



Brussels, 9 December 2014
(OR. fr)

16443/14

LIMITE

MA 21

"I/A" ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council
On: 9 December 2014

Subject: **Relations with Morocco**
- Adoption of the European Union's position for the twelfth meeting of the Association Council (Brussels, 16 December 2014)

1. In preparation for the 12th meeting of the EU-Morocco Association Council on 16 December 2014, 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.

**TWELFTH MEETING OF THE
EU-MOROCCO ASSOCIATION COUNCIL
(Brussels, 16 December 2014)**

Statement by the European Union

1. The European Union (EU) warmly welcomes this tenth meeting of the Association Council. The **partnership with Morocco** has a fundamental value for the EU in the context of the European Neighbourhood Policy and is based on a continued commitment by the two partners to fully realise the objectives set out in the "advanced status" framework since 2008.
2. The two parties wish to deepen their relations by fully pursuing their respective commitments in connection with the implementation of the 2013-2017 Action Plan. The **Action Plan** implementing the advanced status is a commonly agreed framework, providing for coordination of the EU's efforts to support the reforms and areas of cooperation identified as priorities by Morocco. In particular, this involves enhancing and consolidating democracy, fundamental freedoms and human rights, supporting inclusive and sustainable growth, reducing social and regional inequalities and disparities, trade between the parties, and boosting the business environment and investment by the public and private sectors, thus helping to create jobs, particularly for young people and women. **The EU reiterates its long-term commitment with Morocco and the reforms Morocco has chosen to make, especially in the implementation of the 2011 Constitution.**
3. Throughout 2014, high-level visits made it possible to strengthen the **political and strategic dialogue** between the EU and Morocco. For instance, the Minister for Foreign Affairs of Morocco went to Brussels for the EU-Africa Summit in February and the Commissioner for Enlargement and Neighbourhood Policy visited Rabat in May 2014. The dialogue which took place covered both bilateral issues and regional issues of mutual interest. The seventh Reinforced Political Dialogue meeting took place in June 2014 in Rabat. Finally, the EU Special Representative for the Sahel and the EU Counter-Terrorism Coordinator travelled to Rabat. The EU also welcomes the recent visit by the new Commissioner for Neighbourhood Policy, which testifies to the common determination to deepen the strategic and political dialogue.
4. The **EU-Morocco Joint Parliamentary Commission (JPC)** met in March 2014 in Rabat. After the European elections in May 2014, it adopted a new working method in November 2014 in Brussels, which aims to increase the JPC's political impact through more structured exchanges with the Moroccan and European executive bodies.

5. The European Union welcomes the entry into force on 15 July 2014 of the new protocol to the Fisheries Partnership Agreement, following its ratification by the Moroccan side, and the holding and outcome of the first Joint Committee meeting on 5 and 6 September 2014. The granting of fishing licences for Member States benefiting from the protocol allowed fishing activities to start in September 2014. The fourth negotiating session for the deep and comprehensive free trade agreement (DCFTA) took place in April, and in July the two sides agreed to postpone the fifth negotiating session pending the results of an impact study carried out by Morocco. Technical contacts are meanwhile continuing. Other important initiatives, such as the mobility partnership, remain priority commitments for both sides.
6. **Morocco has continued its reform process throughout 2014.** Significant progress has been made with the implementation of the new anti-trafficking, asylum and immigration policy and the reform of the military justice code. The above-mentioned policy has put in place an important process to regularise and integrate illegal migrants and refugees. The EU welcomes the unanimous adoption in July by the House of Representatives of the law on military justice, which stipulates that civilians cannot be tried by a military court. Other reforms provided for by the Constitution are being prepared, in particular the reform of the justice system, the implementation of advanced regionalisation and a review of the press code. The EU stresses that, for journalists, there should be no recourse to criminal law for custodial sentences. With regard to the draft laws on right of access to information and fighting corruption, the EU hopes that the final texts will satisfy the ambition reflected in the initial versions.
7. With regard to the **implementation of the Constitution**, eight organic laws out of the planned 19 have been adopted to date. As a reminder, the organic laws provided for in the Constitution must have been submitted to the Parliament for approval during the current legislature. The EU therefore encourages 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. An EU project in support of the House of Representatives signed in May aims to support the House in the exercise of its tasks and prerogatives, particularly its right to initiate legislation.

