WRITTEN QUESTION E-3999/06
by Cecilia Malmström (ALDE)
to the Commission

Subject: Need for additional protective measures to prevent irregular implementation of EU external agreements

The European Community must respect international law in the exercise of its power. In its contractual relations with third States, the Community bears responsibility for the practical consequences of its decisions in terms of what it is trying to achieve and the standards which are acceptable in terms of the conduct of the State and non-State actors with which the Community enters into agreement. The Community cannot accept serious violations of international law by any actor. It cannot knowingly allow its preferential agreements, or resources and facilities made available to third parties under those agreements, to be used to commit such violations and it must take appropriate measures to preclude such abuse.

Two cases, which both raise important questions in this respect, have recently been put before Parliament. Israel applies its various agreements with the EU even on occupied territory, contrary to international law and, frequently, in violation of the very wording of the agreements. Failings in the Community's budgetary control and the EU's customs administration have resulted in breaches of Community law. In February 2005, the EU and Israel began to implement technical arrangements designed to put an end to those failings but Israel continues to implement its agreements with the EU in a way which contravenes international law.

Furthermore, at the present time, Morocco is also applying its fisheries partnership agreement to Western Sahara, its coastal waters and its exclusive economic zone, contrary to international law.

If facts are presented which clearly show that Member States' fishing vessels are landing fish caught in Western Saharan waters against payment to Morocco, will the Commission consider that there is an irregularity or failing which must be dealt with in the light of Community law?