



**Brussels, 4 December 2015
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"I/A" ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee (Part 2)/Council
On: 9 December 2015

Subject: **Relations with Morocco**
- Adoption of the European Union's position for the thirteenth meeting of the Association Council (Brussels, 14 December 2015)

1. In preparation for the 13th meeting of the EU-Morocco Association Council on 14 December 2015, the Mashreq/Maghreb Working Party has finalised the draft EU statement and the draft agenda as set out in Annexes I and II hereto.
 2. Subject to confirmation by Coreper, the Council is requested to approve the draft EU statement and the draft agenda as set out in Annexes I and II hereto as an 'A' item at a forthcoming meeting.
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**THIRTEENTH MEETING OF THE
EU-MOROCCO ASSOCIATION COUNCIL
(Brussels, 14 December 2015)**

Statement by the European Union

1. The European Union (EU) welcomes this thirteenth meeting of the Association Council, twenty years after the adoption of the EU-Morocco Association Agreement. The partnership with Morocco has a fundamental value for the EU, which is determined to make a long-term commitment and to support Morocco's strategic choice to root its reforms and modernisation in the EU.
2. The Review of the European Neighbourhood Policy, which was the subject of a Joint Communication adopted on 18 November 2015, and in which Morocco participated actively, provides an opportunity to give a new impetus to this partnership. The purpose of the review is to strengthen our relations with all our Neighbourhood partners, based on the principles of differentiation and greater mutual ownership and on the aspirations of each country as regards the nature of its partnership with the EU and the direction it should take. The EU welcomes Morocco's positive and constructive participation in the consultation exercise prior to the adoption of the new European Neighbourhood Policy (ENP) and has noted its proposals in the four proposed areas (common security, economic development, shared values and shared knowledge) which it is prepared to discuss.
3. The ENP review provides a good framework for strengthening our cooperation at all levels: political (democratic reforms, with particular regard to justice, good governance and accountability), global (security and counter-terrorism and migration policy), economic (inclusive and sustainable socio-economic development, opening-up of markets, and employment and social integration prospects) and sectoral (training, research, development, innovation, etc.). It will be based on our shared values of democracy, the rule of law and respect for fundamental freedoms.

4. On that basis, and in accordance with the Joint Communication of 18 November 2015, issued by the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission, on the review of the European Neighbourhood Policy, the EU proposes to begin extensive consultations with Morocco in 2016 on the future nature and direction of the partnership and its implementation in terms of assistance. The consultations should aim to enhance ownership by both parties, based on jointly defined shared interests.
5. Throughout 2015, high-level visits have helped strengthen the political and strategic dialogue between the EU and Morocco. The respective Commissioners for European Neighbourhood Policy and Enlargement Negotiations, Mr Hahn (December 2014), for Environment, Maritime Affairs and Fisheries, Mr Vella (18 February 2015), for Migration, Home Affairs and Citizenship, Mr Avramopoulos (16-17 April 2015), and for Climate Action and Energy, Mr Cañete (6-7 May and 11-13 October 2015), as well as High Representative Federica Mogherini (20-21 July 2015) visited Rabat for discussions with their Moroccan counterparts. These visits show the dynamic nature of our bilateral relationship, which is developing in several areas. The Joint Parliamentary Committee also met on 10 June 2015.
6. Both parties have endeavoured to maintain their dialogue on the main dossiers. The EU especially emphasises the need to re-launch the DCFTA negotiations and the visa facilitation and readmission agreements under the Mobility Partnership, whilst continuing discussions on security, migration and democratic reforms within the context of the ENP review.
7. The EU wishes to address the different strands of this partnership by strengthening relations with the authorities, but also through a continuing dialogue with the voluntary sector, Moroccan civil society and the social partners, so that they can continue to play their part in decisions which are key for the future of the country and for consolidating the rule of law and democracy. With this in mind, the EU hereby confirms its interest in the establishment, via the sub-committees, of the tripartite dialogue between the authorities, civil society representatives and representatives of the EU agreed by the parties at the latest meeting of the EU-Morocco Association Committee in February 2015. The EU would again encourage the Moroccan authorities to strengthen their cooperation with civil society and set up an inclusive reform process.

