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⁽¹⁾ Text with EEA relevance.

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL REGULATION (EU) 2019/440

of 29 November 2018

on the allocation of fishing opportunities under the Sustainable Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco and the Implementation Protocol thereto

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On behalf of the Union, the Commission negotiated a new Sustainable Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco ('the Fisheries Agreement') as well as a new Implementation Protocol thereto and the Exchange of Letters accompanying the Fisheries Agreement.
- (2) In accordance with Council Decision (EU) 2018/2068 ⁽¹⁾, the Fisheries Agreement, the Implementation Protocol thereto and the Exchange of Letters accompanying the Fisheries Agreement were signed on 14 January 2019, subject to their conclusion at a later date.
- (3) The Implementation Protocol to the Fisheries Agreement covers a period of four years as from the date of its application, as defined in Article 16 thereof.
- (4) The fishing opportunities should be allocated among the Member States for the full duration of application of the Implementation Protocol to the Fisheries Agreement.
- (5) This Regulation should apply from the date of application of the Implementation Protocol to the Fisheries Agreement,

HAS ADOPTED THIS REGULATION:

Article 1

1. The fishing opportunities established pursuant to the Implementation Protocol to the Sustainable Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco ('the Fisheries Agreement') shall be allocated among the Member States as follows:

Fishing category	Type of vessel	Member State	Licences or quota
Small-scale fishing in the north, pelagic species	Seiners < 150 gross tonnage (GT)	Spain	22

⁽¹⁾ Council Decision (EU) 2018/2068 of 29 November 2018 on the signing, on behalf of the Union, 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 (OJ L 331, 28.12.2018, p. 1).

Fishing category	Type of vessel	Member State	Licences or quota
Small-scale fishing in the north	Bottom longliners < 40 GT	Spain	25
		Portugal	7
	Bottom longliners ≥ 40 GT < 150 GT	Portugal	3
Small-scale fishing in the south	Pole-lines < 150 GT per vessel Total ≤ 800 GT	Spain	10
Demersal fishing	Bottom longliners ≤ 150 GT	Spain	7
		Portugal	4
	Trawlers ≤ 750 GT	Spain	5
	Total ≤ 3 000 GT	Italy	0
Tuna fishing	Pole-and-line vessels	Spain	23
		France	4
Industrial fishing for pelagic species	85 000 tonnes (t) in the first year 90 000 t in the second year 100 000 t in the third year and in the fourth year Distribution of vessels authorised to fish: 10 vessels ≥ 3 000 GT and < 7 765 GT 4 vessels ≥ 150 and < 3 000 GT 4 vessels < 150 GT	Year 1: 85 000 t	
		Germany	6 871,2 t
		Lithuania	21 986,3 t
		Latvia	12 367,5 t
		Netherlands	26 102,4 t
		Ireland	3 099,3 t
		Poland	4 807,8 t
		United Kingdom	4 807,8 t
		Spain	496,2 t
		Portugal	1 652,2 t
		France	2 809,3 t
		Year 2: 90 000 t	
		Germany	7 275,4 t
		Lithuania	23 279,6 t
		Latvia	13 095,0 t
		Netherlands	27 637,9 t
		Ireland	3 281,6 t
		Poland	5 090,6 t
		United Kingdom	5 090,6 t
		Spain	525,4 t

Fishing category	Type of vessel	Member State	Licences or quota
		Portugal	1 749,4 t
		France	2 974,5 t
		Years 3 and 4: 100 000 t each year	
		Germany	8 083,8 t
		Lithuania	25 866,3 t
		Latvia	14 550,0 t
		Netherlands	30 708,8 t
		Ireland	3 646,3 t
		Poland	5 656,3 t
		United Kingdom	5 656,3 t
		Spain	583,8 t
		Portugal	1 943,8 t
		France	3 305,0 t

2. Regulation (EU) 2017/2403 of the European Parliament and of the Council ⁽²⁾ shall apply without prejudice to the Fisheries Agreement, to the Implementation Protocol thereto and to the Exchange of Letters accompanying the Fisheries Agreement.

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

It shall apply from the date of application of the Implementation Protocol to the Fisheries Agreement.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 29 November 2018.

For the Council
The President
M. SCHRAMBÖCK

⁽²⁾ Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008 (OJ L 347, 28.12.2017, p. 81).

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**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43, in conjunction with Article 218(6)(a)(v) and Article 218(7) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament ⁽¹⁾,

Whereas:

- (1) On 22 May 2006, the Council adopted Regulation (EC) No 764/2006 ⁽²⁾ on the conclusion of the Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco ('the Agreement'). The Agreement was subsequently tacitly renewed.
- (2) The last Protocol implementing the Agreement and setting out the fishing opportunities and financial contribution provided for therein expired on 14 July 2018.
- (3) In its judgment in case C-266/16 ⁽³⁾ in reply to a request for a preliminary ruling on the validity and interpretation of the Agreement and of the Implementation Protocol thereto, the Court held that neither the Agreement nor the Implementation Protocol thereto apply to the waters adjacent to the territory of Western Sahara.
- (4) The Union does not prejudice the outcome of the political process on the final status of Western Sahara taking place under the auspices of the United Nations, and it has constantly reaffirmed its commitment to the settlement of the dispute in Western Sahara, which is currently listed by the United Nations as a non-self-governing territory and administered principally by the Kingdom of Morocco. It fully supports the efforts made by the United Nations Secretary-General and his personal envoy to assist the parties in achieving a just, lasting and mutually acceptable political solution which will allow the self-determination of the people of Western Sahara as part of arrangements consistent with the purposes and principles set out in the Charter of the United Nations and enshrined in United Nations Security Council resolutions ('UNSCR'), and in particular UNSCR 2152 (2014), UNSCR 2218 (2015), UNSCR 2285 (2016), UNSCR 2351 (2017) and UNSCR 2414 (2018).
- (5) It should be possible for Union fleets to continue the fishing activities they had pursued since the entry into force of the Agreement, and the scope of application of the Agreement should be defined so as to include the waters adjacent to the territory of Western Sahara. Furthermore, the continuation of the fisheries partnership is essential in order for that territory to continue to benefit from the sectoral support provided under the Agreement, in compliance with Union and international law, including human rights, and for the benefit of the people concerned.
- (6) To that end, on 16 April 2018 the Council authorised the Commission to begin negotiations with the Kingdom of Morocco with a view to amending the Agreement and agreeing on a new Implementation Protocol. Following those negotiations, a new Sustainable Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco ('the Fisheries Agreement'), as well as a new Implementation Protocol thereto, including the Annex and Appendices to that Protocol, and the Exchange of Letters accompanying the Fisheries Agreement that forms an integral part of the Fisheries Agreement, were initialised on 24 July 2018.

⁽¹⁾ Consent of 12 February 2019 (not yet published in the Official Journal).

⁽²⁾ Council Regulation (EC) No 764/2006 of 22 May 2006 on the conclusion of the Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco (OJ L 141, 29.5.2006, p. 1).

⁽³⁾ Judgment of the Court of Justice of 27 February 2018, *Western Sahara Campaign UK*, C-266/16, ECLI:EU:C:2018:118.

- (7) The objective of the Fisheries Agreement is to enable the Union and the Kingdom of Morocco to work together more closely on promoting a sustainable fisheries policy and sound exploitation of fishery resources in the fishing zone defined in the Fisheries Agreement and supporting the Kingdom of Morocco's efforts to develop the fisheries sector and a blue economy. It thereby contributes to achieving the objectives of the Union under Article 21 of the Treaty on European Union.
- (8) The Commission assessed the potential impact of the Fisheries Agreement on sustainable development, in particular as regards the benefits for the people concerned and the exploitation of the natural resources of the territories concerned.
- (9) In line with that evaluation, it is assessed that the Fisheries Agreement should be highly beneficial to the people concerned owing to the positive socioeconomic impact on those people, particularly in terms of employment and investment, and to its impact on the development of the fisheries sector and fish processing sector.
- (10) Equally, it is assessed that the Fisheries Agreement represents the best guarantee for the sustainable exploitation of the natural resources of the waters adjacent to Western Sahara, since the fishing activities comply with the best scientific advice and recommendations in that area and are subject to appropriate monitoring and control measures.
- (11) In view of the considerations set out in the Court of Justice's judgment, the Commission, together with the European External Action Service, took all reasonable and feasible measures in the current context to properly involve the people concerned in order to ascertain their consent. Extensive consultations were carried out in Western Sahara and in the Kingdom of Morocco, and the socioeconomic and political actors who participated in the consultations were clearly in favour of concluding the Fisheries Agreement. However, the Polisario Front and some other parties did not accept to take part in the consultation process.
- (12) Those who did not accept to participate in the process rejected the application of the Fisheries Agreement and of the Implementation Protocol thereto to the waters adjacent to Western Sahara, because they felt essentially that those acts would affirm the Kingdom of Morocco's position on the territory of Western Sahara. However, there is nothing in the terms of the Fisheries Agreement or of the Implementation Protocol thereto which implies that it would recognise the Kingdom of Morocco's sovereignty or sovereign rights over Western Sahara and the adjacent waters. The Union will also continue to step up its efforts in support of the process, initiated and pursued under the auspices of the United Nations, of peacefully resolving the dispute.
- (13) In accordance with Council Decision (EU) 2018/2068 ⁽⁴⁾, the Fisheries Agreement, the Implementation Protocol thereto and the Exchange of Letters accompanying the Fisheries Agreement were signed on 14 January 2019, subject to their conclusion at a later date.
- (14) The Fisheries Agreement, the Implementation Protocol thereto and the Exchange of Letters accompanying the Fisheries Agreement should be approved.
- (15) Article 13 of the Fisheries Agreement establishes the Joint Committee responsible for monitoring its implementation. The Joint Committee may adopt amendments to the Implementation Protocol to the Fisheries Agreement, in accordance with Article 13(3) of the Fisheries Agreement. In order to facilitate the approval of those amendments, the Commission should be empowered, subject to specific conditions, to approve such amendments under a simplified procedure,

HAS ADOPTED THIS DECISION:

Article 1

The Sustainable Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco ('the Fisheries Agreement'), the Implementation Protocol thereto and the Exchange of Letters accompanying the Fisheries Agreement are hereby approved on behalf of the Union.

The text of the Fisheries Agreement, of the Implementation Protocol thereto, including the Annex and Appendices to that Protocol, and of the Exchange of Letters accompanying the Fisheries Agreement is attached to this Decision.

⁽⁴⁾ Council Decision (EU) 2018/2068 of 29 November 2018 on the signing, on behalf of the Union, 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 (OJ L 331, 28.12.2018, p. 1).

Article 2

In accordance with the conditions laid down in the Annex to this Decision, the Commission is empowered to approve, on behalf of the Union, the amendments to the Implementation Protocol to the Fisheries Agreement that are adopted by the Joint Committee established under Article 13 of the Fisheries Agreement.

Article 3

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 17 of the Fisheries Agreement and Article 15 of the Implementation Protocol thereto.

Article 4

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 4 March 2019.

For the Council
The President
A. ANTON

ANNEX

Scope of empowerment and procedure for establishing the Union position in the Joint Committee

1. The Commission shall be authorised to negotiate with the Kingdom of Morocco and, where appropriate and subject to compliance with point 3 of this Annex, agree on amendments to the Implementation Protocol to the Fisheries Agreement in respect of the following issues:
 - (a) adjustment of the fishing opportunities and, as a consequence, of the financial contribution referred to in Article 12(2)(a) and (b) of the Fisheries Agreement;
 - (b) sectoral support arrangements and, as a consequence, the financial contribution referred to in Article 12(2)(c) of the Fisheries Agreement;
 - (c) the technical conditions and arrangements under which Union vessels carry out their fishing activities.
 2. Within the Joint Committee set up under the Fisheries Agreement, the Union shall:
 - (a) act in accordance with its objectives with regard to the common fisheries policy;
 - (b) promote positions that are consistent with the relevant rules adopted by regional fisheries management organisations and take account of joint management by coastal States.
 3. When a decision on amendments to the Implementation Protocol referred to in point 1 is to be adopted during a Joint Committee meeting, the necessary steps shall be taken so as to ensure that the position to be expressed on behalf of the Union takes account of the latest statistical, biological and other relevant information transmitted to the Commission.
 4. To that effect and based on that information, a document setting out the particulars of the proposed Union position shall be transmitted by the Commission services, in sufficient time before the relevant Joint Committee meeting, to the Council or to its preparatory bodies for consideration and approval.
 5. In respect of the issues referred to in point 1(a), the approval of the envisaged Union position by the Council shall require a qualified majority of votes. In the other cases, the Union position envisaged in the preparatory document shall be deemed to be agreed, unless a number of Member States equivalent to a blocking minority objects during a meeting of the Council's preparatory body or within 20 days from receipt of the preparatory document, whichever occurs earlier. In case of such objection, the matter shall be referred to the Council.
 6. If, in the course of further meetings, including on the spot, it is impossible to reach an agreement in order for the Union position to take account of new elements, the matter shall be referred to the Council or its preparatory bodies.
 7. The Commission is invited to take, in due time, any steps necessary as a follow up to the decision of the Joint Committee, including, where appropriate, a publication of the relevant decision in the *Official Journal of the European Union* and a submission of any proposal necessary for the implementation of that decision.
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**SUSTAINABLE FISHERIES PARTNERSHIP AGREEMENT BETWEEN THE EUROPEAN UNION
AND THE KINGDOM OF MOROCCO**

THE EUROPEAN UNION, hereinafter referred to as 'the Union', of the one part,

and

THE KINGDOM OF MOROCCO, hereinafter referred to as 'Morocco', of the other part,

hereinafter referred as 'the Parties',

CONSIDERING the close working relationship between the Union and Morocco, particularly in the context of the Euro-Mediterranean Agreement establishing an association between the Union and its Member States, of the one part, and the Kingdom of Morocco, of the other part, signed on 26 February 1996 (hereinafter 'Association Agreement'), and their mutual desire to intensify that relationship;

COMMITTED to strict compliance with international law and fundamental human rights while ensuring mutual benefits for the Parties concerned;

BEARING in mind that this Agreement forms part of their comprehensive partnership covering economic, political, and security matters and the fight against irregular migration, including its root causes;

HAVING REGARD TO the United Nations Convention on the Law of the Sea (UNCLOS);

AWARE of the importance of the principles laid down by the Code of Conduct for Responsible Fisheries adopted at the Food and Agriculture Organisation (FAO) Conference in 1995;

