



2025/2023

3.10.2025

COUNCIL DECISION (EU) 2025/2023

of 2 October 2025

on the position to be taken, on behalf of the European Union, within the Association Council established by 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, as regards the amendment of Protocol 4 to that Agreement concerning the definition of the concept of 'originating products' and methods of administrative cooperation

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(4), first subparagraph, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European 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 (¹) (the 'Association Agreement') entered into force on 1 March 2000.
- (2) The Association Agreement includes Protocol 4 concerning the definition of originating products and methods of administrative cooperation ('Protocol 4'), which lays down the rules of origin.
- (3) Pursuant to Article 39 of Protocol 4, the Association Council established by Article 78 of the Association Agreement (the 'Association Council') may decide to amend the provisions of Protocol 4. Pursuant to Article 80, second paragraph, of the Association Agreement, the decisions taken by the Association Council are to be binding on the Parties, which shall take the measures necessary to implement those decisions.
- (4) The Association Council, during its next meeting or by exchange of letters, is to adopt a decision on a proposed amendment of Protocol 4.
- (5) It is appropriate to establish the position to be taken, on behalf of the Union, within the Association Council as the decision of the Association Council will have legal effects.
- (6) As a result of the judgment of the Court of Justice of the European Union (the 'Court') in Case C-104/16 P (²) of 21 December 2016, in order to establish a legal basis to grant the tariff preferences laid down in the Association Agreement to goods originating in Western Sahara, the Union and the Kingdom of Morocco concluded an Agreement in the form of an Exchange of Letters on the amendment of Protocols 1 and 4 to the Association Agreement (³) (the 'Agreement in the form of an Exchange of Letters'), which was signed on 25 October 2018.

(¹) OJ L 70, 18.3.2000, p. 2, ELI: <http://data.europa.eu/eli/dec/2000/204/oj>.

(²) Judgment of the Court of Justice of 21 December 2016, *Council of the European Union v Front Polisario*, C-104/16 P, ECLI:EU:C:2016:973.

(³) 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 (OJ L 34, 6.2.2019, p. 1, ELI: <http://data.europa.eu/eli/dec/2019/217/oj>).

(7) As a result of the judgment of the Court in Joined Cases C-779/21 P and C-799/21 P⁽⁴⁾ of 4 October 2024, to ensure that the flows of trade which have developed over the years are not disrupted, and that the tariff preferences under the Association Agreement apply to goods originating in Western Sahara, the European Union and Morocco negotiated a new Agreement in the form of an Exchange of Letters that replaces the Agreement in the form of an Exchange of Letters (the 'new Agreement'). The new Agreement was signed on 3 October 2025 and has applied on a provisional basis since 4 October 2025.

(8) The Joint Declaration contained in the new Agreement, inserted after Protocol 4, specifies that products originating in Western Sahara which are subject to controls by the customs authorities of the Kingdom of Morocco benefit from the same trade preferences as those granted by the Union to the products covered by the Association Agreement, and that Protocol 4 applies *mutatis mutandis* for the purposes of defining the originating status of those products, including with regard to proof of origin.

(9) Within the framework of the new Agreement, Protocol 4 should be amended in order to ensure both its applicability to products originating in Western Sahara and the continuation of trade, in particular for the fruit and vegetables sector and the fisheries sector.

(10) The position of the Union within the Association Council should therefore be based on the attached draft Decision,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf within the Association Council established by 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, with regard to the amendment of Protocol 4 shall be based on the draft Decision of the Association Council attached to this Decision.

Article 2

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

Done at Brussels, 2 October 2025.

For the Council

The President

M. BJERRE

⁽⁴⁾ Judgment of the Court of Justice of 4 October 2024, *European Commission and Council of the European Union v Front Polisario*, ECLI:EU:C:2024:835.

DRAFT

DECISION No ... OF THE EU-MOROCCO ASSOCIATION COUNCIL**of ...**

amending Protocol 4, concerning the definition of the concept of 'originating products' and methods of administrative cooperation, 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 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 (¹), and in particular Article 5 of Protocol 4 thereto concerning the definition of the concept of 'originating products' and methods of administrative cooperation,

Whereas:

