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From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	22 March 2018
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

No. Cion doc.:	COM(2018) 151 final - ANNEX
Subject:	ANNEX to the Recommendation for a Council decision to authorise the Commission to open negotiations on behalf of the European Union for the amendment of the Fisheries Partnership Agreement and the conclusion of a Protocol with the Kingdom of Morocco

Delegations will find attached document COM(2018) 151 final - ANNEX.

Encl.: COM(2018) 151 final - ANNEX



Brussels, 21.3.2018
COM(2018) 151 final

ANNEX

ANNEX

to the

Recommendation

for a Council decision to authorise the Commission to open negotiations on behalf of the European Union for the amendment of the Fisheries Partnership Agreement and the conclusion of a Protocol with the Kingdom of Morocco

ANNEX

Negotiating directives

The objective of the negotiations is the amendment of the Fisheries Partnership Agreement between the European Communities and the Kingdom of Morocco and the conclusion of a Protocol to this agreement in line with Regulation (EU) N° 1380/2013 on the Common Fisheries Policy and with the Council Conclusions of 19 March 2012 on the Commission Communication of 13 July 2011 on the external dimension of the Common Fisheries Policy.

To promote sustainable and responsible fishing as well as contributing to the strict observance of international law, while ensuring mutual benefits for the EU and Morocco through this new Protocol, the Commission's negotiations shall seek to:

- Provide for the access to the waters covered by the current Agreement and Protocol and to the waters adjacent to the non-self governing Territory of Western Sahara and the necessary authorisations for vessels of the EU fleet targeting small pelagic, demersal and highly migratory species to fish in those waters, thereby inter alia maintaining the network of Sustainable Fisheries Partnership Agreements available to EU operators;
- Be supportive of the efforts of the United Nations Secretary-General to find a solution providing for the self-determination of the people of Western Sahara consistent with the principles and purposes of the Charter of the United Nations;
- Take into account the best available scientific advice and relevant management plans adopted by the relevant Regional Fisheries Management Organisations (RFMO), in order to ensure the environmental sustainability of fishing activities and to promote ocean governance at the international scale. The fishing activities should be directed exclusively at available resources, taking into account the local fleet's fishing capacity, while paying special attention to the straddling or highly migratory nature of the stocks concerned;
- Obtain an appropriate share of the surplus fisheries resources, fully commensurate with the EU fleets' interests, when they also interest other foreign fleets as well as the application of the same technical conditions to all foreign fleets;
- Ensure that access to fisheries is based on the activity of the EU fleet in the region, in the light of the most updated and best available scientific assessments;
- Establish a dialogue to reinforce the sectoral policy with a view to encouraging the implementation of a responsible fisheries policy, in connection with the country's development objectives, in particular as regards the fisheries governance, the fight against illegal, unreported and unregulated fishing, control, monitoring and surveillance of fishing activities and provision of scientific advice and foster employment generation contributing to inter alia addressing the root causes of emigration;
- Include a clause on the consequences of violations of human rights and democratic principles;
- Include a clause for the preferential access of the EU fleet to available surpluses and for the application of the same technical conditions to all foreign fleets;

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- Include appropriate mechanisms to ensure that the Commission is sufficiently informed and involved on the geographic and social distribution of the socio-economic benefits under the Agreement and Protocol, in order to allow the Commission to ensure that both benefit to the people concerned;
- Include a review clause enabling to take into account a mutually acceptable political solution which would provide for self-determination of the people of Western Sahara consistent with the principles and purposes of the Charter of the United Nations;

Furthermore:

- The Commission shall assess, at the time of signature, the potential implications of the Sustainable Fisheries Partnership Agreement and its Protocol for sustainable development, in particular as regards the benefits for the people concerned and the exploitation of natural resources of the territories concerned;
- The Commission should ensure that, at the time of its proposal for signature and conclusion, the people concerned by the agreement have been adequately involved.
- In order to avoid interruption of fishing activities, the new protocol should include a clause of provisional application.

In particular, the Protocol should define:

- the fishing opportunities, by category, to be granted to European Union vessels;
- the financial compensation and the conditions for its payment; and
- the mechanisms for an effective implementation of sectoral support and its regular monitoring.