8. As regards respect for the **democratic principles and human rights** enshrined in the 2011 Constitution, the EU welcomes the deposit of instruments of ratification of the protocol to the Convention Against Torture and the efforts made in 2014 (especially the reform of the military justice code and the introduction of the new migration policy, mentioned above). These efforts must be reinforced, particularly to promote consultation by the authorities of representatives of the professional sectors concerned and civil society, gender equality, transparency and the strengthening of the freedoms of association, assembly and expression. The various bodies, national or advisory institutions, introduced by the Constitution to ensure respect for democratic principles and human rights, should rapidly become operational. The EU welcomes the organisation by the National Human Rights Council (CNDH) of the second edition of the World Forum on Human Rights, which was held in Marrakesh in November.
9. The EU follows with interest the approval of the **new electoral legislation** and the preparations for local, provincial and regional elections in June 2015 and the elections to the House of Councillors in September 2015.
10. By ratifying the OPCAT, Morocco signals its determination to eradicate all inhuman and degrading practices. The EU encourages Morocco also to take into account the recommendations of the Special Rapporteur on Torture, Mr Juan Mendez. The EU is prepared to support the Moroccan government's efforts along these lines.
11. The draft laws approving the Optional Protocol to the **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)** and the Optional Protocols to the International Covenant on Civil and Political Rights have not yet been adopted. The EU welcomes the amendment to Article 475 of the Penal Code deleting its second paragraph, which allowed an adult who had abducted a female minor to escape any form of sentence if he married his victim, and encourages Morocco to speed up the adoption of the law creating an authority for equality and the fight against discrimination (APALD). The EU also encourages Morocco to adopt swiftly the law combating all forms of violence against women. As regards the draft law on domestic workers, the EU is in favour of a legal provision that ensures adequate protection of employees, particularly minors.
12. In December 2014, Morocco had not yet ratified the **Rome Statute**.

13. Morocco is still operating a *de facto* moratorium on the **death penalty**, which remains on the Moroccan statute book. However, progress has been made in a number of respects. The proposal to abolish the death penalty has had broad support in Morocco for some time; abolition is supported by the Moroccan Coalition and the Parliamentary Network for the Abolition of the Death Penalty (which has approx. 240 members from nearly all parties), the Lawyers Network, a number of political parties and the National Human Rights Council. The EU invites Morocco to abolish capital punishment, to commute all death sentences which have been handed down and to accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. A vote on a moratorium on the death penalty was held in the UN General Assembly on 21 November. Morocco abstained, but gave an explanation of its vote which may be regarded as encouraging, in favour of abolition of the death penalty in the long term.
14. The EU also welcomes the fact that Morocco has stepped up its cooperation with the **Council of Europe** in many areas, notably by implementing the EU-funded programme "Strengthening democratic reform in the Southern neighbourhood". In July Morocco received a visit from the rapporteur of the Parliamentary Assembly of the Council of Europe for "partner for democracy" status, which Morocco was awarded in June 2011. Its status will be re-evaluated in 2015. In April Morocco and the Council of Europe signed a memorandum of understanding on the official opening of a Council of Europe representation in Rabat, to strengthen their cooperation and coordinate the implementation of cooperation priorities.
15. Morocco's seat on the **United Nations Human Rights Council** has enabled it to back certain resolutions tabled or supported by the EU. UN High Commissioner for Human Rights Ms Navi Pillay made a working visit to Morocco from 26 to 29 May 2014. She highlighted that great strides had been made; she was convinced of Morocco's commitment to human rights, while pointing out that there had been some delays, and some instances of continuing human rights violations. The EU is pleased at the progress made in the Moroccan authorities' cooperation with UN special rapporteurs. It encourages Morocco to continue and step up its cooperation with all the special rapporteurs, and with the UN system of human rights protection.
16. **Technical and financial cooperation** remained dynamic in 2014, enabling major progress to be achieved in the various key sectors identified in the Advanced Status Action Plan. Amongst other things, this cooperation made it possible to lay the foundations for ambitious support for the reform of the justice system launched by the Moroccan authorities in late 2013 and to support major reform measures in the sectors of health, literacy and the management of public finances.