DETERMINED to apply the decisions and recommendations adopted by the relevant regional fisheries organisations of which the Parties are members;

AIMING, to these ends, to take into account available scientific advice and relevant management plans adopted by the competent regional fisheries management organisations so as to ensure the environmental sustainability of fishing activities and to promote ocean governance internationally;

RESOLVED, for these purposes, to set up a dialogue on matters such as fisheries governance, the fight against illegal, unreported and unregulated (IUU) fishing and the monitoring, control and surveillance (MCS) of fishing activities;

AIMING for access to the fishing zone to be based on the activity of the Union fishing fleet and for it to obtain an appropriate share of surplus fishery resources, taking into account the specificity of each Agreement, and to benefit from the technical fishing conditions applying to all fleets;

CONVINCED that the partnership must be based on initiatives and measures which, whether taken jointly or individually, are complementary and consistent with policy and ensure synergy of efforts;

DECIDED, to these ends, to help promote, within the framework of Morocco's sectoral fisheries policy, including in the fishing zone covered by this Agreement, the development of a partnership with a view, in particular, to identifying the most appropriate means of ensuring that this policy is effectively implemented and that economic operators and civil society are involved in the process;

AIMING to lay down the terms and conditions for access to the fishing zone by Union vessels; and, in this regard, fishing activities should be targeted exclusively towards available resources, taking into account the fishing capacity of the fleets operating in the zone, while paying special attention to the straddling and highly migratory nature of certain species;

DETERMINED to pursue closer economic and social cooperation with a view to establishing and strengthening sustainable fisheries and contributing to improved ocean governance, including by developing investments in line with the country's development objectives involving enterprises of the Parties;

ARE DECIDED AS FOLLOWS:

GENERAL PROVISIONS

Article 1

Definitions

For the purposes of this Agreement, the following definitions shall apply:

- (a) 'authorities of the Kingdom of Morocco' means the Sea Fisheries Department within the Ministry of Agriculture, Maritime Fisheries, Rural Development and Water and Forests of Morocco;
- (b) 'Union authorities' means the European Commission;
- (c) 'Agreement' means this Sustainable Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco, the Exchange of Letters accompanying the Agreement, as well as the Protocol on the implementation of the Agreement, the Annex and Appendices thereto (hereinafter 'the Protocol');
- (d) 'fishing activity' means searching for fish, shooting, setting, towing, hauling of a fishing gear, taking catch on board, transshipping, retaining on board, processing on board, transferring, caging, fattening and landing of fish and fishery products;
- (e) 'fishing vessel' means any vessel equipped for commercial exploitation of marine biological resources;
- (f) 'Union vessel' means a fishing vessel flying the flag of a Member State of the Union and registered in the Union;
- (g) 'shipowner' means the person who is legally responsible for and in charge and control of a fishing vessel;
- (h) 'fishing zone' means the waters of the Eastern Central Atlantic Ocean between the parallels 35° 47' 18" north and 20° 46' 13" north, including the adjacent waters of Western Sahara ⁽¹⁾, covering all management areas; this definition shall not affect any negotiations on the delimitation of the sea areas of coastal States bordering the fishing zone or the rights of third countries in general;
- (i) 'management area' means an area of activity delimited by geographical coordinates, permitted gears or authorised species;
- (j) 'fishing authorisation' means a fishing licence issued by the authorities of the Kingdom of Morocco to a Union vessel, conferring the right to engage in fishing activities in the fishing zone;
- (k) 'direct fishing authorisation' means a fishing licence issued by the authorities of the Kingdom of Morocco to a Union vessel outside the scope of this Agreement;
- (l) 'stock' means a marine biological resource found in a given area;
- (m) 'fishery products' means aquatic organisms caught as a result of fishing activities;
- (n) 'aquaculture products' means aquatic organisms at any stage of their life cycle resulting from any aquaculture activity or products derived therefrom;
- (o) 'fisheries sector' means the sector of the economy encompassing all activities of production, processing and marketing of fisheries and aquaculture products;
- (p) 'fisherman' means any person engaging in commercial fishing activities recognised by the Parties;
- (q) 'fishing opportunity' means a quantified legal entitlement to fish, expressed in terms of catches or fishing effort;
- (r) 'sustainable fishing' means fishing in line with the objectives and principles laid down by the Code of Conduct for Responsible Fisheries adopted at the Food and Agriculture Organisation (FAO) Conference in 1995.

⁽¹⁾ The Sahara region according to the Moroccan position.

*Article 2***Subject matter**

This Agreement sets up a framework for legal, environmental, economic and social governance for fishing activities carried out by Union vessels and laying down in particular:

- (a) the conditions under which Union vessels may engage in fishing activities in the fishing zone;
- (b) economic and financial cooperation in the fisheries sector with a view to establishing a partnership in support of the fisheries sector and strengthening ocean governance;
- (c) administrative cooperation in order to implement the financial contribution;
- (d) scientific and technical cooperation with a view to ensuring the sustainable exploitation of fisheries resources in the fishing zone and developing the fisheries sector;
- (e) cooperation on measures for MCS of activities in the fishing zone, so as to ensure that the rules in force are complied with and guarantee that measures aimed at conserving fisheries resources and managing fishing activities are effective, in particular with a view to combating IUU fishing.

*Article 3***Principles and objectives regarding the implementation of this Agreement**

1. The Parties undertake to promote sustainable fishing in the fishing zone based on the principle of non-discrimination between the different fleets present in that zone.
2. The authorities of the Kingdom of Morocco undertake to ensure that access to the fishing zone is based on the activity of the Union fishing fleet. The authorities of the Kingdom of Morocco shall ensure that the Union fleet receives an appropriate share of surplus fishery resources, taking into account the specificity of each agreement. The Union fleet shall be granted the same technical fishing conditions as all other fleets.
3. The Parties undertake to inform one another about any fisheries agreements and arrangements entered into with a third party.
4. The Parties agree that Union fishing vessels are only to catch the allowable catch surplus referred to in Article 62(2) and (3) of the UNCLOS, as identified, in a clear and transparent manner, on the basis of available and relevant scientific advice and relevant information exchanged between the Parties on the total fishing effort exerted on the affected stocks by all fleets operating in the fishing zone.
5. With respect to straddling or highly migratory fish stocks, the Parties shall take due account of scientific assessments conducted at regional level as well as conservation and management measures adopted by relevant regional fisheries management organisations to determine the resources available for access.
6. The Parties undertake to ensure that this Agreement is implemented under a legal, environmental, economic and social governance framework with respect to the fishing activities of Union vessels.
7. The Parties undertake, in their mutual interest, to establish a close dialogue, to facilitate consultation and to inform one another in particular on the implementation of sectoral fisheries policy and ocean governance.
8. The Parties shall also cooperate in carrying out *ex ante*, ongoing and *ex post* evaluations, both jointly and unilaterally, of measures, programmes and actions implemented under this Agreement.
9. The Parties undertake to ensure that the Declaration of the International Labour Organisation (ILO) on Fundamental Principles and Rights at Work is fully applicable to all seamen signed on to Union vessels, in particular as regards freedom of association, collective bargaining and the elimination of discrimination in respect of employment and occupation.
10. This Agreement is in line with the Association Agreement. It helps to meet the general objectives of the Association Agreement and aims to ensure the sustainability of fisheries resources from an ecological, economic and social perspective.

11. The Agreement shall be implemented in accordance with Article 1 of the Association Agreement on developing dialogue and cooperation, and Article 2 of the Association Agreement concerning the respect for democratic principles and fundamental human rights.

Article 4

Access to the fishing zone by Union vessels

The authorities of the Kingdom of Morocco undertake to authorise Union vessels to engage in fishing activities in the fishing zone in accordance with this Agreement.

Article 5

Conditions for carrying out fishing activities and exclusivity clause

1. In order to engage in fishing activities in the fishing zone covered by this Agreement, Union vessels must be in possession of a fishing authorisation issued under this Agreement. Any fishing activity in the fishing zone carried out outside the framework of this Agreement shall be prohibited.
2. The authorities of the Kingdom of Morocco shall not issue fishing authorisations to Union vessels other than under this Agreement. It shall be prohibited to issue any fishing authorisation to Union vessels outside the framework of this agreement, in particular in the form of a direct fishing authorisation.
3. The procedure for obtaining a fishing authorisation for a Union vessel, the fees applicable and the method of payment to be used by shipowners shall be as set out in the Protocol.
4. The Parties shall ensure the proper implementation of these procedures and conditions by way of appropriate administrative cooperation between their competent authorities.

Article 6

Laws and regulations governing fishing activities

1. With a view to guaranteeing a regulatory framework for sustainable fishing, Union vessels operating in the fishing zone shall comply with the Moroccan laws and regulations governing fishing activities in that zone, unless otherwise provided for in this Agreement. The authorities of the Kingdom of Morocco shall notify the Union authorities of the applicable laws and regulations no later than one month prior to the application of this Agreement.
2. The Union undertakes to take all appropriate measures to ensure that Union vessels comply with this Agreement and with the notified laws and regulations, and that the MCS measures relating to fishing activities under this Agreement are effectively applied.

Union vessels must cooperate with the authorities of the Kingdom of Morocco responsible for MCS.

3. The Parties shall inform one another before adopting any general decision that may have a bearing on the activities of Union vessels under this Agreement. The Parties shall notify one another of any changes in their respective fisheries policy or legislation with a potential impact on the activities of Union vessels under this Agreement.

Any amendments to legislation affecting the activities of Union vessels in the fishing zone shall be enforceable with respect to Union vessels from the 60th day, save in exceptional cases where this time limit is not applicable, after the Union authorities have received the notification from Morocco.

GENERAL COMMITMENTS AND OBLIGATIONS

Article 7

Partnership

The Parties agree to strengthen their partnership, including in the fields of scientific cooperation, cooperation between economic operators, cooperation in the area of MCS, combating IUU fishing, and administrative cooperation aimed at implementing a sustainable fisheries policy.

*Article 8***Scientific cooperation**

1. During the period covered by this Agreement, the Parties shall cooperate to monitor the state of resources in the fishing zone. To this end, a joint scientific meeting shall be set up, to be held once a year alternately in the Union and in Morocco.
2. Based on the conclusions of the scientific meeting and the best available scientific advice, the Parties shall consult each other in the Joint Committee provided for in Article 13 and, where necessary and by mutual agreement, take measures to ensure the sustainable management of fisheries resources.
3. The Parties undertake to consult each other, either directly or within the relevant international organisations, on the management and conservation of living resources and to cooperate with respect to scientific research in this field.

*Article 9***Cooperation between economic operators**

1. The Parties shall encourage economic, scientific and technical cooperation in the fisheries sector and related sectors. They shall consult one another in order to facilitate and promote various measures that might be taken to this end.
2. The Parties undertake to promote the exchange of information on fishing techniques and gear, preservation methods and the industrial processing of fisheries products.
3. The Parties shall endeavour to create conditions favourable to the promotion of relations between their enterprises in the technical, economic and commercial spheres, by helping to create an environment favourable to the development of business and investment.
4. The Parties shall encourage, in particular, the promotion of investments in their mutual interest, in compliance with the legislation in force.

*Article 10***Cooperation in the area of MCS and combating IUU fishing**

1. The Parties undertake to cooperate in the area of MCS of fishing activities in the fishing zone and to combat IUU fishing with a view to establishing sustainable fishing.
2. The authorities of the Kingdom of Morocco shall ensure that the provisions relating to fisheries inspection laid down in this Agreement and in the Protocol hereto are applied effectively. Union vessels shall cooperate with the Moroccan authorities responsible for carrying out such inspections.

*Article 11***Administrative cooperation**

To ensure that measures for the conservation and management of fishery resources are effective, the Parties shall:

- put in place administrative cooperation with a view to ensuring that Union vessels comply with the provisions of this Agreement, in particular those referred to in Article 6,
- cooperate to prevent and combat IUU fishing, in particular through the exchange of information and close administrative cooperation.

*Article 12***Financial contribution**

1. The financial contribution is defined in the Protocol.

2. The financial contribution referred to in paragraph 1 shall include:
 - (a) financial compensation granted by the Union for access by Union vessels to the fishing zone;
 - (b) fees to be paid by the owners of the Union vessels;
 - (c) sectoral support granted by the Union towards the implementation of a sustainable fisheries policy and ocean governance, subject to annual and multiannual programming.
3. The financial contribution granted by the Union shall be paid each year in accordance with the Protocol.
4. The Parties shall consider the fair geographical and social distribution of the socioeconomic benefits arising from this Agreement, in particular in terms of infrastructure, basic social services, the setting-up of businesses, vocational training, and of programmes aimed at developing and modernising the fisheries sector, to ensure that this distribution benefits the relevant populations in a way that is proportionate to the fishing activities.
5. The amount of the financial contribution referred to in Point (a) of paragraph 2 may be revised by the Joint Committee if:
 - (a) the fishing opportunities granted to Union vessels are reduced, in particular for the purposes of managing the stocks concerned considered necessary for the conservation and sustainable exploitation of resources on the basis of the best available scientific advice;
 - (b) the fishing opportunities granted to Union vessels are increased if, according to the best available scientific advice, the state of resources so permits;
 - (c) this Agreement is suspended or terminated pursuant to Articles 20 and 21 thereof.
6. The financial contribution referred to in point (c) of paragraph 2 shall be:
 - (a) dissociated from the payments regarding access costs referred to in points (a) and (b) of paragraph 2;
 - (b) determined and conditioned by the achievement of the objectives of sectoral support in accordance with the Protocol and the annual and multiannual programming for its implementation.
7. The amount of the financial contribution referred to in point (c) of paragraph 2 may be reviewed by the Joint Committee in the case of a reassessment of the terms of financial support for sectoral policy implementation.

INSTITUTIONAL PROVISIONS

Article 13

Joint Committee

1. A Joint Committee shall be set up, made up of representatives of the Parties. It shall be responsible for monitoring the application of this Agreement and may amend the Protocol.
2. The Joint Committee shall:
 - (a) monitor the performance, interpretation and application of this Agreement, in particular the definition of the annual and multiannual programming referred to in point (b) of Article 12(6) and the evaluation of its implementation;
 - (b) define and evaluate the annual and multiannual programming of the financial contribution referred to in point (c) of Article 12(2);
 - (c) examine the geographical and social distribution of socioeconomic benefits to the relevant populations as referred to in Article 12(4);
 - (d) provide the necessary liaison for matters of mutual interest relating to fisheries;
 - (e) act as a forum for the amicable settlement of any disputes regarding the interpretation or application of this Agreement.

