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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 24.7.2008
COM(2008) 476 final

Proposal for a

COUNCIL DECISION

concerning the Community position within the EU-Morocco Association Council on the implementation of Article 84 of the Euro-Mediterranean Agreement between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part, in order to set up a customs cooperation committee and amend the rules of procedure of certain subcommittees and working groups of the Association Committee

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. 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, hereinafter 'the Association Agreement', forms the legal basis for relations between the European Union and Morocco.
2. The EU-Morocco Association Agreement came into force on 1 March 2000. Seven subcommittees have already been set up: 'Internal market', 'Industry, trade and services', 'Transport, environment and energy', 'Research and innovation', 'Agriculture and fisheries', 'Justice and security', and 'Human rights, democratisation and governance'. The Agreement also provided directly for the establishment of a customs cooperation committee, a working party on social matters and migration, and an economic dialogue.
3. Decision No 2/2005 of the EU-Morocco Association Council amending Protocol 4 to the EU-Morocco Association Agreement concerning the definition of the concept of originating products and methods of administrative cooperation, removed the reference to the customs cooperation committee. *A new legal basis for the establishment of the customs cooperation committee* must therefore be created.
4. The European Union and Morocco adopted an Action Plan under the European neighbourhood policy in 2005. The Action Plan serves the dual purpose of setting out concrete steps towards the fulfilment of the parties' obligations set out in the Association Agreement, and of providing a broader framework for further strengthening EU-Morocco relations. New areas of dialogue and cooperation have emerged since the agreement on the Action Plan. As stipulated in the Action Plan, the subcommittees and other bodies established under the Association Agreement will monitor implementation of the Action Plan. However, not all the areas covered by the Action Plan are covered by the existing subcommittees. Steps must therefore be taken to ensure that all the subject areas mentioned in the Agreement and Action Plan are monitored by the relevant subcommittees. This will require adjustments to the rules of procedure of the 'Internal market', 'Industry, trade and services', 'Transport, environment and energy', 'Agriculture and fisheries' and 'Justice and security' subcommittees, and the consequent amendment of Decision No 1/2003 of the EU-Morocco Association Council.
5. The increasing technical complexity of the Union's relations with Morocco, arising from the implementation of the Association Agreement and the EU-Morocco Action Plan, requires the working of the institutions of the Agreement to be brought into line with this development. The economic dialogue established by Article 44 of the Association Agreement does not yet have rules of procedure, unlike the other bodies. The aim of this proposal for a decision of the Association Council is therefore to draw up rules of procedure governing the organisation of meetings of the economic dialogue group and its remit.
6. The operating rules of the customs cooperation committee and economic dialogue group are modelled on the procedures of the existing subcommittees. They will be chaired by the European Commission, and Member States will be informed of and invited to meetings.

7. The rules of procedure of the customs cooperation committee and economic dialogue group, and the amended rules of the other subcommittees have been discussed with the Moroccan authorities.

Proposal for a

COUNCIL DECISION

concerning the Community position within the EU-Morocco Association Council on the implementation of Article 84 of the Euro-Mediterranean Agreement between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part, in order to set up a customs cooperation committee and amend the rules of procedure of certain subcommittees and working groups of the Association Committee

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular the second subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) 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, hereinafter 'the Association Agreement', was signed on 26 February 1996 and entered into force on 1 March 2000.
- (2) Article 84 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, provides that any working group or body necessary for the implementation of the Agreement may be set up.
- (3) Article 44 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, established an economic dialogue between the parties.
- (4) Decision No 2/2005 of the EU-Morocco Association Council amending Protocol 4 to the EU-Morocco Association Agreement concerning the definition of the concept of originating products and methods of administrative cooperation, removed the reference to the customs cooperation committee.
- (5) The EU-Morocco Association Council recommended on 24 October 2005 that the two parties implement the EU-Morocco Action Plan, which serves the dual purpose of setting out concrete steps towards the fulfilment of the parties' obligations set out in the Euro-Mediterranean Agreement, and of providing a broader framework for further strengthening EU-Morocco relations.

HAS DECIDED AS FOLLOWS:

Sole Article

The position to be adopted by the Community in the Association Council established by the Euro-Mediterranean Agreement concluded between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part, on setting up a customs cooperation committee and amending the rules of procedure of certain subcommittees and working groups of the Association Committee, shall be based on the draft decision of the Association Council annexed to this Decision.

The customs cooperation committee shall be chaired by a representative of the European Commission on behalf of the European Community. The Commission shall be assisted by representatives of the Member States.

