



Brussels, 11.6.2018  
COM(2018) 481 final

ANNEX

**ANNEX**

**to the**

**Proposal for a Council Decision**

**relating to the signature, on behalf of the European Union, of the Agreement in the form of an Exchange of Letters between the European Union and the Kingdom of Morocco on the amendment of Protocols 1 and 4 to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part**

{SWD(2018) 346 final}

## ANNEX

Draft agreement in the form of an Exchange of Letters between the European Union and the Kingdom of Morocco on the amendment of Protocols 1 and 4 to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part

### *A. Letter from the Union*

Dear Sir/Madam,

I write with reference to the negotiations that took place as part of the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part ('the Association Agreement'), concerning the amendment of certain protocols to the Agreement.

Following these negotiations, the European Union and the Kingdom of Morocco have agreed the following:

This Agreement is concluded without prejudice to the respective positions of the European Union and Morocco with regard to the status of Western Sahara.

Both parties reaffirm their support for the United Nations process and back the efforts made by the Secretary-General to reach a definitive political settlement in line with the principles and objectives of the Charter of the United Nations and based on the Resolutions of the UN Security Council.

The European Union and Morocco agreed to insert the joint declaration below after Protocol 4 to the Association Agreement.

'Joint declaration concerning the application of Protocols 1 and 4 to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part ('the Association Agreement').

1. Products originating in Western Sahara subject to controls by the Moroccan customs authorities shall benefit from the same trade preferences as those granted by the European Union to products covered by the Association Agreement.
2. Protocol 4 shall apply *mutatis mutandis* for the purposes of defining the originating status of the products referred to in paragraph 1, including with regard to proof of origin<sup>1</sup>.
3. The customs authorities of the Member States of the European Union and Morocco shall be responsible for ensuring that Protocol 4 is applied to these products.'

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<sup>1</sup> The Moroccan customs authorities shall be responsible for applying the provisions of Protocol 4 for the products referred to in paragraph 1.

The European Union and the Kingdom of Morocco reaffirm their commitment to applying the protocols in accordance with the provisions of the Association Agreement concerning respect for fundamental freedoms and human rights.

The insertion of this joint declaration is based on the long-standing special partnership between the European Union and Morocco, as notably embodied in the advanced status awarded to Morocco, and on the parties' shared desire to deepen and expand the partnership.

In this spirit of partnership and in order to allow the parties to assess the impact of the Agreement, particularly on sustainable development and with regard to the advantages for the people concerned and the exploitation of the natural resources of the territories in question, the EU and the Kingdom of Morocco have agreed to exchange information at least once a year by means of the Association Committee.

The specific arrangements for this evaluation exercise will be determined at a later date before being adopted by the Association Committee at the latest two months after the entry into force of the Exchange of Letters.

This Exchange of Letters can be applied provisionally by mutual agreement notified by an exchange of notifications between the parties, with effect from the date of the signature authorised by the Council of the European Union.

This Agreement in the form of an Exchange of Letters takes effect the day after the date on which the parties notify the completion of the internal procedures for its adoption.

I would be obliged if you would confirm that your Government is in agreement with the above.

Yours faithfully,

*For the Council of the European Union*

*B. Letter from the Kingdom of Morocco*

Dear Sir/Madam,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows:

'Dear Sir/Madam,

I write with reference to the negotiations that took place as part of the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part ('the Association Agreement'), concerning the amendment of certain protocols to the Agreement.

Following these negotiations, the European Union and the Kingdom of Morocco have agreed the following:

This Agreement is concluded without prejudice to the respective positions of the European Union and Morocco with regard to the status of Western Sahara.

Both parties reaffirm their support for the United Nations process and back the efforts made by the Secretary-General to reach a definitive political settlement in line with the principles and objectives of the Charter of the United Nations and based on the Resolutions of the UN Security Council.

The European Union and Morocco agreed to insert the joint declaration below after Protocol 4 to the Association Agreement.

‘Joint declaration concerning the application of Protocols 1 and 4 to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part (‘the Association Agreement’).

1. Products originating in Western Sahara subject to controls by the Moroccan customs authorities shall benefit from the same trade preferences as those granted by the European Union to products covered by the Association Agreement.
2. Protocol 4 shall apply *mutatis mutandis* for the purposes of defining the originating status of the products referred to in paragraph 1, including with regard to proof of origin<sup>2</sup>.
3. The customs authorities of the Member States of the European Union and Morocco shall be responsible for ensuring that Protocol 4 is applied to these products.’

The European Union and the Kingdom of Morocco reaffirm their commitment to applying the protocols in accordance with the provisions of the Association Agreement concerning respect for fundamental freedoms and human rights.

The insertion of this joint declaration is based on the long-standing special partnership between the European Union and Morocco, as notably embodied in the advanced status awarded to Morocco, and on the parties’ shared desire to deepen and expand the partnership.

In this spirit of partnership and in order to allow the parties to assess the impact of the Agreement, particularly on sustainable development and with regard to the advantages for the people concerned and the exploitation of the natural resources of the territories in question, the EU and the Kingdom of Morocco have agreed to exchange information at least once a year by means of the Association Committee.

The specific arrangements for this evaluation exercise will be determined at a later date before being adopted by the Association Committee at the latest two months after the entry into force

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<sup>2</sup> The Moroccan customs authorities shall be responsible for applying the provisions of Protocol 4 for the products referred to in paragraph 1.

of the Exchange of Letters.

This Exchange of Letters can be applied provisionally by mutual agreement notified by an exchange of notifications between the parties, with effect from the date of the signature authorised by the Council of the European Union.

This Agreement in the form of an Exchange of Letters takes effect the day after the date on which the parties notify the completion of the internal procedures for its adoption.

I would be obliged if you would confirm that your Government is in agreement with the above.

Yours faithfully,'

I am able to confirm that my Government is in agreement with the contents of your letter.

Yours faithfully,

*For the Kingdom of Morocco*