8. Morocco has continued its reform process in 2015. With regard to the implementation of the Constitution and the democratic reform process, ten organic laws out of the 19 initially planned have been adopted to date. The EU would encourage Morocco to speed up the implementation of the new Constitution, by stepping up the rate of adoption of all the organic laws provided for, and by establishing the structures and mechanisms relating thereto.
9. Significant progress has been made with the adoption, just before the local and regional elections in September 2015, of organic laws on advanced regionalisation. The EU is prepared to assist Morocco with the local governance reforms and to promote the dialogues and implementation of social and economic reforms, including at local level.
10. Since 2011, it has been an EU priority to support the electoral process. Accordingly, in response to a request from the CNDH (National Human Rights Council, the national body responsible for monitoring elections), the EU sent an Election Expert Mission (EEM) to Rabat in 2015, which issued recommendations following the local and regional elections. The EU is fully committed to providing support and technical assistance with the implementation of those recommendations, particularly with a view to the organisation of the forthcoming parliamentary elections scheduled for the autumn of 2016.
11. Other reforms provided for in the Constitution are being prepared, including judicial reforms. The EU is also supporting that process financially (budget support programme of EUR 75 million). The EU particularly encourages Morocco to adopt an inclusive approach to the revision of the Penal Code, in a manner consistent with the other legislative reforms under way, with its international commitments and with international standards, and to adopt organic laws relating to the status of judges and the Supreme Judicial Council to guarantee the independence of judges.
12. The main strands of the government's action on corruption require the preparation of a comprehensive national strategy and the establishment of the National Authority for Integrity, Prevention and the Fight against Corruption. The EU reiterates the importance of a national strategy as the basis for preparing sector-specific strategies.

13. As regards respect for human rights and fundamental freedoms, the EU welcomes the efforts made by Morocco and in particular the House of Representatives' approval of accession to the first Optional Protocol to the International Covenant on Civil and Political Rights and to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. The EU also welcomes the report by the National Human Rights Council (CNDH) on gender equality and parity and encourages Morocco to give it adequate follow-up.
14. During 2015 a relative slowing down of the reform process in the area of human rights and fundamental freedoms has been observed. The EU stands ready to continue its support and encourages the Moroccan authorities to strengthen their efforts in particular regarding gender equality and against all forms of violence on the basis of sexual orientation (especially the bill to create an authority for equality and the fight against all forms of discrimination (APALD) and the bill combating all forms of violence against women), the freedoms of assembly, association and expression (reform of the Press Code, linked with the reform of the Penal Code), in compliance with the fundamental principles of the Constitution and Morocco's international commitments.
15. Following Morocco's ratification of OPCAT in November 2014, the EU is ready to support the Moroccan government's efforts to establish a national monitoring mechanism as soon as possible.
16. Morocco has yet to ratify the Rome Statute, an issue which gives rise to discussions every year in the Subcommittee on Human Rights, Democratisation and Governance.
17. The EU welcomes the public debate within Moroccan society on the abolition of the death penalty. The revised Penal Code would restrict the cases in which the death penalty is carried out while at the same time confirming the principle that capital punishment can be used. The EU advocates the abolition of capital punishment throughout the world and in all circumstances, firmly convinced that this irreversible penalty has no deterrent effect and represents an unacceptable denial of human dignity and integrity. The EU invites Morocco to accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