3. The Joint Committee may approve amendments to the Protocol:
 - (a) an adjustment of the fishing opportunities and, as a consequence, of the financial contribution referred to in points (a) and (b) of Article 12(2);
 - (b) the sectoral support arrangements and, as a consequence, the financial contribution referred to in point (c) of Article 12(2);
 - (c) the technical conditions and arrangements under which Union vessels carry out their fishing activities;
 - (d) any other function that the Parties decide, by mutual agreement, to confer on it, including with regard to combating IUU fishing and ocean governance.
4. The Joint Committee shall meet at least once a year, alternately in Morocco and in the Union or as otherwise agreed by the Parties, and shall be chaired by the Party hosting the meeting. It shall hold a special meeting at the request of either Party.

The conclusions of Joint Committee meetings shall be recorded in minutes signed by the Parties.

5. The Joint Committee adopts its own rules of procedure.

Article 14

Area of application

This Agreement shall apply to the territories subject, on the one hand, to the Treaty on European Union and the Treaty on the Functioning of the European Union, and on the other hand, to the laws and regulations referred to in Article 6(1) of this Agreement.

FINAL PROVISIONS

Article 15

Dispute settlement

The Parties shall consult each other in the event of dispute concerning the interpretation or application of this Agreement.

Article 16

Status of the Protocol and Exchange of Letters

The Protocol and the Exchange of Letters accompanying the Agreement shall form an integral part of the Agreement and shall also be governed by the final provisions.

Article 17

Entry into force

This Agreement will enter into force on the date on which the Parties notify each other that they have completed the necessary procedures for that purpose.

Article 18

Duration

This Agreement shall apply for an unlimited period.

Article 19

Provisional application

This Agreement may be applied on a provisional basis from the date of signature authorised by the Council of the European Union where the Parties have mutually agreed to this in an exchange of notifications.

*Article 20***Suspension**

1. Application of this Agreement may be suspended at the initiative of either Party in one or more of the following cases:
 - (a) where circumstances, other than natural phenomena, arise which are beyond the reasonable control of one of the Parties and are such as to prevent fishing in the fishing zone;
 - (b) where a dispute arises between the Parties concerning the interpretation or implementation of this Agreement, in particular compliance with Articles 6, 10 and 12;
 - (c) where either Party fails to comply with this Agreement;
 - (d) where the sectoral policy that led to the conclusion of this Agreement changes significantly, triggering a request by either Party to amend it.
2. Suspension of application of this Agreement shall be notified by the interested Party to the other Party in writing and shall take effect 3 months after receipt of notification. Dispatch of this notification shall open consultations between the Parties with a view to finding an amicable solution to their dispute within 3 months.
3. Where differences are not resolved amicably and suspension is implemented, the Parties shall continue to consult each other with a view to finding a solution to their dispute. Once such solution is found, implementation of this Agreement shall resume and the amount of the financial contribution referred to in Article 12(2) shall, unless otherwise agreed, be reduced proportionately and *pro rata temporis* according to the period during which implementation of this Agreement was suspended.

*Article 21***Termination**

1. This Agreement may be terminated at the initiative of either Party in one or more of the following cases:
 - (a) where circumstances, other than natural phenomena, arise which are beyond the reasonable control of one of the Parties and are such as to prevent fishing in the fishing zone;
 - (b) in the event of degradation of the stocks concerned;
 - (c) in the event of reduced exploitation of the fishing opportunities granted to Union vessels;
 - (d) where undertakings made by the Parties with regard to combating IUU fishing are not complied with;
 - (e) where a dispute arises between the Parties concerning the interpretation or implementation of this Agreement;
 - (f) where one of the Parties fails to comply with this Agreement;
 - (g) where the sectoral policy which led to the conclusion of this Agreement changes significantly, triggering a request by either Party to amend it.
2. Termination of this Agreement shall be notified by the Party concerned to the other Party in writing and shall take effect 6 months after receipt of notification except if the Parties decide, by mutual agreement, to extend this period.
3. The Parties shall consult each other from the time when termination is notified with a view to finding an amicable solution to their dispute within 6 months.
4. Payment of the financial contribution referred to in Article 12 for the year in which the termination takes effect shall be reduced proportionately and *pro rata temporis*. Such a reduction shall also apply if either Party terminates the provisional application of this Agreement.

*Article 22***Review**

The Parties agree to review this Agreement in order to take into account any changes in the legal, environmental, economic and social governance framework that may affect Union fishing activities.

*Article 23***Repeal**

The Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco which entered into force on 28 February 2007 is hereby repealed.

*Article 24***Languages**

This Agreement shall be drawn up in duplicate in the Bulgarian, Czech, Croatian, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Arabic languages, each text being equally authentic.

Съставено в Брюксел на четиринадесети януари две хиляди и деветнадесета година.

Hecho en Bruselas, el catorce de enero de dos mil diecinueve.

V Bruselu dne čtrnáctého ledna dva tisíce devatenáct.

Udfærdiget i Bruxelles den fjortende januar to tusind og nitten.

Geschehen zu Brüssel am vierzehnten Januar zweitausendneunzehn.

Kahe tuhande üheksateistkümnenda aasta jaanuarikuu neljateistkümnendal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις δέκα τέσσερις Ιανουαρίου δύο χιλιάδες δεκαεννέα.

Done at Brussels on the fourteenth day of January in the year two thousand and nineteen.

Fait à Bruxelles, le quatorze janvier deux mille dix-neuf.

Sastavljeno u Bruxellesu četrnaestog siječnja godine dvije tisuće devetnaeste.

Fatto a Bruxelles, addì quattordici gennaio duemiladiciannove.

Briselē, divi tūkstoši deviņpadsmitā gada četrpadsmitajā janvārī.

Priimta du tūkstančiai devynioliktą metų sausio keturioliktą dieną Briuselyje.

Kelt Brüsszelben, a kétézer-tizenkilencedik év január havának tizennyedik napján.

Magħmul fi Brussell, fl-erbatax-il jum ta' Jannar fis-sena elfejn u dsatax.

Gedaan te Brussel, veertien januari tweeduizend negentien.

Sporządzono w Brukseli dnia czternastego stycznia roku dwa tysiące dziewiętnastego.

Feito em Bruxelas, em catorze de janeiro de dois mil e dezanove.

Întocmit la Bruxelles la paisprezece ianuarie două mii nouăsprezece.

V Bruseli štrnásteho januára dvetisícdevätnásť.

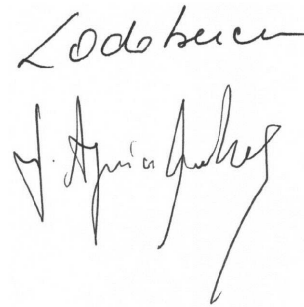
V Bruslju, dne štirinajstega januarja leta dva tisoč devetnajst.

Tehty Brysselissä neljäntenätoista päivänä tammikuuta vuonna kaksituhattayhdeksäntoista.

Som skedde i Bryssel den fjortonde januari år tjugohundranitton.

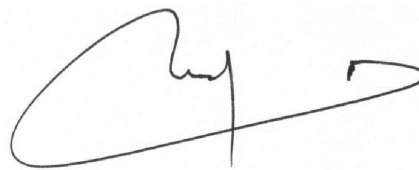
حرر ببروكسيل يوم الرابع عشر من يناير ألفين وتسعة عشر

За Европейския съюз
 Por la Unión Europea
 Za Evropskou unii
 For Den Europæiske Union
 Für die Europäische Union
 Euroopa Liidu nimel
 Για την Ευρωπαϊκή Ένωση
 For the European Union
 Pour l'Union européenne
 Za Europejską uniję
 Per l'Unione europea
 Eiropas Savienības vārdā –
 Europos Sąjungos vardu
 Az Európai Unió részéről
 Għall-Unjoni Ewropea
 Voor de Europese Unie
 W imieniu Unii Europejskiej
 Pela União Europeia
 Pentru Uniunea Europeană
 Za Európsku úniu
 Za Evropsko unijo
 Euroopan unionin puolesta
 För Europeiska unionen



عن الاتحاد الأوروبي

За Кралство Мароко
 Por el Reino de Marruecos
 Za Marocké království
 For Kongeriget Marokko
 Für das Königreich Marokko
 Maroko Kuningriigi nimel
 Για το Βασίλειο του Μαρόκου
 For the Kingdom of Morocco
 Pour le Royaume du Maroc
 Za Kraljevinu Maroko
 Per il Regno del Marocco
 Marokas Karalistes vārdā –
 Maroko Karalystės vardu
 A Marokkói Királyság részéről
 Għar-Renju tal-Marokk
 Voor het Koninkrijk Marokko
 W imieniu Królestwa Marokańskiego
 Pelo Reino de Marrocos
 Pentru Regatul Maroc
 Za Marocké kráľovstvo
 Za Kraljevino Maroko
 Marokon kuningaskunnan puolesta
 För Konungariket Marocko



عن المملكة المغربية

PROTOCOL
on the implementation of the Sustainable Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco

Article 1

Definitions

For the purposes of this Protocol, the definitions laid down in Article 1 of the Fisheries Agreement shall apply, except as amended below and supplemented as follows:

- (1) 'Fisheries Agreement' means the Sustainable Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco and the accompanying Exchange of Letters;
- (2) 'Protocol' means this implementing protocol to the Fisheries Agreement and the Annex and Appendices hereto;
- (3) 'landing' means the unloading of any quantity of fisheries products from on board a fishing vessel to land;
- (4) 'transhipment' means the unloading of all or some of the fisheries products on board a vessel to another fishing vessel;
- (5) 'observer' means any person authorised by a national authority, in accordance with the Annex to this Protocol, to observe the implementation of the rules applicable to a fishing activity, or to observe the activity for scientific purposes;
- (6) 'fishing licence' means an administrative authorisation issued by the department to the shipowner against an annual fee, entitling it to fish in the management area during the period for which it was granted;
- (7) 'operator' means a natural or legal person who operates or holds an undertaking carrying out activities related to any stage of the production, processing, marketing, distribution or retailing of fisheries and aquaculture products;
- (8) 'delegation' means the delegation of the European Union to Morocco;
- (9) 'department' means the Sea Fisheries Department of the Ministry of Agriculture, Maritime Fisheries, Rural Development, Water and Forests of Morocco.

Article 2

Objective

The purpose of this Protocol is to implement the provisions of the Fisheries Agreement, laying down in particular the conditions for access by Union vessels to the fishing zone defined in Article 1(h) thereof, and the implementing provisions of the Sustainable Fisheries Partnership.

Article 3

Fishing opportunities

1. From the date of application of this Protocol and for the period set out in Article 16 thereof, the following fishing opportunities are granted pursuant to Article 5 of the Fisheries Agreement:
 - (a) for the category 'Small-scale pelagic fishing with seins, north': 22 Union vessels, (hereinafter referred to as 'category 1');
 - (b) for the category 'Small-scale fishing with bottom longlines, north': 35 Union vessels, (hereinafter referred to as 'category 2');
 - (c) for the category 'Small-scale pole-and-line fishing, south': 10 Union vessels, (hereinafter referred to as 'category 3');
 - (d) for the category 'Demersal fishing with bottom trawls and bottom longlines, south': 16 Union vessels, (hereinafter referred to as 'category 4');
 - (e) for the category 'Small-scale tuna fishing with poles': 27 Union vessels, (hereinafter referred to as 'category 5');

- (f) for the category 'Industrial pelagic or semi-pelagic trawling and purse seining', an annual quota of:
 - (i) 85 000 tonnes for the first year of application, 18 Union vessels,
 - (ii) 90 000 tonnes for the second year of application, 18 Union vessels,
 - (iii) 100 000 tonnes for the third and fourth years of application, 18 Union vessels, (hereinafter referred to as 'category 6').
- 2. Paragraph 1 of this Article shall apply subject to the provisions of Articles 5, 10 and 20 of this Protocol.
- 3. Under Article 5 of the Fisheries Agreement, Union vessels must be in possession of a fishing licence issued under this Protocol and in accordance with the Annex and Appendices of this Protocol in order to engage in fishing activities in the fishing zone.
- 4. The Parties agree to exchange information, in the Joint Committee, on catches or on the total fishing effort exerted on the stocks concerned by all the fleets operating in the fishing zone as required by Article 3(4) of the Fisheries Agreement.

Article 4

Financial contribution

- 1. The total annual value of this Protocol is estimated at:
 - 1.1. EUR 48 100 000 for the first year of application; this amount can be broken down as follows:
 - (a) EUR 37 000 000 from the financial contribution referred to in Article 12 of the Fisheries Agreement, allocated as follows:
 - (i) EUR 19 100 000 as financial compensation for access by Union vessels to the fishing zone, as referred to in point (a) of Article 12(2) of the Fisheries Agreement;
 - (ii) EUR 17 900 000 as sectoral support as referred to in point (c) of Article 12(2) of the Fisheries Agreement;
 - (b) EUR 11 100 000 corresponding to the estimated fees payable by shipowners, as referred to in point (b) of Article 12(2) of the Fisheries Agreement.
 - 1.2. EUR 50 400 000 for the second year of application; this amount can be broken down as follows:
 - (a) EUR 38 800 000 from the financial contribution referred to in Article 12 of the Fisheries Agreement, allocated as follows:
 - (i) EUR 20 000 000 as financial compensation for access by Union vessels to the fishing zone, as referred to in point (a) of Article 12(2) of the Fisheries Agreement;
 - (ii) EUR 18 800 000 as sectoral support as referred to in point (c) of Article 12(2) of the Fisheries Agreement;
 - (b) EUR 11 600 000 corresponding to the estimated fees payable by shipowners, as referred to in point (b) of Article 12(2) of the Fisheries Agreement.
 - 1.3. EUR 55 100 000 for the third and fourth years of application. This amount can be broken down as follows:
 - (a) EUR 42 400 000 from the financial contribution referred to in Article 12 of the Fisheries Agreement, allocated as follows:
 - (i) EUR 21 900 000 as financial compensation for access by Union vessels to the fishing zone, as referred to in point (a) of Article 12(2) of the Fisheries Agreement;
 - (ii) EUR 20 500 000 as sectoral support as referred to in point (c) of Article 12(2) of the Fisheries Agreement;
 - (b) EUR 12 700 000 corresponding to the estimated fees payable by shipowners, as referred to in point (b) of Article 12(2) of the Fisheries Agreement.
- 2. Pursuant to Article 12 of the Fisheries Agreement and in particular paragraph 4 thereof, and subject to the provisions of Article 5 thereof, the authorities of the Kingdom of Morocco shall allocate the financial contribution in accordance with Articles 6 and 7 of this Protocol.

