

DECISION No 1/2008 OF THE EU-MOROCCO ASSOCIATION COUNCIL

of 26 November 2008

setting up a customs cooperation committee and adopting the rules of procedure for the economic dialogue group, amending the rules of procedure of certain subcommittees of the Association Committee

(2009/21/EC)

THE 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 ⁽¹⁾, hereinafter referred to as 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 ⁽²⁾, and in particular the fourth paragraph of the sole Article thereof,

Having regard to Recommendation No 1/2005 of the EU-Morocco Association Council of 24 October 2005 on the implementation of the EU-Morocco Action Plan ⁽³⁾,

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 reinforce still more their relations and to open new perspectives for them.

(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 of 18 November 2005 amending Protocol 4 to the Euro-Mediterranean Agreement, concerning the definition of the concept of 'originating products' and

methods of administrative cooperation ⁽⁴⁾, 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 Association Agreement provides for the setting up of the working groups or bodies necessary for the implementation of the Agreement.

(6) Article 44(a) of the Association Agreement established an economic dialogue between the EU and Morocco. Rules of procedure should be adopted for the economic dialogue group.

(7) New areas of dialogue and cooperation have emerged since the agreement on the EU-Morocco Action Plan. Not all of these areas are covered by the subcommittees created by Decision No 1/2003 of the Association Council.

(8) Steps must be taken to ensure that all the subject areas mentioned in the Association Agreement and the EU-Morocco 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 EU-Morocco Action Plan approved under the neighbourhood policy, providing administrative cooperation in the implementation of Protocol No 4 to the Association Agreement, 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 are provided in Annex 1.

⁽¹⁾ OJ L 70, 18.3.2000, p. 2.

⁽²⁾ OJ L 79, 26.3.2003, p. 14.

⁽³⁾ OJ L 285, 28.10.2005, p. 49.

⁽⁴⁾ OJ L 336, 21.12.2005, p. 1.

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 proper implementation of the Association 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 are provided in Annex 2 and 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 subcommittees No 1 'Internal market', No 2 'Industry, trade and services', No 3 'Transport, environment and energy', No 5 'Agriculture and fisheries' and No 6 'Justice and security' of the Association Council, as indicated in Annex III, point 3, of the rules of procedure of the subcommittees adopted by Decision No 1/2003 of the Association Council, shall be amended in accordance with the provisions of Annex 3 of this Decision.

Article 4

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

Done at Brussels, 26 November 2008.

For the Association Council

The President

M. NICOLAIDIS

ANNEX I

RULES OF PROCEDURE OF THE 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 customs representatives (and/or other Government representatives) of Morocco. The committee shall be chaired alternately by a customs representative 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 does not have 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 EU-Morocco 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 (in particular, origin rules, general customs procedures, customs nomenclature, customs value, tariff arrangements, customs cooperation) and suggest steps that might be taken. At the Association Committee's request, other subjects, including horizontal matters, may be discussed by the 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 of the committee.

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 the request onto the other Party. Upon receipt of a request for a committee meeting, the secretary of the other Party shall reply within 15 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.

Each meeting 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 the delegation of each Party.

If both Parties agree, the committee may invite to its meetings other representatives of the technical departments of both Parties concerned by or involved in horizontal issues, and experts to provide specific information.

6. Agendas for meetings

All requests for items to be included in the committee agenda shall be forwarded to the secretaries of the committee.

A provisional agenda will be drawn up by the chair for each meeting. It shall be forwarded by the secretary of the committee in charge to his or her counterpart not later than 10 days before the beginning of the meeting.

The provisional agenda shall include items in respect of which the secretaries have received a request for inclusion in the provisional agenda no later than 15 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 matters, 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. Publicity

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

ANNEX II

RULES OF PROCEDURE OF THE EU-MOROCCO ECONOMIC DIALOGUE GROUP**1. Composition and chair**

The economic dialogue group, hereinafter the 'group', shall be composed of representatives of the European Commission and representatives of the Government of Morocco, and shall be co-chaired by the two Parties. The Member States shall be informed and invited to the group meetings.

2. Role

The 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 group shall be a forum for the discussion of macroeconomic issues. It shall also discuss the implementation of the Association Agreement and the EU-Morocco 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 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 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 group.

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

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 the request onto the other Party. Upon receipt of a request for a group meeting, the secretary of the other Party shall reply within 15 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.

Each meeting 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 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 of the committee.

A provisional agenda will be drawn up for each meeting alternately by each co-chair. It shall be forwarded by the group's secretary to his or her counterpart not later than 10 days before the beginning of the meeting.

The provisional agenda shall include the items in respect of which the secretaries have received a request for inclusion in the agenda no later than 15 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 matters, 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. Publicity

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

ANNEX III

A. RULES OF PROCEDURE OF EU-MOROCCO SUBCOMMITTEE No 1 'INTERNAL MARKET'

In Annex II, point 3 'Subject matter', of Decision 1/2003 of the Association Council, the list of sectors covered by the subcommittee is replaced by the following:

- (a) Standardisation, certification, conformity assessment and market surveillance (aspects other than those relating to 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.'

B. RULES OF PROCEDURE OF EU-MOROCCO SUBCOMMITTEE No 2 'INDUSTRY, TRADE AND SERVICES'

In Annex II, point 3 'Subject matter', of Decision 1/2003 of the Council Association, the list of sectors covered by the subcommittee is replaced by the following:

- (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.'

C. RULES OF PROCEDURE OF EU-MOROCCO SUBCOMMITTEE No 3 'TRANSPORT, ENVIRONMENT AND ENERGY'

In Annex II, point 3 'Subject matter', of Decision 1/2003 of the Association Council, the list of sectors covered by the subcommittee is replaced by the following:

- (a) Transport: including infrastructure modernisation and development, strengthening security and safety of all modes of 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 the energy infrastructure and the transport of energy, demand management, promotion of renewable energies, research and cooperation on data exchange.'

D. RULES OF PROCEDURE OF EU-MOROCCO SUBCOMMITTEE No 5 'AGRICULTURE AND FISHERIES'

In Annex II, point 3 'Subject matter', of Decision 1/2003 of the Council Association, the list of sectors covered by the subcommittee is replaced by the following:

- (a) Agricultural and fisheries products;
- (b) Agricultural cooperation and rural development;
- (c) Processed agricultural products;
- (d) Veterinary and phytosanitary matters;
- (e) Legislation applicable to trade in these products.'

E. RULES OF PROCEDURE OF EU-MOROCCO SUBCOMMITTEE No 6 'JUSTICE AND SECURITY'

In Annex II, point 3 'Subject matter', of Decision 1/2003 of the Council Association, the list of sectors covered by the subcommittee is replaced by the following:

- (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.'
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