18. The EU welcomes the fact that Morocco has stepped up its cooperation with the Council of Europe in many areas. It encourages Morocco to continue to take full advantage of the instruments of the Council of Europe and its regulatory system (Conventions), strengthen parliamentary cooperation and compliance with the obligations linked to its "partner for democracy" status and welcomes the adoption in February 2015 by the Committee of Ministers of the Council of Europe of new partnership priorities (for political dialogue and financial cooperation) with Morocco for 2015-2017.
19. The EU welcomes the active role played by the Kingdom of Morocco in the United Nations Human Rights Council. The EU acknowledges the important role played by Morocco with regard to the Universal Periodic Review (UPR) mechanism and welcomes its positive contribution to the debate on religious intolerance, as well its support for the 'Rabat Plan of Action'. Morocco has undertaken to pursue its dialogue with the Human Rights Council Special Procedures.
20. We congratulate Morocco on its chairmanship of the Third Committee of the United Nations General Assembly. Improved cooperation with Morocco in multilateral fora could evolve into a win-win situation for EU-Morocco relations and strengthen the feeling that there is a genuine partnership at international level. The EU welcomes Morocco's dialogue and support and wishes to enhance cooperation on country-specific and thematic issues (in particular freedom of religion and children's rights). The EU recalls its support for the Initiative on Mediation in the Mediterranean (Med-Med Initiative), co-sponsored by Morocco and Spain, which implements UNGA resolution 68/303 on cooperation with regional and sub-regional bodies in promoting mediation as a tool for preventing and managing crises.
21. Technical and financial cooperation remained dynamic in 2015, enabling major progress to be achieved in the various key sectors identified in the Advanced Status Action Plan. In October 2015 the European Commission adopted packages of measures totalling EUR 180.5 million under the ENI budgets for 2015 and 2016 in order to support the reform of the prison system, competitiveness and growth and vocational training. In addition, EUR 30 million has been allocated in additional contributions under the 2015 'Umbrella' to programmes for reform of the judicial and healthcare systems and to support action in the area of public governance and assist the Euro-Mediterranean University of Fez.

22. The EU welcomes the adoption in 2015 of the new organic law on finances that will enable Morocco to improve both transparency in management and the impact of public policies. The EU played a role in the drafting and implementation of this law (Hakama programme).
23. In the economic sphere, Morocco has been relatively unaffected by the negative impact of the world economic and financial crisis and of the political crisis in the region, thanks inter alia to its careful management of public finances and the implementation of the government's structural reform programme. However, Morocco remains exposed to challenges that are both internal (weakness of the labour market, pension system, regional disparities) and external, even though the successful fuel subsidies reform has reduced the country's fiscal and external vulnerability. While the financial sector is stable, the cross-border expansion of the banking sector requires sustained supervision. Several difficult structural reforms have still to be carried out: Morocco will have to make additional efforts to reform the pensions system and change the education system, to galvanise the reforms to the system of vocational training so that it better meets the needs of the labour market and to attract foreign investment.
24. Trade between Morocco and the EU continued to grow in 2015 to the benefit of both parties, and the EU remains by far Morocco's main trading partner. The EU underlines the importance of maintaining open trade between the two parties and of avoiding the introduction of new measures that could hamper trade and investment. As regards the Deep and Comprehensive Free Trade Agreement (DCFTA), on which the fourth round of talks took place in April 2014, the EU encourages Morocco to finalise its negotiating position following the outcome of the studies carried out so that it can resume negotiations as soon as possible. The EU emphasises that the two sides must remain committed to concluding a DCFTA that takes account of mutual interests and priorities at the earliest opportunity. The DCFTA will aim to facilitate the gradual integration of Morocco into the European internal market. It will extend well beyond the scope of the existing Association Agreement, including for example trade in services, public procurement, competition, intellectual property rights, investment protection and the gradual integration of the Moroccan economy into the EU single market, in areas such as industrial and technical standards or sanitary and phytosanitary measures.

The EU hopes that, with its support, Morocco can develop a national regulatory convergence action plan which will guide this process on a strategic level and which, together with the DCFTA, will give more impetus to reforms. The EU also encourages Morocco to proceed with the preparation of negotiations on an Agreement on Conformity Assessment and Acceptance of industrial products (ACAA).