3. Paragraph 1 of this Article shall apply subject to Articles 5, 10, 18, 19 and 20 of this Protocol.
4. The financial contribution referred to in points (a) and (c) of Article 12(2) of the Fisheries Agreement shall be paid to the Treasurer-General of the Kingdom of Morocco into a dedicated account opened with the Public Treasury of the Kingdom of Morocco, the references of which shall be communicated by the authorities of the Kingdom of Morocco.

Article 5

Adjustment of fishing opportunities

1. The fishing opportunities referred to in Article 3 of this Protocol may be adjusted by the Joint Committee in accordance with point (a) of Article 13(3) of the Fisheries Agreement, by mutual agreement and insofar as the adjustment does not prejudice the sustainability of resources in the fishing zone. The adjustment may relate to the number of Union vessels, the target species or the quota allocated under Article 3 of this Protocol for each category.
2. In accordance with Article 12(5) of the Fisheries Agreement, if fishing opportunities are increased or reduced, the financial compensation provided for in point (a) of Article 12(2) of the Agreement shall be adjusted proportionately to the fishing opportunities, *pro rata temporis* and on the basis of the estimated value of catches for the categories concerned. The adjustment is subject to approval by the Joint Committee.

However, there can be no increase in fishing opportunities corresponding to twice the financial compensation paid by the Union under point (a) of Article 12(2) of the Fisheries Agreement.

Article 6

Financial compensation for access to the fishing zone and fees to be paid by shipowners

1. The financial compensation referred to in point (a) of Article 12(2) of the Fisheries Agreement and the fees referred to in point (b) of Article 12(2) of the Fisheries Agreement shall be subject to a fair geographical and social distribution of the socioeconomic benefits to ensure that the compensation benefits the relevant populations, in accordance with Article 12(4) of the Agreement.
2. No later than three months after the date of application of this Protocol, the authorities of the Kingdom of Morocco shall present a method ensuring the geographical and social distribution referred to in paragraph 1 and a distribution key for the allocated amounts, which shall be examined by the Joint Committee.
3. Any significant changes in the geographical and social distribution shall be examined by the Parties in the Joint Committee.
4. Each year the authorities of the Kingdom of Morocco shall present, within three months, an annual report on the geographical and social distribution in the previous financial year.
5. Before the expiry of this Protocol, the authorities of the Kingdom of Morocco shall submit a final report on the geographical and social distribution of the amounts referred to in paragraph 1.

Article 7

Allocation of sectoral support

1. The sectoral support referred to in point (c) of Article 12(2) of the Fisheries Agreement shall contribute to developing and implementing sectoral policy as part of the national development strategy for the fisheries sector.
2. No later than three months after the date of application of this Protocol, the Joint Committee shall agree on a multiannual sectoral programme and detailed implementing rules comprising, in particular:
 - (a) annual and multiannual guidelines for the use of the amount granted as sectoral support in accordance with Article 12(4) of the Fisheries Agreement;

- (b) annual and multiannual objectives to be achieved with the aim of developing sustainable fishing activities, taking account of the priorities of the authorities of the Kingdom of Morocco set out in its national sectoral policy;
 - (c) criteria, reports and procedures, including budgetary and financial indicators, and inspection and audit methods to be used to assess the results obtained on an annual basis.
3. Any amendment to those guidelines, objectives, criteria and indicators shall be subject to approval by the Parties in the Joint Committee.
4. The authorities of the Kingdom of Morocco shall present an annual report on progress made in projects implemented in the context of sectoral support, which shall be examined by the Joint Committee. The structure of the report shall be determined by the Joint Committee at the latest three months after the date of application of this Protocol.
5. Once projects are completed, the authorities of the Kingdom of Morocco shall present, according to their nature and duration, an implementation report to be examined by the Joint Committee. The content of this report shall be defined by the Joint Committee.
6. Before the expiry of this Protocol, the authorities of the Kingdom of Morocco shall submit a final report on the implementation of sectoral support under this Protocol, including the elements referred to in paragraphs 1 to 5 of this Article.
7. The Parties shall, if necessary, continue to monitor the implementation of sectoral support for up to six months after the expiry, or after the suspension or termination of this Protocol as provided for herein. However, to allow monitoring of sectoral support for a given action or project to be extended for an additional period of up to six months, account shall be taken of any previous validation by the Joint Committee of that action or project.
8. The Parties shall draw up a communication and visibility plan regarding the Fisheries Agreement. The plan shall be subject to approval at the first meeting of the Joint Committee.

Article 8

Payments

1. The financial contribution provided for in point (a) of Article 12(2) of the Fisheries Agreement shall be paid:
- (a) for the first year, no later than two months after the meeting of the Joint Committee approving the allocation method referred to in Article 6(2);
 - (b) for subsequent years, on the anniversary date of the application of this Protocol, subject to analysis by the Joint Committee in accordance with paragraphs 4 and 5.
2. The financial contribution provided for in point (c) of Article 12(2) of the Fisheries Agreement shall be paid:
- (a) for the first year, no later than two months after the Joint Committee has approved the annual and multiannual programming provided for in Article 7(2) of this Protocol;
 - (b) for subsequent years, two months after approval by the Joint Committee of the results achieved in the previous year and of the annual programming for the following financial year.
3. The fees due from shipowners shall be paid as provided for in Section E of Chapter I of the Annex to this Protocol.
4. Each year the Joint Committee shall confirm that the results achieved are consistent with the programming and that payments are consistent with the geographical and social distribution key.
5. If the results achieved are not consistent with the programming or the method referred to in Article 6(2) and (3), including as regards geographical and social distribution, the payments and the related fishing activities may be adjusted or, as the case may be, partially or totally suspended. In such cases the Parties shall continue to consult each other, and the payments and related fishing activities shall resume once fulfilment of the conditions laid down in paragraph 4 is confirmed by the Joint Committee.

*Article 9***Scientific coordination**

1. In accordance with Articles 3 and 8 of the Fisheries Agreement the Parties undertake to hold scientific meetings, on a regular basis or when the need arises, to examine issues of a scientific nature and, if necessary and at the request of the Joint Committee, the estimated first-sale value of catches at the place of landing or in end markets.
2. The mandate, composition and running of these scientific meetings shall be laid down by the Joint Committee.

*Article 10***Scientific fishing campaigns**

For research purposes and to advance scientific and technical knowledge, a scientific fishing campaign may be conducted in the fishing zone at the request of the Joint Committee. The arrangements for implementing the scientific fishing campaign shall be set out in more detail in accordance with Chapter III of the Annex to this Protocol.

*Article 11***Cooperation between economic operators**

The Parties shall, in accordance with the applicable legislation and regulations, promote contacts and help ensure cooperation between economic operators in the following areas:

- (a) development of fisheries-related industries, in particular naval construction and repair and the manufacturing of fishing gear and materials;
- (b) promoting the exchange of professional expertise and training of managers in the sea fishing sector;
- (c) sale of fishery products;
- (d) marketing;
- (e) aquaculture and the blue economy.

*Article 12***Failure to comply with provisions of and obligations of this Protocol**

In accordance with the provisions of this Protocol and the legislation in force in the fishing zone, the authorities of the Kingdom of Morocco reserve the right to apply penalties as provided for in the Annex to this Protocol in the event of non-compliance with the provisions of this Protocol and obligations arising from its application.

*Article 13***Electronic data exchange**

The Parties undertake to set up as soon as possible the systems, such as the Electronic Reporting System ('ERS'), that are necessary to ensure the electronic exchange of all information and all documents linked to the technical management of this Protocol, such as the data on catches, the Vessel Monitoring ('VMS') positions and the notifications of entry into and exit from the zone by Union vessels operating under the Fisheries Agreement.

*Article 14***Confidentiality**

1. The Parties undertake to ensure that all nominative data relating to Union vessels and their fishing activities obtained under the Fisheries Agreement, including data collected by observers, are processed in accordance with confidentiality and data protection principles.
2. The Parties shall ensure that only aggregated data relating to fishing activities in the fishing zone are made public.

3. Data which may be considered confidential shall be used by the competent authorities exclusively for the purposes of implementing the Fisheries Agreement and for fisheries management, as well as for MCS.
4. With regard to personal data transmitted by the Union, appropriate safeguards and legal remedies may be established by the Joint Committee in accordance with the General Data Protection Regulation.

Article 15

Entry into force

This Protocol shall enter into force on the date on which the Parties notify each other of the completion of the procedures necessary for that purpose.

Article 16

Duration

Notwithstanding Article 18 of the Fisheries Agreement, this Protocol shall apply for a period of four years from the date of its entry into force or, as the case may be, the date of its provisional application.

Article 17

Provisional application

This Agreement may be applied on a provisional basis from the date of signature authorised by the Council of the Union where the Parties have mutually agreed to this in an exchange of notifications.

Article 18

Suspension

Application of this Protocol may be suspended at the initiative of either Party in accordance with Article 20 of the Fisheries Agreement.

Article 19

Termination

This Protocol may be terminated at the initiative of either Party in accordance with the provisions of Article 21 of the Fisheries Agreement.

Article 20

Review

This Protocol may be reviewed at the initiative of either Party in accordance with the provisions of Article 22 of the Fisheries Agreement.

ANNEX

CONDITIONS FOR FISHING ACTIVITIES BY UNION VESSELS IN THE FISHING ZONE

CHAPTER I

PROVISIONS ON LICENCE APPLICATIONS AND THE ISSUING OF FISHING LICENCES

A. FISHING LICENCE APPLICATIONS

1. Only eligible vessels may obtain a licence to fish in the fishing zone.
2. In order for a Union vessel to be eligible, the owner, the master and the Union vessel itself must not be banned from fishing in the fishing zone, nor may the Union vessel be legally listed as an IUU fishing vessel.
3. They must be in compliance with the legislation in force and have fulfilled all prior obligations arising from their fishing activities in the fishing zone.
4. The Union authorities shall submit to the Department the lists of Union vessels applying to engage in fishing activities within the limits laid down in the datasheets annexed to this Protocol, at least 20 days before the fishing licences applied for are due to become valid.

Those lists shall:

- (a) be sent to the Department by electronic mail using addresses to be communicated, by Exchange of Letters, before the date of application of this Protocol;
 - (b) state the number of Union vessels per fishing category and management area and, for each Union vessel, its main characteristics, the amounts to be paid broken down by heading, the gear(s) to be used during the period applied for and, for category 6, the requested quota in tonnes of catches in the form of monthly forecasts.
5. With respect to category 6, if, in any given month, catches:
 - (a) reach the Union vessel's provisional monthly quota before the end of the month in question, the shipowner may send the Department, via the Union authorities, an adjusted provisional monthly catch forecast and a request for an extension of its provisional monthly quota;
 - (b) remain below the Union vessel's provisional monthly quota, the corresponding amount of the quota or fee shall be carried forward to the next period of activity in the current calendar year.
 6. Individual fishing licence applications, grouped by fishing category, shall be submitted to the Department at the same time as the lists referred to in point 4, based on the sample form provided in Appendix 1.
 7. Each fishing licence application shall be accompanied by the following documents:
 - (a) a copy of the tonnage certificate, duly certified by the flag State;
 - (b) a recent digital colour photograph, with a minimum graphic resolution of 1 400 × 1 050 pixels, authenticated according to the procedures in force in the flag State, showing a lateral view of the Union vessel in its current state with the letters and registration numbers clearly visible. The photograph shall be at least 15 cm by 10 cm in size;
 - (c) proof of payment of the annual fees for the fishing licence as defined by the applicable legislation and of fees and observer expenses as set out in Section E;
 - (d) any other documents or certificates required under the specific provisions applicable to the type of Union vessel concerned pursuant to this Protocol.
 8. Where a fishing licence is renewed year after year pursuant to this Protocol in respect of a Union vessel whose technical characteristics have not changed, the renewal application shall only be accompanied by proof of payment of the fishing licence fees, other fees and the observers' expenses.
 9. The fishing licence application forms and all documents referred to in point 7 that contain information necessary for the drawing-up of fishing licences shall be submitted by the Union authorities to the Department by electronic mail.

B. ISSUING OF FISHING LICENCES

1. The Department shall issue fishing licences to the Union authorities, via the for all Union vessels within 15 days of receipt of all the documents referred to in points 6 and 7 of Section A.
2. If applicable, the Department shall notify the Union authorities of the reasons why a licence application has been refused.
3. Fishing licences shall be drawn up in accordance with the information in the datasheets in Appendix 2, and shall mention in particular the management area, the distance from the coast, information relating to VMS (serial number of the VMS transponder), the authorised gears, the main species, authorised mesh sizes, allowable by-catches and, for category 6, the Union vessel's provisional monthly catch quotas.
4. The Union vessel's provisional monthly quota may be extended, subject to the catch limits laid down in the relevant datasheet.
5. Fishing licences shall be issued only for Union vessels having complied with all the administrative formalities required in this regard.
6. The Parties shall seek agreement on promoting the introduction of an electronic fishing licence system.

C. VALIDITY AND USE OF FISHING LICENCES

1. Except for the first year, which begins on the date of application of this Protocol and ends on 31 December at the latest, fishing licences shall be valid for a period of:
 - (a) one calendar year (for category 5), corresponding to the period from the date on which the licence becomes valid until 31 December;
 - (b) one quarter (for categories 1, 2, 3 and 4), corresponding to one of the three-month periods beginning on 1 January, 1 April, 1 July or 1 October;
 - (c) one month (for category 6), corresponding to the period from the date on which the licence becomes valid until the end of the month.

For the last year of application, which begins on 1 January and ends on the date of expiry of this Protocol, the above periods shall, as the case may be, effectively be shortened as a result of this Protocol's expiry.

2. A fishing licence shall be valid only for the period covered by the fees paid and for the management area, type of gear and fishing category specified in the fishing licence.
3. A fishing licence shall be issued for a given Union vessel and shall not be transferable. However, in the event of proven *force majeure*, such as the loss or prolonged immobilisation of a Union vessel due to a serious technical failure, duly established by the competent authorities of the flag State, a Union vessel's licence shall be cancelled if the Union authorities so request. A new licence shall be issued as soon as possible under the provisions on licence applications and the issue of fishing licences to another Union vessel belonging to the same category with a tonnage not exceeding that of the Union vessel whose licence was cancelled.
4. If a fishing licence is cancelled, the shipowner or their agent shall return the cancelled fishing licence to the Department.
5. A fishing licence must be held on board the Union vessel at all times and presented to the inspection authorities each time an inspection takes place.

