion for a resolution

Amendment

7. *Notes that the fisheries and fish processing sector is the main source of employment in the territory;*

deleted

Or. en

Amendment 61
Linnéa Engström, Marco Affronte

Motion for a resolution
Paragraph 7

Motion for a resolution

Amendment

7. Notes that the fisheries and fish processing sector is the main source of employment in the territory;

7. Notes that the fisheries and fish processing sector is the main source of employment in the territory; *notes that the Commission does not provide data concerning the share of indigenous Saharawi people employed in the fisheries sector in Western Sahara; notes that the vast majority of jobs in that sector is reportedly occupied by Moroccans who have migrated to the territory, with the assistance of the Moroccan authorities; notes that in its Staff Working Document that accompanies the SFPa, the Commission acknowledges the process of demographic change that is occurring in*

the territory of Western Sahara, with the substantial arrival of Moroccan settlers; notes as well that the Commission acknowledges that the Saharawi people is "traditionally more inclined to work in farming than fishing"; expresses serious concern that the Commission has inadequately addressed the demographic impact of the development of the fisheries sector in Western Sahara and of EU support thereto;

Or. en

Amendment 62

Maria Lidia Senra Rodríguez, João Ferreira

Motion for a resolution

Paragraph 7 a (new)

Motion for a resolution

Amendment

7a. Requests the European Commission to demand from Morocco precise information on the number of Sahrawi people benefited by the EU-Morocco Fisheries Agreement

Or. en

Amendment 63

Maria Lidia Senra Rodríguez, João Ferreira

Motion for a resolution

Paragraph 7 b (new)

Motion for a resolution

Amendment

7b. Underlines that in order to credibly support and fully encourage the ongoing peace process under the auspices of the Personal Envoy of the Secretary-General Horst Köhler, the EU should abstain to ratify any amended Agreement between the EU and Morocco applicable

to Western Sahara as it would imply EU support for one of the two parties in the conflict and hinders the efforts of the Special Envoy of the Secretary General of the United Nations to reach a political solution; especially when the parties are expected to meet in Geneva under the auspices of the UN in December in the first direct negotiations between the Polisario Front and Morocco since 2012;

Or. en

Amendment 64

Maria Lidia Senra Rodríguez, João Ferreira

Motion for a resolution

Paragraph 8

Motion for a resolution

Amendment

8. *Points out that the sectoral support provisions in the SFPA can facilitate structural investment in the sector, particularly in the construction of infrastructure and plant to help boost competitiveness and employment;* ***deleted***

Or. es

Amendment 65

Renata Briano

Motion for a resolution

Paragraph 8

Motion for a resolution

Amendment

8. *Points out that the sectoral support provisions in the SFPA can facilitate structural investment in the sector, particularly in the construction of infrastructure and plant to help boost competitiveness and employment;* ***deleted***

Amendment 66

Linnéa Engström, Marco Affronte

Motion for a resolution

Paragraph 8

Motion for a resolution

8. Points out that the sectoral support provisions in the SFPA *can facilitate structural investment in the sector, particularly in the construction of infrastructure and plant to help boost competitiveness and employment;*

Amendment

8. Points out that the sectoral support provisions in the SFPA *will contribute to further entrench Moroccan interests in the occupied territory and hence reduce the incentives for Morocco to participate in earnest in the UN conflict resolution efforts;*

Or. en

Amendment 67

Linnéa Engström, Marco Affronte

Motion for a resolution

Paragraph 8 a (new)

Motion for a resolution

Amendment

8a. Stresses that complicity in a process of population transfer constitutes a war crime that is justiciable under international law, including under the Rome Statute of the International Criminal Court; notes in this regard the Commission's own admission that sectorial support illicitly provided under the former EU-Morocco Fisheries Agreement included the support to the creation of fisherfolk villages in Western Sahara, including housing; recalls that Moroccan settler fisherfolk have benefited from such infrastructure development; expects, as a pre-condition for the expression of its consent to this agreement, that the Commission provides

written reassurances that sectorial support under the proposed agreement complies with the EU and Member States obligations to respect international law;