17. The EU is also pleased at the adoption of the **Single Support Framework (SSF) 2014-2017**, which lays down areas for bilateral cooperation between Morocco and the EU for the next four years. This programming document, drawn up in close collaboration with the Moroccan Government and in consultation with civil society, underlines the ambitious nature of our partnership and the EU's determination to stand by Morocco as it carries out its reform and modernisation process.
18. On the **economic front**, Morocco has shown great resilience in relation to the global crisis. Its good performance in recent years may in part be attributed to prudent management of public finances and implementation of the government's programme of structural reforms. Nevertheless, there are still major challenges to be faced, such as continued budgetary consolidation (which seems to be well under way), bringing down unemployment and increasing competitiveness in order to attract more foreign investment. This year Morocco phased out its subsidy on diesel oil. A gradual overhaul of the system of blanket subsidies, which seems unavoidable, should go hand in hand with a system better targeted at the most disadvantaged sections of the population. The EU is keeping a careful watch on the ongoing reform of the pension system.
19. Trade between Morocco and the EU continued to grow in 2014 to the benefit of both parties, and the EU remains by far Morocco's main trading partner. The EU is pleased at the progress that has been made on negotiating a Deep and Comprehensive Free Trade Agreement (DCFTA); the fourth negotiating session was held in April 2014. It stresses the importance of holding the fifth negotiating session as soon as possible and that the two sides should stay committed to concluding a DCFTA which takes account of the interests and the priorities of both sides at an early date. 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 invites Morocco to continue playing a proactive role in preparations for the Trade Ministerial Conference of the Union for the Mediterranean scheduled for 2015.

20. On a bilateral level, the EU notes the effects of the agreement on **agricultural products, processed and fishery products on trade**. 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 urges continuation of the negotiations on the mutual protection of geographic indications which the two parties started in December 2013 and hopes that the discussions can be concluded in the first half of 2015.
21. On the **socio-economic front**, there are still major reforms to be undertaken. The **labour market** continues to pose many challenges. The employment rate is still very low and indicates that less than half the population aged 15 or over is engaged in economic activity. This reflects the imbalance between male and female participation in the labour force and the low rate of youth employment. Unemployment remains high. In particular, unemployment in the 15 to 24 age group is worrying and has become a major priority. Young people currently account for two out of three of the unemployed. One unemployed person in four holds a higher education qualification, one in two is a first-time job seeker and nearly two in three have been out of work for more than a year. In particular, the unemployment rate among young people aged between 14 and 24 in urban areas is 35.2% for men and 40% for women.
22. The **high rate of informal work** is a major labour market challenge. Low-quality jobs offering little or no protection are still a major feature of the labour market. Reforms aimed at making it easier to find alternatives to informal work, as well as policies supporting economic activity, should therefore represent a significant contribution to improving the employment situation.
23. 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 be finalised in 2016. This strategy should supplement current vocational training initiatives, including the New National Strategy initiated by the Ministry of Education and Vocational Training, scheduled for late 2014.
24. The Labour Code approved in 2003 began a process of revision and modernisation by the public bodies involved, with major involvement by the social partners and the private sector. An important section of the new programme of support for Advanced Status (Making a Success of Advanced Status) covers regulatory convergence on employment and social security (EUR 15 million).
25. As regards **social protection**, the EU welcomes the entry into force of a law on redundancy benefits, which sets out conditions for receipt of the benefit, the amount and duration of payments and the contributions payable by employees and employers.

26. A decree laying down the powers and duties and the organisation of the Ministry of Employment and Social Affairs was approved by the Government Council in May. The EU is pleased that the decree provides for the creation of a National Employment Monitoring Centre, which will also monitor social protection indicators. It welcomes the fact that after a suspension of two years, the tripartite social dialogue between the government, employers' organisations and trade unions resumed in April.
27. The EU welcomes the ambitious cooperation with Morocco on the **environment**, in particular the fact that regulations on sanitation and integrated water resources management are being brought into line. It also welcomes the adoption of a framework law on a charter for the environment and sustainable development and urges Morocco to make sure that it is put into practice, including the provisions on the participation of civil society. At regional level, it was reaffirmed at the UfM Ministerial Meeting in Athens on 13 May 2014 that environment and climate challenges are top of the agenda for all the countries surrounding the Mediterranean; the EU is counting on Morocco's active participation in the regional initiative to de-pollute the Mediterranean by 2020 and in the UfM Climate Change Expert Group.
28. In relation to **climate change**, the EU encourages Morocco to prepare its contribution to the reduction effort under the new climate change agreement applicable to all countries by the first quarter of 2015. Given the urgent need for effective action to reduce greenhouse gas emissions in order to keep the global average temperature increase below 2°C compared to pre-industrial levels, the EU also invites Morocco to step up its domestic efforts before 2020.
29. 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, and encourages it to speed up the development of renewable energies, in particular wind and solar energy, where Morocco enjoys a great advantage in terms of natural resources. It also encourages Morocco to make energy efficiency policy a national priority. The simultaneous development of policies to promote renewable energies and energy efficiency can make a significant contribution to reducing dependence on energy imports and diversifying the country's industrial base.