25. On a bilateral level, the EU notes the effects on trade of the agreement on agricultural products, processed and fishery products. Trade flows are continuing to follow an upward trend, with an increase in trade in the main products of both parties. In addition, the EU welcomes the agreement reached in January 2015 on the mutual recognition and protection of geographical indications and would like to see the necessary measures taken for its entry into force.
26. The European Union welcomes the second meeting on 14, 15 and 16 October of the Joint Committee on the Protocol to the Fisheries Sector Partnership Agreement and the results achieved, which show that the Protocol, particularly its sectoral support element, is being properly implemented.
27. In the socio-economic sphere many challenges remain. Major reforms have still to be undertaken to boost job creation and create an inclusive labour market that can provide the population as a whole with prospects and opportunities. The labour market is characterised by a very low activity rate (48 %). Women especially remain excluded from the labour market (activity rate 25.2 %) and their participation in the labour market continues to fall (from 28.1 % in 2000 to 25.2 % in 2013). The unemployment rate is 9.9 %. Unemployment remains high among graduates and especially among those with high-level qualifications. Unemployment among young people (those between 15 and 34) is 20.1 %. The high rate of informal work, offering little or no protection and with very low productivity, is a major problem.. It is important to maintain the tripartite and bipartite social dialogue and strengthen the capacity of the social partners (employers' organisations and trade unions) and to work to achieve a better match between supply and demand via the education and vocational training systems.

28. The EU notes that the Ministry of Employment and Social Affairs has announced that, in cooperation with the International Labour Office, it will be launching a new national employment strategy which should soon be finalised. The EU encourages its swift adoption. This strategy should supplement current vocational training initiatives, including the recently adopted New National Strategy. The EU welcomes this latest important achievement and encourages its implementation. The EU has planned in particular to support the implementation process through a new programme under preparation (EUR 45 million from the 2015 budget, supplemented by EUR 15 million from the 2016 budget). An important aspect of this support will be to ensure better coordination of the actors in the vocational training system.
29. As regards social protection, in 2015 Morocco continued to make significant efforts to improve the quality of social services and access to them, and to develop protection mechanisms. Including through its cooperation, the EU supports these efforts, in particular the extension of medical cover. The EU remains ready to cooperate with Morocco on the drawing up of a single national strategy for social protection and to launch an initial identification mission to this end.
30. The EU supports Morocco's efforts with regard to illiteracy and reform of the education system via major programmes (EUR 35 million programme to support the national literacy strategy, and the Education II programme with an allocation of EUR 91.9 million). Illiteracy is a significant problem in Morocco (in 2015 the National Agency for the Fight against Illiteracy published a report indicating that around 10 million Moroccans, nearly a third of the population, are still illiterate).
31. The EU welcomes Morocco's active participation in the Erasmus+ programme, which supports cooperation between Moroccan and European universities and mobility of students, teachers and young people.

32. The EU welcomes the developments in relation to the environment in Morocco, particularly in the area of waste management and regarding the new national assessment strategy (impact assessments) adopted by the government in 2014. The EU takes note of the developments with regard to water management and encourages Morocco to adopt the national water plan. In the same area, the EU welcomes the adoption in April of a common water strategy in the western Mediterranean within the framework of the 5+5 Dialogue, as well as Morocco's participation. The EU also welcomes the cooperation with Morocco on the environment at both bilateral and regional level. We invite Morocco to continue to participate in the Horizon 2020 initiative to de-pollute the Mediterranean and to take part in the new regional programmes on the environment.
33. In relation to climate change, the EU congratulates Morocco on having submitted its national contribution to the Paris climate agreement and on its pioneering role in Africa. The implementation of this global strategy, which includes a quantifiable reduction target, is a major challenge. The EU stands ready to support Morocco's efforts and invites Morocco to submit proposals with a view to benefiting from the support available for the transition towards a resilient, low-carbon economy. The new European Neighbourhood Policy will be an important instrument in this regard. Morocco also played an important role ahead of COP 21 in Paris, holding the INDC Forum in Rabat in October 2015, and will hold the COP 22 presidency. The EU reaffirms its support for Morocco ahead of that conference and will help to finance the event.
34. The EU emphasises that policy on the security, sustainability and competitiveness of energy supply is a crucial element of the EU-Morocco partnership. It congratulates Morocco on its policy in this area, which receives significant technical and financial support, particularly in the development of renewable energies, where Morocco enjoys a great advantage in terms of natural resources. In this regard, the EU welcomes the commissioning of the Noor I solar power plant, which is an example of good policy and good EU-Morocco cooperation. The EU also underlines the importance of regional cooperation on energy, which is growing within the framework of the Union for the Mediterranean via the platforms for dialogue and cooperation on gas, regional integration of electricity markets and renewable energies and energy efficiency.