D. FISHING LICENCE FEES AND OTHER FEES

1. Annual fishing licence fees shall be set out in the Moroccan laws and regulations governing fishing activities in the fishing zone.
2. Licence fees shall cover the calendar year in which the fishing licence is issued and shall be payable when the first fishing licence for that year is applied for. The amounts of such fishing licence fees shall include all related fees and taxes, with the exception of port taxes and service charges.
3. In addition to the fishing licence fees, other fees shall be calculated for each Union vessel on the basis of the rates set out in the datasheets in Appendix 2.
4. The fees shall be calculated pro-rata to the period for which the fishing licence is effectively valid, taking into account any biological recovery periods.

E. TERMS OF PAYMENT

1. Fishing licence fees, other fees and observers' expenses shall be payable, in the name of the Ministerial Treasurer of the Ministry of Agriculture, Sea Fisheries, Rural Development, Water and Forests, into bank account No 0018100078000 20110750201 at the Bank Al Maghrib (Morocco) before fishing licences are issued.
2. The fee for catches of category 5 vessels shall be paid as follows:
 - (a) The amount of the flat-rate advance (EUR 7 000 per vessel) referred to in the datasheet shall be paid before the fishing activity begins.
 - (b) The advance shall be calculated pro-rata to the duration of the validity of the fishing licence.
 - (c) The Union authorities shall submit to the Department, before 30 June, a statement of the fees due for the previous year, on the basis of each shipowner's catch reporting, verified and validated by the competent authorities of the flag State and by the authorities of the Kingdom of Morocco.
 - (d) For the last year of application, the statement of the fees due for the previous fishing year shall be notified within four months of expiry of this Protocol.
 - (e) The final statement shall be sent to the shipowners concerned, who shall have 30 days to discharge their financial obligations from the date the Department notifies its approval of the figures. Proof of payment by the shipowner, made out in euros in the name of the Treasurer-General of Morocco and paid into the account mentioned in point 1, shall be sent to the Department by the Union authorities no later than one and a half months after that notification.
 - (f) However, if the amount of the final statement is less than the advance mentioned in points (a) and (b), the difference shall not be reimbursable.
 - (g) Shipowners shall take all necessary steps to ensure that any additional payments are paid within the time limit set out in point (e).
 - (h) Failure by a shipowner to comply with the obligations set out in point (e) shall result in automatic suspension of its fishing licence until such obligations have been met.
3. The fees relating to quotas assigned to category 6 trawlers are to be paid as follows:
 - (a) the fee for the Union vessel's provisional monthly quota requested by the owner shall be paid before the fishing activity begins;
 - (b) if the provisional monthly quota referred to in point 5 of Section A is extended, the fee covering the extension must be received by the authorities of the Kingdom of Morocco before fishing resumes;
 - (c) if the provisional monthly quota and any extension are exceeded, the amount of the fee corresponding to the excess volume shall be increased by a factor of 3. The monthly balance, calculated on the basis of actual catches, shall be paid within two months of the month in which the catches were made.

CHAPTER II**MANAGEMENT AREAS**

1. The management areas for each fishing category shall be set out in detail in the datasheets in Appendix 2.
2. Before the date of application of this Protocol, the authorities of the Kingdom of Morocco shall communicate to the Union authorities the geographical coordinates of the management areas and any areas within them where fishing is banned.
3. This information shall be transmitted electronically, in decimal form N/S DD.ddd (WGS84).
4. Any changes to those coordinates must be notified to the Union immediately.
5. The Union may, if necessary, request further information on those coordinates.

CHAPTER III

ARRANGEMENTS FOR IMPLEMENTING SCIENTIFIC FISHING

1. The Parties shall jointly decide on:
 - (a) the Union operators that will carry out the scientific fishing campaign (hereinafter referred to as the 'campaign');
 - (b) the most appropriate period for this purpose; and
 - (c) the conditions that will apply.
2. To facilitate exploratory work by Union vessels, the Department shall forward any available scientific data and other basic data.
3. The Parties shall agree on a scientific protocol to be used as a basis for the campaign, which shall be forwarded to the operators concerned.
4. The campaign duration shall be a minimum of 3 and a maximum of 6 months, unless otherwise agreed by the Parties.
5. The Union authorities shall send the authorities of the Kingdom of Morocco an application for a fishing licence for the scientific fishing campaign, accompanied by a technical file specifying:
 - (a) the technical characteristics of the Union vessel;
 - (b) the level of expertise of the Union vessel's officers with respect to fishing;
 - (c) the proposal for the technical parameters of the campaign (duration, gear, exploration areas, etc.);
 - (d) the form of funding.
6. If necessary, the Department shall set up a dialogue regarding technical and financial aspects with the Union authorities, and possibly with the shipowners concerned.
7. Before the start of the campaign, the Union vessel shall report to a port designated by the authorities of the Kingdom of Morocco for inspections, including those provided for in Chapter VIII, point 1 of this Annex.
8. Before the start of the campaign, the shipowners shall submit the following to the Department and to the Union authorities:
 - (a) reports of catches already on board;
 - (b) the technical characteristics of the fishing gear to be used during the campaign; and
 - (c) assurance that they will comply with the applicable regulatory requirements.
9. During the campaign, the shipowners concerned shall:
 - (a) send the Department and the Union authorities a weekly report on catches per day and by haul, including a description of the campaign's technical parameters (position, depth, date and time, catches and other observations or comments);
 - (b) communicate the Union vessel's position, speed and course by VMS;
 - (c) ensure that a scientific observer of Moroccan nationality or chosen by the authorities of the Kingdom of Morocco is present on board in accordance with the provisions on observers described in Chapter VII. Unless the Parties agree otherwise, the Union vessel shall never be obliged to put into harbour more than once every two months;
 - (d) submit their Union vessel for inspection before it leaves the fishing zone if the authorities of the Kingdom of Morocco so request,
 - (e) comply with Moroccan fishing laws and regulations; catches, including by-catches, made during the campaign shall remain the property of the shipowner, provided they comply with the arrangements put in place in this regard by the Joint Committee and with the scientific protocol.
10. The Department shall appoint a contact person responsible for addressing any unforeseen problems that might hinder the conduct of the campaign.

CHAPTER IV

SATELLITE MONITORING (VESSEL MONITORING SYSTEM — VMS)**A. GENERAL PROVISIONS**

1. Moroccan regulations governing the operation of satellite tracking and positioning devices shall apply to Union vessels operating or intending to operate in the fishing zone under this Protocol. The flag State shall ensure that Union vessels flying its flag comply with the provisions of those regulations.
2. The activity of any Union vessel authorised under this Protocol must be monitored on a continuous basis, in particular by means of a VMS. More detailed monitoring arrangements shall be laid down by the Joint Committee.
3. The VMS of Union vessels subject to satellite monitoring under this Protocol shall automatically notify Union vessel positions to the fisheries monitoring centre (*Centre de Surveillance et de Contrôle des Pêches*) ('CSCP') of their flag State, which shall transmit them to the Moroccan CSCP.
4. The flag State and the authorities of the Kingdom of Morocco shall each designate a VMS correspondent who shall act as the point of contact:
 - (a) the CSCP of the flag State and of Morocco shall, prior to the date of application of this Protocol, communicate the coordinates (name, address, telephone, telex, email) of their respective VMS correspondent;
 - (b) any changes to the contact details of the VMS correspondent must be notified immediately.

The contact points, whose contact details shall be communicated before the date of application of this Protocol, shall exchange all relevant information on the Union vessels' equipment, the transmission protocols and any other function necessary for satellite monitoring.

B. VMS DATA

1. All position reports of a Union vessel which is fishing under the Fisheries Agreement and is subject to satellite tracking under this Protocol shall, once it has entered the fishing zone, be transmitted immediately by the CSCP of the flag State to the Moroccan CSCP. These messages shall be sent as follows:
 - electronically using a secure protocol,
 - with a frequency of two hours or less, and
 - in the format indicated in Appendix 3.
2. The NAF format shall be used until the changeover to the new UN-CEFACT format. The authorities of the Kingdom of Morocco shall determine the period necessary for the changeover to the UN-CEFACT format in the FLUX protocol, taking into account any technical constraints as regards integrating this new format and the FLUX protocol. They shall define the trial period required before a transition can be made to effective use of the new format and the FLUX protocol. Once these trials have been successfully completed, the Parties shall, as soon as possible, set the effective date of application jointly, in the Joint Committee or by Exchange of Letters.
3. Each position message shall contain:
 - (a) the Union vessel identification;
 - (b) the most recent geographical position of the Union vessel (longitude, latitude), with a margin of error of less than 100 metres, and with a confidence interval of 99 %;
 - (c) the date and time the position is recorded;
 - (d) the Union vessel's speed and course.
4. VMS positions shall be encoded using:
 - (a) the code 'ENT' for the first position recorded after entry into the fishing zone;
 - (b) the code 'POS' for all following positions;
 - (c) the code 'EXI' for the first position recorded after exit from the fishing zone;
 - (d) the code 'MAN' for positions transmitted manually in accordance with Section C, point 3.

5. The CSCP of the flag State shall ensure the automatic processing and electronic transmission of position messages. Position messages shall be securely recorded and shall be stored in a database for a period of three years. However, in the event of technical constraints this period may be shortened by mutual agreement.
6. The components of the software and of the hardware of the satellite monitoring equipment used must be:
 - (a) reliable, not allowing positions to be falsified or any manual manipulation;
 - (b) fully automatic and operational at all times regardless of environmental and weather conditions.
7. It is forbidden to move, disconnect, destroy, damage or render inoperative the continuous tracking system using satellite communications placed on board the Union vessel for the purposes of data transmission or to intentionally alter, divert or falsify data transmitted or recorded by such a system.
8. Masters of Union vessels shall at all times ensure that:
 - (a) data are not altered;
 - (b) the antenna or antennas connected to the satellite-tracking equipment are not obstructed in any way;
 - (c) the power supply of the satellite-tracking equipment is not interrupted;
 - (d) the VMS equipment is not removed from the Union vessel.
9. The Parties agree to exchange, for monitoring and inspection purposes, information relating to the equipment used where necessary and upon request.

C. TECHNICAL BREAKDOWN OR FAILURE AFFECTING A UNION VESSEL'S MONITORING EQUIPMENT

1. The Department and the Union authorities must be immediately informed by the flag State of any technical breakdown or failure affecting the equipment used for the continuous monitoring by satellite installed on board a Union vessel.
2. The defective equipment must be replaced within 10 working days of the failure being notified by the flag State to the Moroccan CSCP. After that period, the Union vessel in question must return to a port designated by the authorities of the Kingdom of Morocco for regulatory follow-up and repair, or leave the zone provided that the flag State has sent the inspection report on the defective equipment to the Moroccan CSCP and informed it of the reasons for the breakdown.
3. Until such time as the equipment has been replaced, the master of the Union vessel shall send a global position report every four hours manually by electronic mail, radio or fax to the CSCP of the flag State, stating the positions recorded by the master of the Union vessel under the conditions referred to in Section B.
4. These manual messages shall be immediately recorded by the CSCP of the flag State in the database referred to in point 5 of Section B, and transmitted without delay by the CSCP of the flag State to the Moroccan CSCP, using the same protocol and format as described in Appendix 3.

D. NON-RECEPTION OF VMS DATA BY THE MOROCCAN CSCP

1. If the Moroccan CSCP establishes that the flag State is not transmitting the information specified in Section B, the Union authorities and the flag State concerned shall be informed thereof immediately.
2. The CSCP of the flag State and/or the Moroccan CSCP shall immediately inform each other of any operational anomaly relating to the communication and reception of position messages in order to find a technical solution as soon as possible. The authorities of the Union shall be informed of the solution found by the two CSCPs.
3. Any messages not transmitted during this downtime shall be re-broadcast as soon as communication between the CSCP of the flag State concerned and the Moroccan CSCP is re-established.
4. The CSCP of the flag State and the Moroccan CSCP shall agree, prior to the date of application of this Protocol, on the alternative means of electronic communication to be used in order to transmit VMS data in the event of a communication failure between the CSCPs, and shall immediately inform each other of any changes thereto.

5. Communication failures between the Moroccan CSCP and Union flag States should not affect the normal operation of Union vessels' fishing activities. However, the type of transmission agreed under point 4 must be used immediately.
6. The authorities of the Kingdom of Morocco shall keep their competent inspection services informed to ensure that Union vessels are not considered non-compliant because of a failure to transmit VMS data which is down to the CSCP or the means of transmission agreed under point 4.

E. PROTECTION OF VMS DATA

1. All monitoring data communicated by one Party to the other in accordance with these provisions shall be used by the authorities of the Kingdom of Morocco exclusively for the MCS of EU fishing vessels engaged in fishing under this Agreement, or for research studies carried out by Morocco in the context of fisheries management and development.
2. This information may not under any circumstances or for any reason be communicated to third parties.
3. In the event of a dispute over the interpretation or application of the provisions of Chapter IV, the Parties shall consult each other in the Joint Committee provided for in Article 13 of the Fisheries Agreement, which shall decide on the matter.
4. The Parties agree to amend these provisions in the Joint Committee if necessary.

CHAPTER V

CATCH REPORTING

A. FISHING LOGBOOK

1. The master of a Union vessel shall be required to use the fishing logbook for which templates are provided in Appendices 4 and 5, and to keep it up to date in accordance with the provisions set out in the explanatory note to that logbook.
2. The shipowner shall be required to forward a copy of the logbook to its competent authorities no later than 15 days after catches have been landed. Those authorities shall immediately forward the copies to the Union authorities and the Department. The fishing logbook must be completed and transmitted even if no catches are made.
3. Failure by a shipowner to comply with the obligations set out in points 1 and 2 shall result in automatic suspension of the fishing licence until such obligations have been met. The authorities of the Union shall be informed without delay of any such decision.

B. QUARTERLY CATCH REPORTING

1. By the end of each quarter, the Union authorities shall submit to the Department their data regarding quantities caught by Union vessels in the previous quarter, using the templates provided in Appendices 6 and 7.
2. This information shall be broken down by month and by category for each Union vessel and each species specified in the logbook.
3. The data shall also be sent to the Department in a computer file in a format compatible with software used by the Department.