A representative of the Council Presidency shall express the EU's position on matters relating to Title VI of the Treaty on European Union. The Commission shall be fully involved in the preparatory work and in setting the objectives of the committee meetings.

Done at Brussels, [...]

For the Council

The President

[...]

ANNEX

Draft

DECISION OF THE EU-MOROCCO ASSOCIATION COUNCIL

setting up a customs cooperation committee and amending the rules of procedure of certain subcommittees and working groups of the Association Committee

THE EU-MOROCCO ASSOCIATION COUNCIL,

Having regard 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'),

Having regard to Decision No 1/2003 of the EU-Morocco Association Council of 24 February 2003 setting up subcommittees of the Association Committee, and in particular the fourth paragraph of Article 1 thereof,

Having regard to Recommendation No 1/2005 of the EU-Morocco Association Council of 24 October 2005 on the implementation by the parties of the EU-Morocco Action Plan,

Whereas:

- (1) The Union's relations with Morocco, arising from the implementation of the Association Agreement and the EU-Morocco Action Plan adopted under the neighbourhood policy are increasingly close.
- (2) Both parties are determined to strengthen further their relationship and to provide it with new prospects.
- (3) Implementation of the partnership's priorities and approximation of legislation should be monitored. The EU's competences provide a framework for developing relations and cooperation with the Mediterranean countries in a manner consonant with the coherence and overall balance of the Barcelona Process.
- (4) Decision No 2/2005 of the EU-Morocco Association Council amending Protocol 4 to the EU-Morocco Association Agreement concerning the definition of the concept of originating products and methods of administrative cooperation, removed the reference to the customs cooperation committee. *A new legal basis for the establishment of the customs cooperation committee* must therefore be created.
- (5) Article 84 of the Agreement provides that the working groups or bodies necessary for the implementation of the Agreement may be set up.
- (6) Article 44 of the Association Agreement established an economic dialogue between the Union and Morocco. Rules of procedure should be adopted for the proceedings of this body.
- (7) New areas of dialogue and cooperation have emerged since the agreement on the neighbourhood Action Plan. Not all these areas are covered by the subcommittees created by Decision No 1/2003 of the EU-Morocco Association Council. Steps must

be taken to ensure that all the subject areas mentioned in the Agreement and Action Plan are monitored by the relevant subcommittees,

HAS DECIDED AS FOLLOWS:

Article 1

An EU-Morocco Customs Cooperation Committee shall be set up under the Association Committee charged with scrutinising implementation of the Association Agreement and the bilateral Action Plan approved under the neighbourhood policy, providing administrative cooperation in the implementation of the PanEuroMed Protocol on origin, and carrying out any other tasks in the customs field which may be entrusted to it.

The rules of procedure of the Customs Cooperation Committee attached at Annex 1 are hereby adopted.

The Customs Cooperation Committee shall work under the authority of the Association Committee, to which it shall report after each meeting. The Customs Cooperation Committee shall have no decision-making power. It may, however, make recommendations with a view to facilitating the realisation of the Agreement and submit proposals to the Association Committee. These recommendations and proposals shall be adopted by mutual consent.

The Association Committee shall take any other action needed to ensure that the Customs Cooperation Committee operates properly and inform the Association Council accordingly.

Article 2

The rules of procedure of the economic dialogue group set up by Article 44(a) of the Association Agreement attached at Annex 2 are hereby adopted.

The economic dialogue group shall work under the authority of the Association Committee, to which it shall report after each meeting. The group shall have no decision-making power. It may, however, submit proposals to the Association Committee.

The Association Committee shall take any other action needed to ensure that the group operates properly and inform the Association Council accordingly.

Article 3

The lists of subject areas covered by the 'Internal market', 'Industry, trade and services', 'Transport, environment and energy', 'Agriculture and fisheries' and 'Justice and security' subcommittees, as indicated in the rules of procedure of the subcommittees adopted by Decision No 1/2003 of the EU-Morocco Association Council, shall be amended in accordance with the provisions of Annex 3.

Article 4

This Decision shall enter into force on the day of its adoption.

Done at ,

For the Association Council

ANNEX I

Rules of procedure

EU/Morocco

Customs Cooperation Committee

1. Composition and chair

The EU-Morocco Customs Cooperation Committee, hereinafter 'the committee', shall be composed of representatives of the European Commission, assisted by Member States' customs experts, and of representatives of the Government (and/or customs experts) of the Kingdom of Morocco. The committee shall be chaired alternately by a representative of the Kingdom of Morocco and a representative of the European Community.