The EU thanks Morocco for the support given to the establishment of these platforms and invites it to continue and step up its involvement in this area of major cooperation.

35. The EU congratulates Morocco on defining and introducing the new national immigration and asylum strategy, which has clear objectives and includes specific measures, in particular as regards integration of legal migrants and recognition of refugee status. It commends Morocco for its constructive role in the Rabat Process and in the preparations for the Valletta Summit held on 12 and 13 November 2015. It encourages Morocco to supplement the legal tools available to it by adopting the draft laws against trafficking and on asylum and immigration. There are persistent challenges to overcome in order for this policy to succeed, in particular respect for the rights of irregular migrants during arrests and expulsions, the integration of legal migrants (which needs to be taken into account in all public policies) and the involvement of all sections of society, including migrants' associations. The EU will strongly support this policy, including through its assistance under various arrangements (budget support, trust fund), as Morocco is the first country in North Africa to promote a genuine immigration policy (including the creation of a Refugee Office and the introduction of an anti-trafficking scheme). The EU also notes that Morocco is facing up to its responsibilities as a host country and no longer as just a country of origin or of transit. Within the framework of the EU-Morocco Mobility Partnership, the EU, the nine participating Member States and the EU's specialised agencies continue to implement a range of measures in connection with the various dimensions of that partnership. The EU would like the reciprocal commitments entered into by both parties as regards the visa and readmission facilitation agreements to materialise quickly in their mutual interest, and invites Morocco to propose new dates for the next round of negotiations on those two agreements as soon as possible.

36. Given the scale of the risks linked to terrorism, which call for a coordinated international response, the EU wishes to intensify its cooperation with Morocco, as well as with other key partners in the region, through a specific political dialogue and the identification of concrete projects to combat terrorism and its root causes, in particular radicalisation and the phenomenon of foreign terrorist fighters, while respecting the rule of law and fundamental freedoms. To this end, a visit by Deputy Secretary General Pedro Serrano and EU Counter-Terrorism Coordinator Gilles de Kerchove is planned for early 2016, with a view to identifying possible approaches to cooperation as a first step.
37. The EU congratulates Morocco on its role as an active participant in the Global Counterterrorism Forum (GCTF), as co-chair, together with the Netherlands, of the Working Group on Foreign Fighters and as future co-chair, together with the Netherlands, of the Global Counterterrorism Forum in spring 2016.
38. Recalling resolutions 1267 (1999), 1373 (2001) and 1822 (2008), the EU reiterates its strong and unequivocal condemnation of terrorism in all its forms and manifestations, especially after the recent attacks in France, Libya, Turkey, Egypt, Mali and Tunisia, whatever the origin, cause or motives. The EU remains concerned about the situation in Syria and Iraq. It underlines its strong support for resolutions 2178, 2170 (2014) and 2249 (2015) on ISIL and the phenomenon of foreign fighters and the importance of resolution 2133 (2014) on kidnappings for ransom.
39. The EU considers that North Africa is a priority zone for action to counter terrorism, taking into account the conclusions of the Foreign Affairs Council of 9 February. The Paris attacks only remind us of the importance of remaining united in our fight against terrorism. The EU welcomes Morocco's efforts to prevent radicalisation and violent extremism. It takes the view that cooperation could be developed with Morocco in this area, in particular as regards the issue of foreign fighters in North Africa and Europe. In the context of discussions within the EU about integrated technical assistance actions on security and development, it welcomes the cooperation between Morocco and countries in the Sahel-Sahara region and hopes that this will be developed in order to combat terrorist networks more effectively. The issue of strategic communication should be addressed together.