C. RELIABILITY OF DATA

The information in the documents referred to in Sections A and B must reflect the actual fishing situation so that it can be used, among other data, as a basis for monitoring stock trends.

D. TRANSITION TO AN ELECTRONIC SYSTEM

1. Until the changeover to the new UN-CEFACT format using the Commission's FLUX network, all catch and reporting data shall be transmitted through the ERS via the Commission's Data Exchange Highway (DEH) in XML EU_ERS 3.1.0 format.
2. During the first six months of this Protocol the Parties shall conduct the necessary trials to ensure that the ERS is operational.

3. The Parties intend to implement the ERS and to replace paper-based fishing logbooks and catch reporting by ERS data at the end of the trial period, which they may agree to extend if necessary.
4. The Parties shall, by mutual agreement, use the ERS transmission mode and format set out in technical provisions to be defined and further specified by Exchange of Letters before the date of application of this Protocol.

E. LANDINGS OUTSIDE MOROCCO

The shipowner shall send landing declarations for catches made under this Protocol to its competent authorities no later than 15 days after the catches are landed. They shall send a copy, within the same period, to the Delegation and to the authorities of the Kingdom of Morocco using addresses to be communicated, by Exchange of Letters, before the date of application of this Protocol.

Failure by the shipowner to comply with these obligations shall result in automatic suspension of its fishing licence until such obligations have been met. The authorities of the Union shall be informed without delay of any such suspension.

CHAPTER VI

SIGNING-ON OF MOROCCAN SEAMEN

1. A shipowner having been awarded a fishing licence under this Protocol shall sign on Moroccan seamen, as provided for in the datasheets in Appendix 2, for the duration of their activity in the fishing zone.
2. The shipowner may select the seamen they take on board their fishing vessels:
 - (a) either from the official list of successful candidates of maritime training schools transmitted by the Department to the Union authorities and forwarded by them to the flag States concerned. The list is updated on 1 February every year; the shipowner is free to select the candidates with the best expertise and most suitable experience from the list of successful applicants;
 - (b) or from seamen who prove that they have been taken on board Union vessels under previous protocols.
3. Employment contracts for the Moroccan seamen shall be drawn up between the shipowners' agent(s) and the seamen and/or their trade unions or representatives in consultation with the authorities of the Kingdom of Morocco, and a copy of the contract shall be given to the parties who signed it. The contracts shall guarantee the seamen the social security cover applicable to them, including life assurance and sickness and accident insurance.
4. The shipowner or its representative must send a copy of the contract to the Department via the Delegation.
5. The shipowner or agent shall inform the Department, via the Delegation, of the names of the Moroccan seamen taken on board each Union vessel, mentioning their position in the crew.
6. The Delegation shall send the Department, on 1 February and 1 August, a half-yearly summary of the Moroccan seamen taken on board each Union vessel, with details of their registration.
7. Moroccan seamen's wages shall be paid by the shipowners. They shall be fixed, before fishing licences are issued, by mutual agreement between the shipowners or their agents and the Moroccan seamen concerned or their representatives. However, wages of Moroccan seamen may not be lower than those payable to Moroccan crews and shall comply with ILO standards and shall, under no circumstances, be below those standards.
8. If one or more seamen employed on board fail to report at the time agreed for the Union vessel's departure, the master shall be permitted to start the planned trip once they have informed the competent authorities in the port of embarkation of the shortfall in the number of seamen required and updated the crew list. Those authorities shall inform the Department thereof.
9. The shipowner shall take all necessary steps to ensure that the required number of seamen are signed on by the fishing vessel by the next trip at the latest.
10. Where Moroccan seamen are not signed on for reasons other than that specified in point 8, the shipowner concerned shall be required to pay, within a maximum of three months, a flat-rate amount of EUR 20 per Moroccan seaman not taken on board and per day of fishing in the fishing zone.

11. This amount shall be used for the training of Moroccan fishermen and shall be paid into bank account No 0018100078000 20110750201 at Bank Al Maghrib (Morocco).
12. Except as provided for in point 8, repeated failure by a shipowner to sign on the requisite number of Moroccan seamen shall result in automatic suspension of the Union vessel's fishing licence until this obligation has been met. The Delegation shall be informed without delay of any such suspension.

CHAPTER VII

OBSERVATION OF FISHING

1. Union vessels authorised to fish in the fishing zone under this Protocol shall take on board observers appointed as 'scientific observers' by the authorities of the Kingdom of Morocco. The results of these observers' work may be used for scientific and/or inspection purposes.
2. The coverage rate and duration of such observation are specified per category in the datasheets in Appendix 2.
3. Appointed observers shall be taken on board under the following conditions:
 - (a) The Department shall draw up a list of Union vessels designated to take an observer on board and a list of appointed observers. These lists shall be sent to the Delegation as soon as they have been drawn up.
 - (b) The Department shall inform the shipowners concerned, through the Delegation, of the name of the observer appointed to be taken on board their Union vessel at the time the fishing licence is issued, or no later than 15 days before the observer is due to embark.
4. The arrangements for taking the observer on board shall be agreed between the shipowner or its agent and the authorities of the Kingdom of Morocco.
5. The shipowner concerned shall make known the date and the port designated by the authorities of the Kingdom of Morocco for taking the observer on board no later than two weeks before the boarding is due to take place.
6. The observer shall be taken on board at a port chosen by the shipowner at the beginning of the first trip in the fishing zone after the list of designated Union vessels has been notified.
7. Where the observer is taken on board in a foreign country, their travel expenses shall be borne by the shipowner. Should a vessel with an observer on board leave the fishing zone, all measures must be taken to ensure the observer's return to Morocco as soon as possible at the shipowner's expense.
8. If the observer remains inactive during a trip due to failure by the shipowner to meet their commitments, the shipowner shall pay the observer's travel expenses and daily allowances equal to those received by Moroccan national officials of an equivalent grade, for each day of inactivity. Similarly, in the event of a delay in embarkation which is due to the shipowner, the shipowner shall pay the observer those daily allowances.
9. Any amendment to the rules on daily allowances shall be notified to the Delegation no later than two months before it enters into force.
10. If the observer is not present at the time and place agreed during the 12 hours following the time agreed, the shipowner shall be automatically absolved of his duty to take the observer on board.
11. Observers shall be treated on board as officers. They shall carry out the following tasks:
 - (a) observe the Union vessels' fishing activities;
 - (b) verify the position of Union vessels engaged in fishing operations;
 - (c) perform biological sampling in the context of scientific programmes;
 - (d) record the fishing gear used;
 - (e) verify the data on catches in the fishing zone recorded in the logbook;
 - (f) verify the by-catch rates and estimate the quantity of discards of species of marketable fin-fish, crustaceans and cephalopods;
 - (g) report fishing data by fax or electronically, including the quantity of catches and by-catches on board.

12. The master shall do everything in their power to ensure the physical safety and welfare of the observer during the performance of their duties.
13. The observer shall be offered every facility needed to carry out their duties. The master shall facilitate the observer's access to the means of communication needed to discharge their duties, to documents directly concerned with the Union vessel's fishing activities, in particular the logbook and the navigation log, and to any part of the Union vessel as required to allow the observer to accomplish their tasks.
14. While on board, the observer shall:
 - (a) take all appropriate steps to ensure that the manner of their boarding and their presence on board the Union vessel neither interrupt nor hamper fishing operations;
 - (b) take care of the material and equipment on board and respect the confidentiality of all documents belonging to the Union vessel.
15. At the end of the observation period and before leaving the Union vessel, the observer shall draw up an activity report to be transmitted to the authorities of the Kingdom of Morocco, with a copy to the Delegation. The scientific observer shall sign it in the presence of the master, who may add or have added to it any observations considered relevant, followed by the master's signature. A copy of the report shall be handed to the master of the Union vessel when the observer is put ashore.
16. The observer shall be provided with board and lodging at the shipowner's expense in the same conditions as officers, within the confines of the structure of the Union vessel.
17. The observer's salary and social contributions shall be borne by the authorities of the Kingdom of Morocco.
18. In order to cover the costs arising from the presence of observers on board Union vessels, in addition to the fee payable by shipowners, provision is also made for 'observers' expenses' to be paid, calculated at the rate of EUR 5,5 per gross tonnage (GT) per quarter and per Union vessel fishing in the fishing zone. These costs shall be paid in accordance with the payment terms set out in Section E of Chapter I of this Annex.
19. Failure by the shipowner to comply with the obligations set out in points 1-18 shall lead to suspension of its fishing licence until such time as the obligations have been met. The Delegation shall be informed without delay of any such suspension.

CHAPTER VIII

MONITORING AND INSPECTION

A. TECHNICAL INSPECTIONS

1. Once every calendar year, and after any change to their technical characteristics or following a request for a change of fishing category necessitating the use of a different type of fishing gear, Union vessels holding a fishing licence under this Protocol shall report to a port designated by the authorities of the Kingdom of Morocco to undergo the technical inspections provided for by the applicable regulations. Such technical inspections shall take place within 48 hours of the Union vessel arriving in port.
2. Once the technical inspection has been completed, the master of the Union vessel shall be issued with a certificate of conformity with the same period of validity as the fishing licence. The certificate shall be automatically extended for Union vessels renewing their licence in the course of the calendar year. However, the maximum period of validity may not exceed one year. This certificate must be kept on board at all times.
3. A technical inspection takes place to verify that the Union vessel's technical characteristics and gear are in compliance and its satellite tracking and positioning device in working order, and to ensure that the provisions relating to the Moroccan crew have been complied with.
4. Charges for technical inspections are payable by the shipowner, and shall be set according to the scale laid down in the Moroccan regulations. They may not be higher than the amount normally paid by other vessels for the same services.

5. Failure by the shipowner to comply with points 1, 2 and 3 shall result in automatic suspension of its fishing licence until such time as the obligations have been met. The Delegation shall be informed without delay of any such suspension.

B. ENTERING AND LEAVING THE ZONE

1. Union vessels holding a fishing licence in accordance with this Protocol shall notify the Department by electronic mail, at least 6 hours in advance, of their intention to enter or leave the fishing zone, together with the following information:
 - (a) the date and time of transmission;
 - (b) the position of the Union vessel in accordance with Section B of Chapter IV;
 - (c) the weight in kilograms and catches per species held on board, identified using the Alpha-3 code;
 - (d) messages such as 'catches on entry' (COE) and 'catches on exit' (COX).
2. For category 1 and 2 Union vessels the notification period referred to in point 1 shall be reduced to 1 hour.
3. This information should preferably be sent by electronic mail or fax, the details of which shall be communicated by Exchange of Letters before the date of application of this Protocol.
4. The final exit from the fishing zone of category 6 Union vessels shall be subject to the Department's prior authorisation. This authorisation shall be issued within 24 hours of the request being made by the ship's master or agent, with the exception of a request arriving on the day before a weekend, in which case the authorisation shall be issued on the following Monday. If authorisation is withheld, the Department shall notify the shipowner and the Union authorities without delay of the reasons for such refusal.
5. A Union vessel found to be fishing without having informed the Department shall be regarded as a Union vessel without a fishing licence.
6. The shipowner shall indicate the fax and telephone numbers of the vessel and the master's email address on the fishing licence application form.

C. INSPECTION PROCEDURES

1. The master of a Union fishing vessel holding a licence under this Protocol shall allow any Moroccan official responsible for checking and monitoring fishing activities to board the vessel and shall facilitate the discharge of their duties.
2. These officials shall not remain on board for longer than is necessary for the discharge of their duties.
3. An inspection report shall be drawn up by the inspector after each inspection. The report shall be co-signed by the master of the Union vessel, who shall be entitled to add comments. A copy shall be issued to the master.

D. BOARDING

1. The Department shall inform the Delegation as soon as possible, and at the latest within 48 hours, of any boarding of a Union vessel that takes place in the fishing zone.
2. The Union authorities shall at the same time receive a brief report on the circumstances and the reasons that led to the boarding.
3. The master shall take the Union vessel to the port indicated by the authorities the Kingdom of Morocco responsible for inspections. A Union vessel in breach of Moroccan sea fishing regulations shall be kept in port until all regulatory formalities have been completed.

E. STATEMENT OF INFRINGEMENT

1. Once an infringement has been recorded in the report drawn up by the authorities of the Kingdom of Morocco responsible for inspections, the master of the Union vessel shall sign that report. If the master refuses or is prevented from signing, this shall be recorded in the report.

2. The master's signature, or the lack thereof, shall not prejudice the rights of the master or any defence which the master may make to contest the alleged infringement.

F. SETTLEMENT OF INFRINGEMENTS

1. Before any judicial procedure is initiated, an attempt shall be made to resolve the recorded infringement by means of an amicable settlement in accordance with Moroccan fisheries regulations.

Acceptance of the amicable settlement procedure shall be given no later than three working days after receipt of the shipowner's duly submitted request in this regard. Such acceptance shall be evidenced by the drawing-up of a collection document issued to the shipowner for payment of the amount due within a specific time limit. If payment is made within that time limit the settlement shall be considered final, and if the time limit is exceeded the Department will take legal action.

2. In the event of an amicable settlement, the amount of the fine shall be determined in accordance with Moroccan fisheries regulations.
3. If the case cannot be settled by means of amicable settlement and is brought before a competent judicial body, a bank security, sufficient to guarantee enforcement of the financial penalties, shall be deposited by the shipowner in a bank account at the Bank Al Maghrib (Morocco) which shall be communicated by Exchange of Letters before the date of application of this Protocol.
4. The bank security shall be irrevocable until the legal proceedings have been concluded. If the legal proceedings end without a conviction it shall be released at once. Similarly, in the event of a conviction leading to a fine of less than the security lodged, the balance shall be released by the authorities of the Kingdom of Morocco.
5. The Union vessel shall be authorised to leave the port:
 - (a) once the obligations arising under the amicable settlement have been fulfilled; or
 - (b) when the bank security referred to in point 3 above has been lodged and accepted by the authorities of the Kingdom of Morocco, pending completion of the legal proceedings.