Or. en

Amendment 68
Linnéa Engström, Marco Affronte

Motion for a resolution
Paragraph 8 b (new)

Motion for a resolution

Amendment

8b. Observes that in comparison with the earlier EU-Morocco FPA, the increase in the EU financial contribution under the SFPa does not match the increase in fishing opportunities for EU fisheries operators;

Or. en

Amendment 69
Maria Lidia Senra Rodríguez, João Ferreira

Motion for a resolution
Paragraph 9

Motion for a resolution

Amendment

9. Highlights the inclusion in the SFPa of new provisions for closer monitoring of the allocation, in financial terms, of fishing activities in the waters in question, with a view to ensuring that the populations concerned benefit proportionately from them;

deleted

Or. es

Amendment 70
Renata Briano

Motion for a resolution
Paragraph 9

Motion for a resolution

9. Highlights the inclusion in the SFPA of new provisions for ***closer*** monitoring of the allocation, in financial terms, of fishing activities in the waters in question, with a view to ensuring that the ***populations concerned*** benefit proportionately from them;

Amendment

9. Highlights the inclusion in the SFPA of new provisions for ***an EU*** monitoring ***mechanism*** of the allocation, in financial terms, of fishing activities in the waters in question, with a view to ensuring that the ***people of Western Sahara*** benefit proportionately from them;

Or. en

Amendment 71
Isabelle Thomas

Motion for a resolution
Paragraph 9 a (new)

Motion for a resolution

9a. Instructs the Commission, in that context, to involve the legal representatives of the Sahrawi people in the committee which monitors EU sectoral support; the benefits of the SFPA should be managed directly by the Sahrawi authorities and not through Morocco's national budget;

Or. fr

Amendment 72
Linnéa Engström, Marco Affronte

Motion for a resolution
Paragraph 9 a (new)

Motion for a resolution

Amendment

9a. Calls for the establishment of an

EU-Western Sahara subcommittee on trade, fisheries and agriculture to be established, in accordance with the distinct and separate status of the territory concerned;

Or. en

Amendment 73

Maria Lidia Senra Rodríguez, João Ferreira

Motion for a resolution

Paragraph 10

Motion for a resolution

10. Points out that the SFPA provides for strengthening sustainable fishing practices, combating illegal fishing and ensuring better economic governance of the sector;

Amendment

deleted

Or. es

Amendment 74

Linnéa Engström, Marco Affronte

Motion for a resolution

Paragraph 10

Motion for a resolution

10. Points out that the SFPA provides for strengthening sustainable fishing practices, combating illegal fishing and ensuring better economic governance of the sector;

Amendment

10. Notes that the SFPA *claims to provide* for strengthening sustainable fishing practices, combating illegal fishing and ensuring better economic governance of the sector; *notes with concern that the figures on the fisheries sector in Western Sahara provided by the Commission in its Staff Working Document rely exclusively on official Moroccan sources; notes the lack of reliable and independent sources of information on the fisheries sector in Western Sahara due to the severe restrictions on access to the territory*

*enforced by the Moroccan authorities;
doubts therefore the reliability and
accuracy of the assessment provided by
the Commission on the fisheries sector in
Western Sahara;*

Or. en

Amendment 75
Linnéa Engström, Marco Affronte

Motion for a resolution
Paragraph 10 a (new)

Motion for a resolution

Amendment

10a. Notes that the Commission states in its Staff Working Document that accompanies the SFPA that "the EU does not have neither the competence nor the means to carry out direct monitoring in the territory of Western Sahara" (page 11) while the SPFA states that "the Commission (DG MARE, in collaboration with its fisheries attaché based in the Delegation of the EU to Rabat, Morocco) will ensure regular monitoring of the implementation of the Protocol"; expects the Commission to clarify these contradictory statements;

Or. en

Amendment 76
Linnéa Engström, Marco Affronte

Motion for a resolution
Paragraph 10 b (new)

