

WRITTEN QUESTION E-4295/08

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to the Commission

Subject: Fishing under the Moroccan Fisheries Partnership Agreement

In answer to our question E-1073/08, Commissioner Borg provided data showing catches by EU-flagged vessels in CECAF Subdivisions 34.1.1 and 34.1.3.

1. The Commission says that the data on UK and Portuguese catches may be incomplete; we also note that the data provided for Latvia were not divided into the two Subdivisions. Could the Commission explain what it is doing to get data that are both complete and sufficiently detailed in these cases?

2. Could the Commission please provide the data it has received on catches made under the Moroccan agreement during the first quarter of 2008 (by species, by Member State and by statistical region)?

3. Subdivision 34.1.3 includes waters off the coast of northern Mauritania and the southern portion of the Western Sahara. Since our question specifically requested data 'on catches under the current agreement with Morocco' we assume that the catches did not take place in Mauritanian waters, and that they therefore took place only in the waters off the coast of Western Sahara. If this interpretation is not correct, could the Commission please explain?

4. To date, Morocco has not claimed either a territorial sea or an Exclusive Economic Zone below the latitude of 27° 42' N, as indicated in Moroccan Decree 2.75.311 of 21 July 1975. While Morocco currently occupies part of the Western Sahara, it does not have internationally recognised sovereignty or jurisdiction over the area (as noted by the ICJ in its opinion of 16 October 1975) given that, as the Commission has noted, the 2002 opinion of the UN Legal Advisor is not legally binding and cannot be equated with a judgment of the ICJ or a binding decision of the Security Council.

Similarly, Polisario, which is recognised as the representatives of the people of the Western Sahara, has not declared an EEZ off the Western Sahara either.

Would the Commission agree that, if neither of these parties has declared jurisdiction over waters off the coast of the Western Sahara, then these are international waters?

If these are international waters, could the Commission please explain why its vessels are fishing in these international waters under the terms of the fisheries agreement with Morocco? Why is the Commission paying Morocco so that EU-flagged vessels can fish in international waters?