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Subject: Draft negotiating directives for a Fisheries Partnership Agreement with the Kingdom of Morocco

Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

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NOTE

Subject : Draft negotiating directives for a Fisheries Partnership Agreement with the Kingdom of Morocco

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Draft negotiating directives for a Fisheries Partnership Agreement with the Kingdom of Morocco

1. The aim of the negotiations is to conclude a Fisheries Partnership Agreement between the Community and the Kingdom of Morocco. Due account will be taken of the Council conclusions of 15.07.2004¹ based on the Communication from the Commission of 23.12.2002² as well as the Council Decision of October 1999.³

The Council Decision of October 1999 authorised the Commission to set up a new framework of relations in the fishery sector between the European Community and the Kingdom of Morocco. After several rounds of discussions substantial divergences between the parties became imminent and led to an impasse in the negotiations in March 2001; this impasse lasted ever since that month. Therefore, the development, during this period, in the general context of the relationships between the European Union and Morocco will be taken into consideration and in particular the development of economic and commercial integration under the EC-Morocco Association Agreement.

Considering the European Union overall objective of contributing to sustainable fisheries inside and outside Community waters, the negotiations will have the following specific objectives:

- o enable Community vessels to operate in Moroccan waters;
- o ensure that fishing possibilities for Community fishing vessels in these waters are set at a level that is coherent with the objective of sustainable exploitation of fish stocks and that will be realistic to achieve. Taking into account the available scientific and technical advice; ensure, in particular, that:
 - priority is given to the interests of the Community artisan fleet whose activities will be the most relevant in the Moroccan waters, due to the size and type of their fishing activities;
 - any fishing possibilities for cephalopods and crustaceans are excluded from the agreement;

¹ Council Conclusion on a Communication from the Commission on an integrated framework for fisheries partnership agreements with third countries

² the Communication from the Commission on an integrated framework for Fisheries Partnership Agreements with third countries from 23.12.2002

³ Council Decision of October 1999 authorising the Commission to set up a new framework of relations in the fishery sector between the European Community and the Kingdom of Morocco

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- a policy dialogue is established through which the Community contributes to the development and the management of a sustainable fishing policy and responsible exploitation of fishing resources in Moroccan waters.
- Strengthen co-operation between the European Union and Morocco throughout the fisheries sector by encouraging a policy dialogue between the Community and Morocco in order to identify the needs and possibilities of the Moroccan fishing sector. Ensure on that basis that a contribution to the development of responsible fisheries policy in Morocco will be established, giving priority, inter alia, to:
 - scientific research programmes that could help to improve the management of the resources and prevent the overexploitation of certain stocks;
 - encouraging investments in the renovation and modernisation of the national fleet ;
 - supporting the improvement of the commercialisation circuits and sanitary standards;
 - improving policy and commercial measures in the fishing sector;
 - supporting the programme of elimination of driftnets.
- 2. The financial contribution to be offered should take account of the Council conclusions of 19 July 2004 as well as take into consideration the mutual interests of the two parties to invest in a sustainable fisheries policy and not just payment for access rights to fishing possibilities for the benefit of Community fishing vessels. This financial contribution should provide adequate support to the development and the management of a sustainable fishing policy in Morocco.
 - Ensure that the financial contribution will be determined by taking into account in particular the following criteria:
 - a. The part of the financial contribution in exchange of fishing possibilities for Community fishing vessels to be calculated on the basis of a set of criteria's for each type of fishing possibilities. This part will be agreed between the two sides and will reflect the value of proposed fisheries rights granted to the Community.

The private sector shall assume its part of this part of the financial contribution in the form of licence fees.
 - b. The part of the financial contribution devoted to measures aiming at contributing to the implementation of a sustainable and responsible fisheries policy to be determined on the basis of commitments of Morocco to achieve sustainable fishing and the mutual interest of both parties to proceed in the implementation of the agreed measures. The allocation of this part of the financial contribution will be agreed by the two sides on the basis of priorities identified by the Moroccan authorities.

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3. The negotiations shall be conducted in accordance with the applicable procedures for Fisheries Negotiations between the Community and Third Countries and in accordance with the obligations that the Community undertook internationally such as in particular:
- a. the provisions of the UN Convention on the Law of the Sea (UNCLOS) of 10 December 1982,
 - b. the principles of the Agreement of 4 August 1995 for the implementation of the provisions of the UN Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (New York Agreement),
 - c. the Agreement to promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas,
 - d. the Code of Conduct for responsible fishing and the International Plan of action to prevent, deter and eliminate illegal, unreported and unregulated fishing (IPOA-IUU),
 - e. the work of competent regional organisations to which the Community is a contracting Party,

The Commission shall keep the Council informed on the progress of the negotiations.

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