40. The EU promotes a counter-terrorism approach founded on criminal justice, which respects human rights and the rule of law and which is evidence-based. The EU commends the progress made by Morocco through the ratification of the Council of Europe Convention on laundering and on the financing of terrorism and welcomes the fact that Morocco is taking part in the EU's regional programmes and in the regular meetings between the EU and its Mediterranean partners on foreign terrorist fighters, the third of which was held in Baghdad in October 2015. Following the visit to Rabat in late November by Europol representatives, we welcome any progress towards a possible agreement between Morocco and Europol on stepping up cooperation. The EU also welcomes the holding, jointly with Spain and the IAEA (International Atomic Energy Agency), of the 'Gate to Africa' exercise on the transport by sea of radioactive substances.
41. The EU welcomes the smooth conduct of the negotiations on the signing of a Framework Agreement with the Kingdom of Morocco on participation in the military operations and civilian missions of the Common Security and Defence Policy. It welcomes Morocco's desire to reaffirm its commitment to developing that policy, following on from its significant contribution to operation EUFOR Althea in 2007, and reiterates that it would like to see such cooperation renewed in the form of contributions by Morocco to other current or future operations. The signing of that Framework Partnership Agreement will enable both the EU and Morocco to formalise the administrative and operational coordination arrangements and to maintain a special relationship which will allow them to make progress in terms of cooperation and mutual understanding. The EU hopes that the signing will be able to take place as soon as possible, in view of the excellent progress of the negotiations.
42. In a letter signed by the Minister for Foreign Affairs and Cooperation on 22 October 2014, the Kingdom of Morocco expressed interest in a security of information agreement (in order to be able to exchange classified information with the EU). The EU would like to work closely with Morocco in the field of security, given the growing instability in the region, in order to tackle the serious threats of extremism. The High Representative has accordingly asked the Council for a mandate to negotiate such an agreement; the Council is expected to give its response in the next few weeks.

43. The EU reiterates its commitment to the resolution of the conflict in Western Sahara. It fully supports the efforts being made by the United Nations Secretary-General (UNSG) and his Personal Envoy, Christopher Ross, to help the parties find a just, lasting and mutually acceptable political solution which would provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations as provided for in the United Nations Security Council resolutions, including resolution 2152 (2014) and resolution 2218 (2015). It also encourages all the parties to continue to work with the UNSG's Personal Envoy to secure progress in the search for such a solution, demonstrating realism and a spirit of compromise. It expresses the hope that efforts towards better integration of the countries of the Maghreb will contribute to progress in this area. The EU also wishes to express its commitment to safeguarding human rights and recalls the obligations incumbent on each of the parties. In that context, it welcomes the increased role for the CNDH (National Council for Human Rights) and its enshrinement in the constitution with regard to the monitoring and protection of human rights, including in Western Sahara through its Commissions in Laayoune and Dakhla. The EU encourages the parties to work with the Office of the United Nations High Commissioner for Refugees with a view to examining and, wherever possible, further developing confidence-building measures.
44. The EU remains committed to the integration of the countries of the Maghreb, as indicated in the Joint Communication of the High Representative and the European Commission adopted in 2012 and welcomed in the Council conclusions of 31 January 2013, and stands ready to assist its partners in the Maghreb to encourage that process.
45. The EU remains fully committed to the successful development of the Union for the Mediterranean (UfM). The UfM gives a new impetus to EU cooperation with its Mediterranean partners, particularly by strengthening the joint decision-making mechanisms and increasing the partnership's visibility by launching regional and sub-regional projects. In that context, the EU commends Morocco's ever positive and constructive attitude and its commitment to developing that joint initiative, as well as its active participation in the Barcelona Conference on 26 November 2015.
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**ASSOCIATION
BETWEEN
THE EUROPEAN UNION
AND MOROCCO**

The Association Council

Brussels, 4 December 2015

UE-MA 2702/15

PROVISIONAL AGENDA

of : Thirteenth meeting of the EU-Morocco Association Council
on: 14 December 2015
in: Brussels

1. Adoption of the agenda
2. Adoption of the draft minutes of the twelfth meeting of the EU-Morocco Association Council (Brussels, 16 December 2014) (UE-MA 2702/15)
3. Political and economic situation in the European Union and in Morocco (Exchange of written notes)
4. State of EU-Morocco relations
5. Outlook for the future of EU-Morocco relations
6. Political dialogue on subjects of common interest¹
7. Other business

¹ Item to be taken in restricted session