G. TRANSHIPMENT

1. Any transshipment of catches at sea shall be prohibited in the fishing zone. However, category 6 Union vessels wishing to tranship catches in the fishing zone may do so in or off a port designated by the authorities of the Kingdom of Morocco provided the Department has given its authorisation. Such transshipment shall take place under the supervision of the observer or of a representative of the Department and the inspection authorities. Any person infringing this provision shall be liable to the penalties provided for by the applicable Moroccan regulations.
2. Before any transshipment, the owner of the fishing vessel must submit the following information to the Department at least 72 hours in advance:
 - (a) the names of the transshipping fishing vessels;
 - (b) the name of the cargo vessel, its flag, registration number and call sign;
 - (c) the tonnage to be transhipped by specie,
 - (d) the destination of catches; and
 - (e) the date and day of transshipment.
3. The authorities of the Kingdom of Morocco reserve the right to refuse transshipment if the carrier Union vessel has carried out IUU fishing inside or outside the fishing zone.
4. Transshipment shall be considered as an exit from the fishing zone. Union vessels must therefore report their catches to the Department and state whether they intend to continue fishing or leave the fishing zone.
5. The master of a category 6 Union vessel that has been granted a licence under this Protocol and is engaged in landing or transshipment operations in a port designated by the authorities of the Kingdom of Morocco shall allow and facilitate the inspection of such operations by Moroccan inspectors. A certificate shall be issued to the master of the Union vessel following each inspection at port.

H. JOINT MONITORING OF FISHING

1. The Parties shall set up a system for the monitoring and observation of landing checks aimed at improving the effectiveness of such checks so as to ensure compliance with the provisions of this Protocol.
2. The practical arrangements for this joint monitoring shall be laid down jointly by the Parties' competent authorities. The Parties shall subsequently draw up an annual joint monitoring plan.
3. The Parties shall designate their representative(s) in the joint monitoring and scheduled audit planning by notifying their name(s) to the other Party. The Department shall submit this information 1 month in advance.
4. The representative of the authorities of the Kingdom of Morocco shall attend, as an observer, inspections carried out by the Member States' national inspection authorities of landings by Union vessels which have operated in the fishing zone.
5. He shall accompany national inspection officials during their inspections in ports, on board Union vessels, in dock, at first-sale auctions and in fish wholesalers' shops, cold stores and other premises for landing and storing fish before it is placed on the market, and shall have access to documents checked during these inspections.
6. The representative of the authorities of the Kingdom of Morocco shall draw up and submit a report on all inspections attended. A copy of the report shall be sent to the Delegation. The authorities of the Kingdom of Morocco reserve the right to use the information collected during such inspections for regulatory control purposes.
7. At the request of the Union authorities, EU fishing inspectors may attend as observers inspections carried out by the authorities of the Kingdom of Morocco on landing operations by EU vessels in ports designated by the authorities of the Kingdom of Morocco.

CHAPTER IX

LANDING OF CATCHES

A. PRINCIPLE

The Parties agree, in the interest of increased integration to encourage joint development of their respective fisheries sector, to adopt the following measures concerning the landing in ports designated by the authorities of the Kingdom of Morocco of a proportion of catches made in the fishing zone by Union vessels granted a fishing licence under this Protocol.

B. DEFINITION

All of the following operations shall be subject to compulsory landing:

- (a) Landing of fresh products for transit by land, generating all taxes linked to the activity carried out at port but no *ad valorem* tax;
- (b) Transshipment at or off a port of frozen products or landing at port in containers;
- (c) Landing of fresh or frozen products under a contract between a Union shipowner and an operator ('shipowner-manufacturer contract');
- (d) Landing of fresh or frozen products to be sold in auction halls or by the *Comptoir d'agrégation du poisson industriel* (CAPI).

C. IMPLEMENTING RULES

The proportion of the catch which is subject to compulsory landing is set out in the datasheets attached to this Protocol.

D. FINANCIAL INCENTIVES

Category 5 vessels, Union vessels using refrigerated seawater (RSW) and category 6 purse seiners, holding a fishing licence under this Protocol which carry out landings in a Moroccan port over and above the mandatory landings rate set out in the datasheets may benefit from a 5 % reduction in the fee for each tonne landed above the mandatory threshold, provided that the landed products pass through the auction hall and are not transhipped and/or transited.

Shipowners who carry out landings in ports outside Morocco are required to submit sales notes to the Department for the purposes of checking quantities not landed in Morocco.

The measurable economic and social impact of such landings, as well as any private partnerships set up between Moroccans and Europeans in fisheries-related sectors, will be assessed in the Joint Committee.

E. PENALTIES IN THE EVENT OF NON-COMPLIANCE WITH THE LANDING REQUIREMENTS

Union vessels in categories subject to compulsory landing which fail to comply with the requirements set out in the relevant datasheets may be made subject to a 15 % increase of the next fee to be paid. Higher penalties shall be set by the Joint Committee for repeated offences.

Penalties imposed for not complying with the landing requirement shall be calculated in terms of the period of validity of the fishing licence for each fishing category (monthly for category 6, quarterly for categories 1 and 4 and annual for category 5).

Higher penalties shall be calculated as follows:

- for categories 1 and 4: increase of the amount of the fee paid quarterly (depending on GT),
 - for category 5: increase of the amount of the annual fee,
 - for category 6, where fees are paid and licences issued monthly: increase of the amount to be paid for the next fee, linked to the 'quota applied for in tonnes of catches based on monthly forecasts'.
-

Appendices

- (1) Fishing licence application form
 - (2) Fishing data sheets
 - (3) Communication of VMS messages to Morocco, position report
 - (4) Tuna fishing logbook
 - (5) Fishing logbook (vessels other than tuna vessels)
 - (6) Quarterly catch reporting form (industrial pelagic vessels)
 - (7) Quarterly catch reporting form (vessels other than industrial pelagic vessels)
-

Appendix 1

MOROCCO — EUROPEAN UNION FISHERIES AGREEMENT

FISHING LICENCE APPLICATION FORM

FISHING CATEGORY NUMBER: ...

I — APPLICANT

1. Name of shipowner:
2. Name of shipowner's association or agent:
3. Address of shipowner's association or agent:
.....
4. Telephone: Fax:
Email:
5. Name of master: Nationality: Email:

II — VESSEL IDENTIFICATION

1. Vessel name:
2. Flag State:
3. External registration number:
4. Port of registry: MMSI: IMO number:
5. Date on which current flag was acquired: .../.../... Previous flag (if any):
6. Year and place of construction: Radio call sign:
7. Call frequency: Satellite telephone number:
8. Hull construction material: Steel ☐ Wood ☐ Polyester ☐ Other ☐

III — TECHNICAL CHARACTERISTICS AND EQUIPMENT

1. Overall length: Width:
2. Gross tonnage (GT): Net tonnage:
3. Power of main engine in kW: Make: Type:
4. Type of vessel: Fishing category:
5. Fishing gear:
6. Fishing zones: Target species:
7. Crew complement:
8. Method of preservation on board: Fresh ☐ Chilling ☐ Mixed ☐ Freezing ☐
9. Freezing capacity in tonnes/24 hours:
10. Hold capacity: Number:
11. VMS transponder:
Manufacturer: Model: Serial No.:
Software version: Satellite operator:

Done at, on

Signature of applicant

Appendix 2

FISHING DATASHEET No 1
SMALL-SCALE SEINING, NORTH

Number of vessels authorised	22
Authorised gear	Seine Maximum permitted size: 500 m × 90 m. Ban on fishing with lampara nets.
Type of vessel	Vessels of less than 150 GT
Fee	EUR 75/GT per quarter
Management area	Northern limit: Parallel 35°47'18"N Southern limit: Parallel 34°18'00"N An extension of up to latitude 33°25'00"N is permitted for five vessels at once, operating on a rotation system, subject to scientific observation, and beyond 2 nautical miles.
Target species	Sardine, anchovy and other small pelagic species
Landing in a port designated by Morocco	30 % of declared catches per vessel and per quarter
Limits on by-catches	maximum 3 %
Biological rest period	February and March
Observers	Vessels of less than 100 GT: One observer taken on board for at most 10 trips per year Vessels of 100 GT or more but less than 150 GT: One observer taken on board for at most one trip in four When there is an observer on board, the number of Moroccan seamen signed on is reduced accordingly.
Signing-on of seamen	Three Moroccan seaman per vessel
Comments	The southward extension of the activity of five seiners to latitude 33°25'00"N is to be reviewed 1 year after application to measure the result of any interaction with the national fleet and the impact on resources.

FISHING DATASHEET No 2
SMALL-SCALE, BOTTOM LONGLINE FISHING, NORTH

Number of authorised vessels	35 vessels, of which: * — 32 vessels of less than 40 GT * — three vessels of 40 GT or more but less than 150 GT
------------------------------	---

Authorised gear	Bottom longlines for vessels of less than 40 GT: 10 000 hooks, 5 bottom longlines Bottom longlines for vessels of 40 GT or more but less than 150 GT: 15 000 hooks, 8 bottom longlines
Type of vessel	Longliner of less than 40 GT Longliner of 40 GT or more but less than 150 GT
Fee	EUR 67/GT per quarter
Management area	Northern limit: Parallel 35°47'18"N Southern limit: Parallel 34°18'00"N An extension of up to latitude 33°25'00"N is permitted for four vessels at once, operating on a rotation system, subject to scientific observation, and beyond 6 nautical miles.
Target species	Demersal shelf fish
Landing in a port designated by Morocco	On a voluntary basis
Limits on by-catches	0 % of swordfish and surface sharks
Biological rest period	15 March — 15 May
Observers	Vessels of less than 100 GT: One observer taken on board for at most 10 trips per year Vessels of 100 GT or more but less than 150 GT: One observer taken on board for at most of 25 % of vessels authorised each quarter, or for one trip in four per vessel When there is an observer on board, the number of Moroccan seamen signed on is reduced accordingly.
Signing-on of seamen	Vessels of less than 100 GT: Voluntary Vessels of 100 GT or more but less than 150 GT: One Moroccan seaman per vessel
Comments	The southward extension of the activity of four seiners to latitude 33°25'00"N shall be reviewed 1 year after application to measure the result of any interaction with the national fleet and the impact on resources.

FISHING DATASHEET No 3

SMALL-SCALE POLE-AND-LINE FISHING, SOUTH

Number of authorised vessels	Maximum 10 vessels
Authorised gear	Pole and line For catching live bait: seine with 8 mm mesh size
Type of vessel	Overall capacity limited to 800 GT for the category as a whole — troller of less than 150 GT — pole-and-line vessel of less than 150 GT

Fee	EUR 67/GT per quarter
Management area	Northern limit: Parallel 30°40'00"N Southern limit: Parallel 20°46'13"N and beyond 3 nautical miles
Target species	Sparidae, rubberlip grunt
Landing in a port designated by Morocco	On a voluntary basis
Limits on by-catches	0 % of cephalopods and crustaceans 5 % of other demersal species
Biological rest period	—
Observers	Vessels of less than 100 GT: One observer taken on board for at most 10 trips per year Vessels of 100 GT or more but less than 150 GT: One observer taken on board for at most of 25 % of vessels authorised each quarter, or for one trip in four per vessel
Signing-on of seamen	Two Moroccan seamen per vessel
Comments	At the end of the scientific fishing campaign, the Joint Committee will study the possibility of including the creels metier in this category.

FISHING DATASHEET No 4

DEMERSAL FISHING WITH BOTTOM TRAWLS AND BOTTOM LONGLINES, SOUTH

Number of authorised vessels	16 vessels, of which — maximum 5 trawlers — 11 longliners
Authorised gear	Bottom trawlers: minimum mesh size 70 mm — doubling of the cod-end is prohibited — doubling of the twine forming the cod-end is prohibited Bottom longliners: maximum 20 000 hooks
Type of vessel	Overall capacity limited to 3 000 GT for trawlers authorised in this category Trawler of 750 GT or less Longliner of 150 GT or less
Fee	EUR 60/GT per quarter
Management area	Northern limit: Parallel 29°00'00"N Southern limit: Parallel 20°46'13"N Beyond the 200 m isobath for trawlers or beyond 12 nautical miles for longliners.

Target species	Black hake, scabbardfish, leerfish/bonito and other demersal fish
Landing in a port designated by Morocco	30 % of declared catches per vessel and per quarter
Limits on by-catches	5 % bottom-dwelling sharks
Biological rest period	Area-related and seasonal bans: — April to May — October to December
Observers	Vessels of less than 100 GT: One observer taken on board for at most 10 trips per year Vessels of 100 GT or more: One observer taken on board for at most 25 % of vessels authorised per quarter in the first and second year of application of the Protocol and 40 % in the third and fourth year of application of the Protocol or one trip in four per vessel in the first and second year of application of the Protocol, and two trips in five in the third and fourth year of application of the Protocol.
Signing-on of seamen	Trawler: eight Moroccan seamen per vessel Longliner: four Moroccan seamen per vessel
Comments	—

FISHING DATASHEET No 5
POLE OR LINE TUNA FISHING

Number of authorised vessels	27
Authorised gear	Troll pole and line For catching live bait: seine with 8 mm mesh size
Type of vessel	Pole-and-line vessels and trollers
Fee	EUR 35/tonne caught
Advance	A flat-rate advance of EUR 7 000 is to be paid when applying for annual licences
Management area	Northern limit: Parallel 35°47'18"N Southern limit: Parallel 20°46'13"N and beyond 3 nautical miles, apart from a protected area east of the line connecting the points 33°30'00"N/7°35'00"W and 35°48'00"N/6°20'00"W For catching live bait: beyond 3 nautical miles
Target species	Tunas
Landing in a port designated by Morocco	25 % of declared catches should, preferably, comprise skipjack (<i>Katsuwonus pelamis</i>), bonito (<i>Sarda sarda</i>) and frigate mackerel (<i>Auxis thazard</i>).