2. Role

The committee shall work under the authority of the Association Committee, to which it shall report after each meeting. The committee shall have no decision-making power. It may, however, submit proposals to the Association Committee.

3. Subject matter

The committee shall discuss all customs aspects of the implementation of the Association Agreement and of the bilateral Action Plan approved under the neighbourhood policy. In particular, it shall assess progress on the approximation, implementation and enforcement of laws. Where relevant, cooperation in public administration matters shall be discussed. The committee shall discuss any problems that may arise in the customs field (e.g. origin rules, general customs procedures, customs nomenclature, customs value, tariff arrangements, customs cooperation, etc.) and suggest steps that might be taken. At the Association Committee's request, other subjects, including horizontal matters, may be discussed by the Customs Cooperation Committee.

The committee may discuss matters relating to one, several or all issues relating to customs.

4. Secretariat

An official of the European Commission and an official of the Government of Morocco shall act jointly as permanent secretaries of the committee.

All communications concerning the committee shall be forwarded to the secretaries.

5. Meetings

The committee shall meet whenever circumstances require and at least once a year. A meeting may be convened on the basis of a request from either party, channelled through their secretary, who will pass on the request to the other party. Upon receipt of a request for a committee meeting, the secretary of the other party shall reply within fifteen working days.

In cases of particular urgency, committee meetings may be convened at shorter notice subject to the agreement of both parties. All requests to convene meetings should be in writing.

Meetings of the committee shall be held at a time and place agreed by both parties.

The meetings shall be convened by the secretary in charge in agreement with the chair. Before each meeting, the chair will be informed of the intended composition of each party's delegation.

If both parties agree, the committee may invite to its meetings other representatives of the technical departments of either party that are directly concerned or involved to discuss horizontal issues and experts to provide specific information.

6. Agendas for meetings

All requests for items to be included on the committee's agenda shall be forwarded to the secretaries.

A provisional agenda will be drawn up by the chair for each meeting. It shall be forwarded by the secretary in charge to their counterpart not later than ten days before the beginning of the meeting.

Items for inclusion in the provisional agenda must be notified to the secretaries at least fifteen days before the beginning of the meeting. Reference papers and supporting documentation must be received by both parties at least seven days ahead of the meeting. To take account of special and/or urgent cases, later notification and supply of documentation may be allowed, provided both parties agree.

The agenda shall be adopted by the committee at the beginning of each meeting.

7. Minutes

Minutes shall be taken and agreed by both secretaries after each meeting. A copy of the minutes, including the committee's proposals, shall be forwarded by the secretaries of the committee to the secretaries and chair of the Association Committee.

8. Non-public nature of meetings

Unless otherwise decided, the meetings of the committee shall not be public.

ANNEX II

Rules of procedure

EU/Morocco

Economic dialogue

1. Composition and chair

The economic dialogue group shall be composed of representatives of the European Commission and representatives of the Government of Morocco, and shall be chaired alternately by the two parties. The Member States shall be informed and invited to the group's meetings.

2. Role

The economic dialogue group shall be a forum for discussion, consultation and follow-up. It shall work under the authority of the Association Committee, to which it shall report after each meeting. It shall have no decision-making power. It may, however, submit proposals to the Association Committee.

3. Subject matter

The economic dialogue group shall be a forum for the discussion of macroeconomic issues. It shall also discuss the implementation of the Association Agreement and the bilateral Action Plan approved under the neighbourhood policy, particularly in the sectors listed below, especially as regards progress in the approximation, implementation and enforcement of laws. Where relevant, cooperation in public administration matters shall be discussed. The economic dialogue group shall consider any problem that may arise in the sectors listed below and suggest what measures may be taken:

- (a) The macroeconomic framework
- (b) Structural reforms
- (c) Financial sector and capital markets (macroeconomic aspects)
- (d) Movement of capital and current payments
- (e) Management and control of public finances
- (f) Taxation
- (g) Statistics

The above list is not exhaustive and other subjects, including horizontal matters, may be added by the Association Committee.

The economic dialogue group may discuss matters relating to one, several or all of the above sectors.

4. Secretariat

An official of the European Commission and an official of the Government of Morocco shall act jointly as permanent secretaries of the economic dialogue group.

All communications concerning the group shall be forwarded to the secretaries.

5. Meetings

The group shall meet whenever circumstances require and at least once a year. A meeting may be convened on the basis of a request from either party, channelled through their secretary, who will pass on the request to the other party. Upon receipt of a request for a meeting of the group, the secretary of the other party shall reply within fifteen working days.

