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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: 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



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,

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

The two parties refer to the Joint Declaration by the European Union and Morocco for the 14th meeting of the Association Council, held in Brussels on 27 June 2019, and to the national positions of the Member States of the Union as put forward by their competent national authorities.

Referring to its Declaration made upon signing, the European Union has agreed with the Kingdom of Morocco that the following Joint Declaration is to be inserted 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 customs authorities of the Kingdom of Morocco 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 origin¹.
3. The customs authorities of the Member States of the European Union and of the Kingdom of Morocco shall be responsible for ensuring that Protocol 4 is applied to those products.
4. The European Union and the Kingdom of Morocco have agreed to allow the products covered by paragraph 1 to be identified by reference to the region of origin given on the proof of origin provided for in Protocol 4.

¹ The Kingdom of Morocco customs authorities shall be responsible for applying the provisions of Protocol 4 for the products referred to in paragraph 1.

5. With respect to the products referred to in paragraph 1, the European Union may grant the competent Moroccan authorities the necessary authorisations to draw up certificates of conformity proving compliance with Union marketing standards, in accordance with Union legislation.
6. The European Union and the Kingdom of Morocco agree that products of the fruit and vegetables sector covered by this Agreement shall feature a label indicating their place of origin as given on the certificates of origin pursuant to paragraph 4 above."

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 the joint declaration is based on the long-standing special partnership between the European Union and the Kingdom of Morocco, as notably embodied in the advanced status awarded to the Kingdom of 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 stemming from this Agreement and the exploitation of the natural resources of the territories in question, the European Union 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 this Agreement.

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

This Agreement replaces the Agreement from 2018.

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

Please accept, Sir, the assurance of my highest consideration.

B. Letter from the Kingdom of Morocco

Dear Sir,

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

"Dear Sir,

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

The two parties refer to the Joint Declaration by the European Union and Morocco for the 14th meeting of the Association Council, held in Brussels on 27 June 2019, and to the national positions of the Member States of the Union as put forward by their competent national authorities.

Referring to its Declaration of made upon signing, the European Union has agreed with the Kingdom of Morocco that the following Joint Declaration is to be inserted 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 customs authorities of the Kingdom of Morocco 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 origin¹.
3. The customs authorities of the Member States of the European Union and of the Kingdom of Morocco shall be responsible for ensuring that Protocol 4 is applied to those products.
4. The European Union and the Kingdom of Morocco have agreed to allow the products covered by paragraph 1 to be identified by reference to the region of origin given on the proof of origin provided for in Protocol 4.
5. With respect to the products referred to in paragraph 1, the European Union may grant the competent Moroccan authorities the necessary authorisations to draw up certificates of conformity proving compliance with Union marketing standards, in accordance with Union legislation.
6. The European Union and the Kingdom of Morocco agree that products of the fruit and vegetables sector covered by this Agreement shall feature a label indicating their place of origin as given on the certificates of origin pursuant to paragraph 4 above.'

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 the joint declaration is based on the long-standing special partnership between the European Union and the Kingdom of Morocco, as notably embodied in the advanced status awarded to the Kingdom of 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 stemming from this Agreement and the exploitation of the natural resources of the territories in question, the European Union and the Kingdom of Morocco have agreed to exchange information at least once a year by means of the Association Committee.

¹ The Kingdom of Morocco customs authorities shall be responsible for applying the provisions of Protocol 4 for the products referred to in paragraph 1.

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 this Agreement.

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

This Agreement replaces the Agreement from 2018.

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

Please accept, Sir, the assurance of my highest consideration."

I can confirm that my Government takes note of all the above points and expresses its agreement with the content of this letter.

Please accept, Sir, the assurance of my highest consideration.

Declaration of the European Union
concerning 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

In accordance with the judgment of the Court of Justice of the European Union ("the Court") of 4 October 2024 in Joined Cases C-779/21 P and C-799/21 P, and in order to provide specific, tangible, substantial and verifiable benefits for the group of beneficiaries referred to in paragraph 153 of that judgment, the European Union will first provide funding for the region focusing on key sectors, such as water including irrigation, energy, combating desertification, and water desalination in line with the principle of sustainable development. The joint assessment mechanism provided for in the Exchange of Letters will be implemented by the parties.

At the same time, the European Union will increase its humanitarian aid to the Tindouf camps. This aid will be channelled through relevant European Union and UN mechanisms, and will be subject to the same operational arrangements that have always been in place for humanitarian action.

Moreover, the European Union will support suitable programmes in sectors such as education, culture and skills.

A regular control mechanism will be established in accordance with paragraph 153 of the above-mentioned judgment, including the joint assessment mechanism.