30. 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 the key role played by Morocco in the Rabat process, which contributed towards the results achieved at the Rome conference on 27 November 2014. It encourages Morocco to supplement the legal tools available to it by adopting draft laws against trafficking and on asylum and immigration. There are persistent challenges to overcome in order for such a policy to succeed, in particular respect for the rights of illegal 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 such a policy, as Morocco is the first country in North Africa to introduce a genuine immigration policy (including the creation of a Refugee Office and the introduction of an anti-trafficking scheme, etc.); it 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 have started 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 calls for negotiations on those two agreements to commence in parallel and without delay.
31. In 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**, 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 and 2170 (2014) on ISIL and the phenomenon of foreign fighters and the importance of resolution 2133 (2014) on kidnappings for ransom.
32. The EU considers that **North Africa is a priority zone** for action to counter terrorism. It 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 considers that cooperation between Morocco and countries in the Sahel Saharan regions must be developed in order to combat terrorist networks more effectively.

33. The EU congratulates Morocco on its role as an active participant in the **Global Counterterrorism Forum (GCTF)** and as co-chair, together with the Netherlands, of the Working Group on Foreign Fighters. Two regional conferences on that subject were held in February and September, in Brussels and in Rabat respectively, involving four Member States and numerous countries in the Southern Neighbourhood; the EU was represented at those conferences by the EU Counter-Terrorism Coordinator and Commission representatives.
34. 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 in the field of terrorist financing through the ratification of the Council of Europe Convention on laundering and on the financing of terrorism, and encourages Morocco to take part in the EU's regional programmes such as "Criminal prosecutions based on the rule of law in the Sahel".
35. 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**, which it hopes to see finalised at the earliest opportunity. In that connection, it commends the reception given by the Kingdom of Morocco to an EEAS delegation in March 2014 for discussions on the provisions of that draft agreement. 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 also expects Morocco to draw up a draft counter-terrorism action plan, in cooperation with the EU, which could serve as a basis for bilateral cooperation in that area.

36. 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 and lasting political solution that is mutually acceptable to all parties concerned and allows self-determination for 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). 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.
37. The EU welcomes the 11th meeting of the Foreign Affairs Ministers of the **5+5 Dialogue - Western Mediterranean Forum**, held in Lisbon on 22 May 2014. Discussions focused on the following subjects: security and stability in the Western Mediterranean; economic and social development; the environment, water and climate change; and the consolidation and strengthening of the 5+5 cooperation. The second meeting of the Economic and Business Forum was held on 21 May, with the 300 participants discussing four subjects: waste and water management; transport, mobility and sustainable urban development; inter-regional cooperation; and infrastructure, energy and the environment. The EU wishes the Moroccan Co-Presidency of the 5+5 Dialogue every success.
38. The EU remains committed to the integration of the countries of the Maghreb, as indicated in the Joint Communication of the HRVP and the European Commission adopted in 2012, and stands ready to assist its partners in the Maghreb to encourage that process.

39. 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. The extension of the Secretary General's term of office will enable him to continue his work with a view to increasing the UfM's visibility and operational effectiveness within the framework of the ENP. Morocco's Euro-Mediterranean commitment will only be strengthened as a result. It is now essential that the UfM, established on the basis of the Barcelona Process acquis, be able to yield tangible results to achieve the common objectives agreed on in Paris and Marseilles. Real progress and joint efforts in terms of implementation and enforcement are therefore necessary with regard to projects intended to strengthen regional integration in the Mediterranean.

**ASSOCIATION
ENTRE
L'UNION EUROPÉENNE
ET LE MAROC**

- Le Conseil d'Association -

Bruxelles, le 9 décembre 2014

UE-MA 2707/14

ORDRE DU JOUR PROVISOIRE

du : La douzième session du Conseil d'Association UE-Maroc
en date du : 16 décembre 2014
à : Bruxelles

1. Adoption de l'ordre du jour
2. Adoption du projet de procès-verbal de la onzième session du Conseil d'Association UE-Maroc (Bruxelles, le 16 décembre 2013) (doc. UE-MA 2706/14)
3. Situation politique et économique dans l'Union européenne et au Maroc
4. Etat des relations UE-Maroc
 - Etat des lieux et perspectives des relations bilatérales
 - La mise en œuvre du Plan d'Action dans le cadre du Statut Avancé
5. Dialogue politique sur des sujets d'intérêt commun¹
6. Divers

¹ Point traité en session restreinte