

EN

E-001004/2011

P-001023/2011

E-002315/2011

Joint answer given by High Representative/Vice President Ashton  
on behalf of the Commission  
(14.6.2011)

The Commission would like to clarify that the EU-Morocco Association Agreement does not contain any reference to the Western Sahara. It establishes an association between the European Communities and their Member States, on the one hand, and the Kingdom of Morocco, on the other hand. Furthermore, Article 94 of the Agreement stipulates that it applies to the territory of the Kingdom of Morocco. In addition, neither the Association Agreement, nor the envisaged Agreement on the liberalisation of trade on agriculture and fisheries products foresees any specific rules regarding requirements as to the labelling of products. Products originating in Morocco and imported in the EU can thus not be differentiated on a regional basis.

According to the United Nations position on the subject, which the EU adheres to, Western Sahara is considered a "non-self-governing territory" and Morocco its de facto administering power.

To the extent that exports of products from Western Sahara are de facto benefitting from the trade preferences, international law regards activities related to natural resources undertaken by an administering power in a non-self-governing territory as lawful as long as they are not undertaken in disregard of the needs, interests and benefits of the people of that territory. The de facto administration of Morocco in Western Sahara is under a legal obligation to comply with these principles of international law. The same applies to the envisaged Agreement on the liberalisation of trade on agriculture and fisheries products, which would modify the trade chapter of the Association Agreement.

The Association Agreement establishes formal bodies which aim to ensure follow-up on the implementation of the Agreement and give each contracting party the opportunity to raise issues, and facilitate discussions of policies implemented by the parties.

The Commission intends to use the existing agricultural and fisheries subcommittee established by the Association Agreement to gather information on all relevant areas of the implementation of the Agreement on the liberalisation of trade on agriculture and fisheries products. The Moroccan authorities have expressed their full availability to cooperate on this matter.

Since 2006, the agricultural and fisheries subcommittee has included systematically on its agenda items relating to the evolution of agricultural policies in the EU and Morocco and on the follow-up of the Agreement. In this context, Morocco will present at the first sub-committee following the entry into force of the new Agreement a report outlining the state of play of the agricultural sector and development projects related to the "Maroc Plan Vert", including in the territory of Western Sahara. Pertinent information on the follow-up of the new Agreement will be discussed on a regular basis in the relevant sub-committee.

The Commission is ready to ensure that this information on the implementation of the Agreement on the liberalisation of trade on agriculture and fisheries products will be shared with the European Parliament.

As regards geographical indications, Article 9 of Protocol 1 and Article 8 of Protocol 2 to the Agreement on the liberalisation of trade on agriculture and fisheries products foresee that the Parties agreed to open negotiations on an agreement on the protection of geographical indications for agricultural products, processed agricultural products, fish and fishery products within three months of the date of entry into force of the Agreement. The objective of these measures is to protect the geographical indications registered by the parties on the basis of their own legislation. Morocco could register as geographical indications products originating in Western Sahara if they respond to the criteria fixed by its legislation in this field.