



Council of the
European Union

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'I/A' ITEM NOTE

From:	Council Legal Service
To:	Permanent Representatives Committee (Part 2)/Council
Subject:	Appeal against judgments of the EU General Court in Case T-279/19, <i>Front Polisario v Council</i> and Joined Cases T-344/19 and T-356/19, <i>Front Polisario v Council</i>

1. On 29 September 2021, the EU General Court delivered its judgments in Case T-279/19 and in Joined Cases T-344/19 and T-356/19, *Front Polisario v Council*.¹ By those judgments, the Court annulled respectively Council Decision (EU) 2019/217 of 28 January 2019 on the conclusion 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,² and Council Decision (EU) 2019/441 of 4 March 2019 on the conclusion of the Sustainable Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco, the Implementation Protocol thereto and the Exchange of Letters accompanying the Agreement.³

¹ Judgments in Case T-279/19, *Front Polisario v Council*, EU:T:2021:639 and in Joined Cases T-344/19 and T-356/19, *Front Polisario v Council*, EU:T:2021:640.

² OJ L 34, 6.2.2019, p. 1.

³ OJ L 77, 20.3.2019, p. 4.

However, the Court maintained the effects of those decisions until the end of the period during which an appeal can be brought against these judgments or, if an appeal is brought, until the final judgment by the Court of Justice on appeal. The deadline for the lodging of an appeal by the Council is 16 December 2021.

2. The Council Legal Service has issued an information note on these judgments, in which it recommends that the Council lodge an appeal.⁴
3. In the meetings of the Mashreq-Maghreb Working Party (MAMA) on 25 and 28 October 2021 and in the meeting of the Working Party on Fisheries Policy on 20 October 2021 as well as its subsequent written consultation, a majority of delegations indicated support for an appeal against these judgments.
4. In these circumstances, subject to confirmation by COREPER, the Council is invited to decide to make an appeal to the Court of Justice against the judgments of the General Court in Case-T-279/19, *Front Polisario v Council*, and Joined Cases T-344/19 and T-356/19, *Front Polisario v Council*.

⁴ Doc. 12927/21.