Motion for a resolution

Amendment

10b. Notes that in line with the non-recognition of Morocco's sovereignty over Western Sahara, the Vienna Convention on Consular Relations and recent

jurisprudence of the Court of Justice of the European Union, the EU Delegation to Morocco and its accredited staff, including its fisheries attaché, may not carry out their activities outside the internationally recognised borders of Morocco; calls on the Commission to provide clarification on this matter and on the practical implications foreseen for the monitoring of the implementation of this agreement;

Or. en

Amendment 77
Linnéa Engström, Marco Affronte

Motion for a resolution
Paragraph 10 c (new)

Motion for a resolution

Amendment

10c. Recalls that according to the jurisprudence of the Court of Justice of the EU and the non-recognition by the EU and its Member States of Morocco's sovereignty over Western Sahara, administrative bodies established under Moroccan legislation do not have a legal basis to provide veterinary and other certificates for fisheries products originated in Western Sahara that are required under the implementation of the SPFA;

Or. en

Amendment 78
Maria Lidia Senra Rodríguez, João Ferreira

Motion for a resolution
Paragraph 11

Motion for a resolution

Amendment

11. Highlights, too, the provision in the SFPA for stepping up scientific cooperation and conservation and management measures to ensure the sustainability of fishing activities and the renewal of the stocks;

deleted

Or. es

Amendment 79

Nils Torvalds

Motion for a resolution

Paragraph 11

Motion for a resolution

Amendment

11. Highlights, too, the provision in the SFPA for stepping up scientific cooperation and conservation and management measures to ensure the sustainability of fishing activities and the renewal of the stocks;

11. Highlights, too, the provision in the SFPA for stepping up scientific cooperation and conservation and management measures to ensure the sustainability of fishing activities and the renewal of the stocks; ***considers that even further efforts in this regard would improve the agreement for the benefit of both fishermen and the environment;***

Or. en

Amendment 80

Maria Lidia Senra Rodríguez, João Ferreira

Motion for a resolution

Paragraph 12

Motion for a resolution

Amendment

12. Warns that failure to conclude the new agreement would have negative financial repercussions on the local economy and on the prospects for future development;

deleted

Amendment 81

Renata Briano

Motion for a resolution

Paragraph 12

Motion for a resolution

Amendment

12. Warns that failure to conclude the new agreement would have negative financial repercussions on the local economy and on the prospects for future development; **deleted**

Or. en

Amendment 82

Nils Torvalds

Motion for a resolution

Paragraph 12

Motion for a resolution

Amendment

12. Warns that failure to conclude the new agreement would have negative financial repercussions on the local economy and on the prospects for future development;

12. Warns that failure to conclude the new agreement would have negative financial repercussions on the local economy and on the prospects for future development; *urges the Commission to take all necessary measures to ensure a legally solid agreement;*

Or. en

Amendment 83

Linnéa Engström, Marco Affronte

Motion for a resolution

Paragraph 12 a (new)

Motion for a resolution

Amendment

12a. *Notes with concern that the external ex-post evaluation of the former EU-Morocco FPA concluded that there was an "absence of visibility of the EU contribution" on its sectorial support and that the visibility plan agreed by the Commission and Morocco in September 2014 was neither defined nor implemented; requests reassurances from the Commission that visibility will be ensured in relation to sectorial support under the SPFA, in line with EU guidelines on this matter;*

Or. en

Amendment 84

Renata Briano

Motion for a resolution

Paragraph 12 a (new)

Motion for a resolution

Amendment

12a. *Warns that inclusion of Western Sahara's waters will have legal consequences and will be in contradiction with the CJEU judgements, the EU law and international law;*

Or. en

Amendment 85

Maria Lidia Senra Rodríguez

Motion for a resolution

Paragraph 12 a (new)

Motion for a resolution

Amendment

12a. *Calls therefore on the Committee on Fisheries, as the committee*

responsible, to propose that the European Parliament decline its consent;

Or. en

Amendment 86
Renata Briano

Motion for a resolution
Paragraph 12 b (new)

Motion for a resolution

Amendment

12b. Warns from the legal consequences of the division policy when dealing with of Western Sahara and the people of Western Sahara;

Or. en