- (1) Article 29 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'), refers to Protocol 4 to that Agreement ('Protocol 4'), which lays down the rules of origin.
- (2) Article 5 of Protocol 4 provides that the Association Council may decide to amend the provisions of Protocol 4.
- (3) The Joint Declaration concerning Protocol 4 specifies that products originating in Western Sahara which are subject to controls by the customs authorities of the Kingdom of Morocco benefit from the same trade preferences as those granted by the European Union to the products covered by the Association Agreement and that Protocol 4 applies *mutatis mutandis* for the purposes of defining the originating status of these products, including with regard to proof of origin, except as provided for in decisions of the Association Council.
- (4) Within the framework 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, concluded on ... 2025.
- (5) Protocol 4 should be amended in order to provide for the amendments necessary to ensure both its applicability to products originating in Western Sahara and the continuation of trade, in particular for the fruit and vegetables sector and the fisheries sector,

HAS ADOPTED THIS DECISION:

Article 1

A Title III* is added to Protocol 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, concerning the definition of the concept of 'originating products' and methods of administrative cooperation:

(¹) OJ EU L 70, 18.3.2000, p. 2, ELI: <http://data.europa.eu/eli/dec/2000/204/oj>.

'Title III (2)*

Provisions on the 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

Article 8*

Exceptions to the application mutatis mutandis of Protocol 4

When applying the Convention and the transitional rules,

The terms "its vessels" and "its factory ships" in Title II of the Convention and in the transitional rules refer to a Member State of the Union, Morocco or Western Sahara.

The provisions of Title III of the Convention and of the transitional rules shall not be affected by any working, processing or modification in Morocco or consignments exported from Morocco to the Union.

The proofs of origin shall be completed as follows:

In the movement certificate EUR.1:

In box 2 "Certificate used in preferential trade between ... and ...", a reference to the "Agreement in the form of an Exchange of Letters between the EU and the Kingdom of Morocco on the amendment of Protocols 1 and 4 to the Euro-Mediterranean Agreement of ... 2025" is to be entered.

Box 4 "Country, group of countries or territory in which the products are considered as originating" is to be left blank.

References to "Dakhla Oued Ed-Dahab" or "Laâyoune-Sakia El Hamra", as appropriate, are to be entered in Box 7 "Remarks".

In the origin declaration, references to "Dakhla Oued Ed-Dahab" or "Laâyoune-Sakia El Hamra", as appropriate, are to be entered in connection with footnote (2) of the annexes on the text of the origin declaration.'

Article 2

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

It shall apply from ...

Done at ..., ...

For the Association Council

The President

(2) Numbering to be checked depending on the time of entry into force of the Decision of the Association Council introducing the dynamic link and transitional rules, which reduces the number of Titles and Articles of Protocol 4 to two and seven respectively.

ANNEX

Specimen of movement certificate EUR.1

1. Exporter (Name, address, country) (No change)	EUR.1	No A	000.000
	See notes overleaf before completing this form.		
3. Consignee (Name, address, country) (Optional) (No change)	2. Certificate used in preferential trade between and 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 <i>(Insert appropriate countries, groups of countries or territories)</i>		
	4. Country, group of countries or territory in which the products are considered as originating (Leave blank)	5. Country, group of countries or territory of destination (No change)	
6. Transport details (Optional) (No change)	7. Remarks <i>Reference to the regional origin (Laâyoune-Sakia El Hamra, Dakhla Oued Ed-Dahab)</i>		
8. Item number; Marks and numbers; Number and kind of packages ⁽¹⁾ ; Description of goods ⁽²⁾ (No change)	9. Gross mass (kg) or other measure (litres, m ³ , etc.) (No change)	10. Invoices (Optional) (No change)	

Specimen of the origin declaration

English version

The exporter of the products covered by this document (customs authorisation No ...⁽¹⁾) declares that, except where otherwise clearly indicated, these products are of preferential origin.

Reference to the regional origin (Laâyoune-Sakia El Hamra, Dakhla Oued Ed-Dahab)⁽²⁾.

.....

(Place and date) ⁽³⁾

.....

(Signature of the exporter; in addition, the name of the person signing the declaration has to be indicated in clear script) ⁽⁴⁾

- ⁽¹⁾ When the origin declaration is made out by an approved exporter, the authorisation number of the approved exporter must be entered in this space. When the origin declaration is not made out by an approved exporter, the words in brackets shall be omitted or the space left blank.
- ⁽²⁾ Origin of products to be indicated. When the origin declaration relates, in whole or in part, to products originating in Ceuta and Melilla, the exporter must clearly indicate them in the document on which the declaration is made out, by means of the symbol 'CM'.
- ⁽³⁾ These indications may be omitted if the information is contained on the document itself.
- ⁽⁴⁾ In cases where the exporter is not required to sign, the exemption of signature also implies the exemption of the name of the signatory.