In cases of particular urgency, meetings of the group may be convened at shorter notice subject to the agreement of both parties. All requests to convene meetings should be in writing.

Meetings of the group shall be held alternately in Brussels and in Rabat on a date agreed by both parties.

The meetings shall be convened by the secretary in charge in agreement with the chair. Before each meeting, the chair will be informed of the intended composition of each party's delegation.

If both parties agree, the economic dialogue group may invite experts to its meetings to provide specific information.

6. Agendas for meetings

All requests for items to be included on the group's agenda shall be forwarded to the secretaries.

A provisional agenda shall be drawn up for each meeting alternately by each chair. It shall be forwarded by the group's secretary to their counterpart not later than ten days before the beginning of the meeting.

Items for inclusion in the provisional agenda must be notified to the secretaries at least fifteen days before the beginning of the meeting. Supporting documentation must be received by both parties at least seven days ahead of the meeting. To take account of special and/or urgent cases, later notification and supply of documentation may be allowed, provided both parties agree.

The agenda shall be adopted by the group at the beginning of each meeting.

7. Minutes

Minutes shall be taken and agreed by both secretaries after each meeting. A copy of the minutes, including the group's proposals, shall be forwarded by the secretaries of the group to the secretaries and chair of the Association Committee.

8. Non-public nature of meetings

Unless otherwise decided, the meetings of the economic dialogue group shall not be public.

ANNEX III

Rules of procedure

EU/Morocco

Subcommittee No 1

Internal market

The list of sectors covered by the subcommittee appearing under point 3, 'Subject matter', is amended as follows:

- (a) Standardisation, certification, conformity assessment and market surveillance **(aspects other than those relating to the trade agreements in these areas)**;
- (b) Competition and state aid;
- (c) Intellectual, industrial and commercial property rights;
- (d) Public procurement;
- (e) Consumer protection;
- (f) Services (regulatory issues), including financial and postal services;
- (g) Company law and the right of establishment.

Rules of procedure

EU/Morocco

Subcommittee No 2

Industry, trade and services

The list of sectors covered by the subcommittee appearing under point 3, 'Subject matter', is amended as follows:

- (a) Industrial cooperation **and enterprise policy**;
- (b) Trade issues;
- (c) Trade in services **and the right of establishment**;
- (d) Tourism **and the craft sector**;
- (e) **Preparation of trade agreements on technical regulations, standardisation, standards and conformity assessment**;
- (f) Data protection;
- (g) **Trade statistics.**

Rules of procedure

EU/Morocco

Subcommittee No 3

Transport, environment and energy

The list of sectors covered by the subcommittee appearing under point 3, 'Subject matter', is amended as follows:

- (a) Transport: including infrastructure modernisation and development, **strengthening** security and safety in maritime and air transport, control and management of ports and airports, and improvements to the multimodal system **by integrating the interoperability issue.**
- (b) Environment: including building capacity in **institutional and legal aspects of environmental governance and for tackling the various forms of pollution;** supporting the integration of the environmental dimension in the priority sectors of the Euro-Mediterranean Partnership with a view to sustainable development; **the implementation of national environmental protection programmes, in particular those dealing with sewage treatment and solid waste management; stepping up regional and international cooperation, in particular in the area of climate change.**
- (c) Energy: including infrastructure modernisation and development, security and safety of energy infrastructure and transport, demand management, promotion of renewable energies, research and cooperation on data exchange.

The above list is not exhaustive and other subjects, including those of a horizontal nature, e.g. statistics, may be added by the Association Committee.

Rules of procedure

EU/Morocco

Subcommittee No 5

Agriculture and fisheries

The list of sectors covered by the subcommittee appearing under point 3, 'Subject matter', is amended as follows:

- (a) agricultural and fisheries products, **including trade issues relating to them;**
- (b) agricultural cooperation and rural development;
- (c) processed agricultural products;
- (d) veterinary and phytosanitary matters;
- (e) legislation applicable to trade **in these products.**

Rules of procedure

EU/Morocco

Subcommittee No 6

Justice and security

The list of sectors covered by the subcommittee appearing under point 3, 'Subject matter', is amended as follows:

- (a) cooperation on justice;
- (b) judicial cooperation in civil and criminal matters;
- (c) cooperation on combating organised crime, including trafficking in human beings, **drug-trafficking**, terrorism, corruption and money-laundering;
- (d) **cooperation in police matters.**