Limits on by-catches	According to ICCAT recommendations
Biological rest period	According to ICCAT recommendations
Observers	According to ICCAT recommendations
Signing-on of seamen	Three Moroccan seaman per vessel
Comments	—

FISHING DATASHEET No 6
INDUSTRIAL PELAGIC OR SEMI-PELAGIC TRAWLING AND PURSE SEINING

Number of authorised vessels	<p>18 vessels, of which</p> <ul style="list-style-type: none"> — 10 vessels of 3 000 GT or more but less than 7 765 GT — four vessels of 150 GT or more but less than 3 000 GT — four vessels of less than 150 GT
Allocated quota	<p>Annual catch limits:</p> <ul style="list-style-type: none"> — 85 000 tonnes (t) the first year, — 90 000 t the second year, — 100 000 t the third and fourth years, <p>applicable to the whole fleet</p> <p>Total monthly ceilings:</p> <ul style="list-style-type: none"> — 0 tonnes/month in January and February for the entire duration of the Protocol — 7 420 t/month in March (first year) — 7 791 t/month in March (second year) — 8 414 t/month in March (third and fourth years) — 10 600 t/month from April to June (first year) — 11 130 t/month from April to June (second year) — 12 020 t/month from April to June (third and fourth years) — 15 900 t/month in July (first year) — 16 695 t/month in July (second year) — 18 031 t/month in July (third and fourth years) — 18 020 t/month from August to October (first year) — 18 921 t/month from August to October (second year) — 20 435 t/month from August to October (third and fourth years) — 13 780 t/month in November (first year) — 14 469 t/month in November (second year) — 15 627 t/month in November (third and fourth years) — 10 600 t/month in December (first year) — 11 130 t/month in December (second year) — 12 020 t/month in December (third and fourth years) <p>For vessels with cold stores (trawlers and seiners) landing at Dakhla port, catches are limited to 200 t per trip between April and June and to 250 t per trip between July and December.</p>

Authorised gear	<p>Pelagic or semi-pelagic trawler:</p> <p>The minimum size of the stretched mesh of the pelagic or semi-pelagic trawl is 40 mm.</p> <p>The bag of the pelagic or semi-pelagic trawl may be strengthened with a piece of netting with a minimum mesh size of 400 mm of stretched mesh and by straps placed at least 1,5 metres apart, except for the strap at the back of the trawl which may not be placed less than 2 metres from the window in the bag.</p> <p>Strengthening or doubling the bag by any other means is prohibited and the trawl may in no case target species other than the authorised small pelagic species.</p> <p>Small pelagics purse seine:</p> <p>Maximum permitted size: 1 000 m × 140 m</p>
Type of vessel	<p>Industrial pelagic freezer trawler</p> <p>Industrial pelagic trawler with cold stores</p> <p>Small pelagics purse seiner with cold stores</p>
Fee	<p>For industrial pelagic freezer trawlers:</p> <p>EUR 110/t paid in advance on a monthly basis</p> <p>For pelagic trawlers and seiners with cold stores:</p> <p>EUR 55/t paid in advance on a monthly basis</p> <p>Fees will be increased by a factor of 3 if authorised catches are exceeded</p>
Management area	<p>Northern limit: parallel 26°07'00"N</p> <p>Southern limit: parallel 20°46'13"N</p> <p>beyond 15 nautical miles for freezer trawlers</p> <p>beyond 12 nautical miles for trawlers and seiners with cold stores</p>
Target species	<p>Sardines, sardinella, mackerel, horse mackerel and anchovy</p> <p>— Horse mackerel/mackerel/anchovy: 58 %</p> <p>— Sardines/sardinella: 40 %</p> <p>Horse mackerel and mackerel may not account for more than 15 % of total monthly catches from April to June.</p>
Landing in a port designated by Morocco	25 % of declared catches
Limits on by-catches	<p>Maximum 2 % of by-catch species</p> <p>The Moroccan regulations on 'small pelagic fisheries' in the South Atlantic lists the permitted by-catch species.</p>
Biological rest period	Authorised fishing vessels must stop all fishing activities in the authorised fishing zone during biological recovery periods laid down by the Department.
Observers	One scientific observer shall be taken on board per vessel throughout its period of activity in the management area.

Signing-on of seamen	Vessels of less than 150 GT: two Moroccan seamen Vessels between 150 and 1 500 GT: four Moroccan seamen Vessels between 1 500 and 5 000 GT: ten Moroccan seamen Vessels between 5 000 and 7 765 GT: 16 Moroccan seamen
Comments	Industrial processing of catches into fishmeal and/or fish oil is strictly prohibited. However, damaged or spoiled fish and the waste resulting from handling catches may be processed into fishmeal or fish oil without exceeding the maximum threshold of 5 % of total allowable catches.

Appendix 3

COMMUNICATION OF VMS MESSAGES TO MOROCCO
POSITION REPORT

Mandatory data to be transmitted in position reports sent in NAF format

Data	Code	Mandatory/optional	Content
Start of record	SR	M	System detail indicating start of record
Addressee	AD	M	Message detail — Addressee Code Alpha-3 country code (ISO-3166)
From	FR	M	Message detail — Sender Code Alpha-3 country (ISO-3166)
Flag State	FS	M	Message detail — Flag State Code Alpha-3 (ISO-3166)
Type of message	TM	M	Message detail — Type of message (ENT, POS, EXI, MAN)
Radio call sign	RC	M	Vessel detail — Vessel international radio call sign (IRCS)
Contracting party internal reference number	IR	M	Vessel detail — Unique contracting party Code Alpha-3 (ISO-3166) followed by number
External registration number	XR	M	Vessel detail — Number on side of vessel (ISO 8859.1)
Latitude	LT	M	Vessel position detail — Position in degrees and decimal degrees N/S DD.ddd (WGS84)
Longitude	LG	M	Vessel position detail — Position in degrees and decimal degrees E/W DD.ddd (WGS84)
Course	CO	M	Vessel course 360° scale
Speed	SP	M	Vessel speed in knots multiplied by 10
Date	DA	M	Vessel position detail — Date of record of UTC position (YYYYMMDD)
Time	TI	M	Vessel position detail — Time of recording UTC position (HHMM)
End of record	ER	M	System detail indicating end of record

The following information is required at the time of transmission to allow the Moroccan CSCP to identify the issuing CSCP:

IP address of the CSCP server and/or DNS references

SSL certificate (complete chain of certification authorities)

Each data transmission is structured as follows:

Characters used must comply with ISO 8859.1.

A double slash (//) and the characters 'SR' indicate the start of a message.

Each data element is identified by its code and separated from the other data elements by a double slash (//).

A single slash (/) separates the field code and the data.

The code 'ER' followed by a double slash (//) indicates the end of the message.

Mandatory data to be transmitted in position reports sent in UN-CEFACT format:

Data	Mandatory/optional	Comments
Addressee	M	Message detail — Addressee Code Alpha-3 country (ISO-3166) Note: Part of the FLUX TL envelope
From	M	Message detail — Sender Code Alpha-3 country (ISO-3166)
Unique message identifier	M	UUID according to RFC 4122 defined by IETF
Date and time of transmission	M	Date and time when the message was created in UTC according to ISO 8601, using the format YYYY-MM-DD- hh:mm:ss
Flag State	M	Message detail — Flag of flag State, Code Alpha-3 country (ISO-3166)
Type of message	M	Message detail — Message type (ENTRY, POS, EXIT, MANUAL)
Radio call sign	M	Vessel detail — Vessel international radio call sign (IRCS)
Contracting party internal reference number	M	Vessel detail — Unique contracting party number (Code Alpha-3 country (ISO-3166)) followed by number
External registration number	M	Vessel detail — Number on side of vessel (ISO 8859.1)
Latitude	M	Vessel position detail — Position in degrees and decimal degrees DD.ddd (WGS-84) Positive coordinates for positions north of the Equator; Negative coordinates for positions south of the Equator.
Longitude	M	Vessel position detail — Position in degrees and decimals DD.ddd (WGS-84) Positive coordinates east of the Greenwich meridian; Negative coordinates west of the Greenwich meridian.
Course	M	Vessel course 360° scale
Speed	M	Vessel speed in tenths of knots
Date and time	M	Vessel position detail — date and time of recording UTC position (YYYYMMDD) (HHMM)

The transmission of data in UN/CEFACT format is to be structured in the manner set out in the Implementation Paper issued by the European Commission before the date of application of the Protocol.

Appendix 4

TUNA FISHING LOGBOOK

Vessel name:	Gross tonnage:		Month	Day	Year	Port
Flag country:	Capacity — (MT):	Vessel DEPARTED:				
Registration No:	Master:	Vessel RETURNED:				
Shipowner:	No of crew:	No of days at sea:	No of fishing days:			
Address:	Reporting date:	No of sets made:	Trip number:			
.....	(Reported by):					

	Longline
	Live bait
	Purse seine
	Trawl
	Other

Date		Sector		Surface water temp. (°C)	Fishing effort Number of hooks used	Catches																				Bait used					
Month	Day	Latitude N/S	Longitude E/W			Bluefin tuna <i>Thunnus thynnus</i> or <i>maccoyii</i>		Yellowfin tuna <i>Thunnus albacares</i>		Bigeye tuna <i>Thunnus obesus</i>		Albacore <i>Thunnus alalunga</i>		Swordfish <i>Xiphias gladius</i>		Striped marlin Norway pout <i>Tetrapturus audax</i> or <i>albidus</i>		Black marlin <i>Makaira indica</i>		Sailfish <i>Istiophorus albicans</i> or <i>platypterus</i>		Skipjack tuna <i>Katsuwonus pelamis</i>		Miscellaneous fish		Daily total (weight in kg only)		Saury	Squid	Live bait	Other
						Num-ber	kg	No	kg	No	kg	No	kg	No	kg	No	kg	No	kg	No	kg	No	kg	No	kg	No	kg				
LANDING WEIGHT (IN KG)																															

Comments

1 — Use one sheet per month and one line per day.

2 — At the end of each trip, forward a copy of the log to your correspondent or to the ICCAT, Calle Corazón de María 8, 28002 Madrid, Spain

3 — 'Day' refers to the day the line was set.

4 — Fishing area refers to the position of the vessel. Round off minutes and record degree of latitude and longitude. Be sure to record N/S and E/W.

5 — The last line (landed quantities) should be completed only at the end of the trip. Actual weight at the time of landing should be recorded.

6 — All information reported will be kept strictly confidential.

FISHING LOGBOOK (VESSELS OTHER THAN TUNA VESSELS)

Vessel name: Departed from Date

--	--

--	--

--	--	--	--

--	--

Radio call sign

Type of fishing

Name of master Returned to Date

--	--

--	--

--	--	--	--

Gear Gear code

--	--

 Minimum mesh size

--	--	--

 Gear measurements

--	--	--

 Master's signature

Date	Statistical sector	Number of fishing operations	Duration of fishing (hours)	Estimate of quantities caught per species: whole fish (in kg)												Total weight of catches: whole fish (kg)	Total weight of processed fish (kg)	Total weight of fish roe (kg)	Total weight of fish meal (kg)
				Species name															
				FAO Code															
Total fish landed in a port designated by the authorities of Morocco (kg)																			
Total fish landed in Union or third country port (kg)																			

Appendix 6

QUARTERLY CATCH REPORTING (INDUSTRIAL PELAGIC VESSELS)

SFPA: MOROCCO

YEAR — QUARTER

Vessel name

Flag State

Catches in tonnes

[illegible]

EXCHANGE OF LETTERS

between the European Union and the Kingdom of Morocco accompanying the Sustainable Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco

A. Letter from the Union

Dear Sir/Madam,

I have the honour to refer to the Sustainable Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco (hereinafter 'the Fisheries Agreement') concerning certain provisions of that Agreement.

Following negotiations, the European Union and the Kingdom of Morocco have agreed as follows:

1. With regard to Western Sahara, the Parties reaffirm their support for the United Nations process and the Secretary-General's efforts to achieve a final political solution in accordance with the principles and objectives of the Charter of the United Nations and on the basis of Security Council resolutions.
2. The Fisheries Agreement is concluded without prejudice to the Parties' respective positions:
 - for the European Union, references in the Fisheries Agreement to Moroccan laws and regulations are without prejudice to its position concerning the status of the non-self-governing territory of Western Sahara, whose adjacent waters are part of the fishing zone defined in point (h) of Article 1 of the Fisheries Agreement, and its right to self-determination,
 - for the Kingdom of Morocco, the Sahara region is an integral part of the national territory over which it exercises full sovereignty in the same manner as for the rest of the national territory. Morocco considers that any solution to this regional dispute should be based on its autonomy initiative.

I should be obliged if you would confirm that your Government is in agreement with the above.

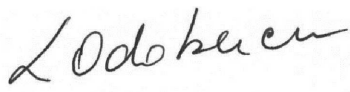
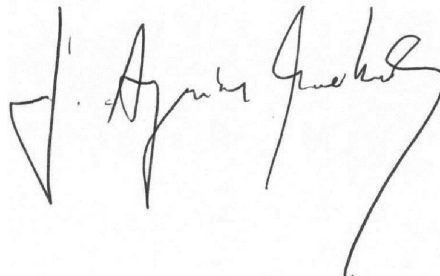
Please accept, Sir, Madam, the assurance of my highest consideration.

Съставено в Брюксел на
 Hecho en Bruselas, el
 V Bruselu dne
 Udfærdiget i Bruxelles, den
 Geschehen zu Brüssel am
 Brüssel,
 Έγινε στις Βρυξέλλες, στις
 Done at Brussels,
 Fait à Bruxelles, le
 Sastavljeno u Bruxellesu
 Fatto a Bruxelles, addì
 Briselē,
 Priimta Briuselyje,
 Kelt Brüsszelben,
 Magħmul fi Brussell,
 Gedaan te Brussel,
 Sporządzono w Brukseli, dnia
 Feito em Bruxelas,
 Întocmit la Bruxelles,
 V Bruseli
 V Bruslju,
 Tehty Brysselissä
 Utfärdat i Bryssel den

14. 01. 2019

حرر ببروكسيل بتاريخ

За Европейския съюз
 Por la Unión Europea
 Za Evropskou unii
 For Den Europæiske Union
 Für die Europäische Union
 Euroopa Liidu nimel
 Για την Ευρωπαϊκή Ένωση
 For the European Union
 Pour l'Union européenne
 Za Europejską uniję
 Per l'Unione europea
 Eiropas Savienības vārdā –
 Europos Sąjungos vardu
 Az Európai Unió részéről
 Ghall-Unjoni Ewropea
 Voor de Europese Unie
 W imieniu Unii Europejskiej
 Pela União Europeia
 Pentru Uniunea Europeană
 Za Európsku úniu
 Za Evropsko unijo
 Euroopan unionin puolesta
 För Europeiska unionen

عن الاتحاد الأوروبي

B. Letter from the Kingdom of Morocco

Dear Sir/Madam,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows:

'Dear Sir/Madam,

I have the honour to refer to the Sustainable Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco (hereinafter 'the Fisheries Agreement') concerning certain provisions of that Agreement.

Following negotiations, the European Union and the Kingdom of Morocco have agreed as follows:

1. With regard to Western Sahara, the Parties reaffirm their support for the United Nations process and the Secretary-General's efforts to achieve a final political solution in accordance with the principles and objectives of the Charter of the United Nations and on the basis of Security Council resolutions.
2. The Fisheries Agreement is concluded without prejudice to the Parties' respective positions:
 - for the European Union, references in the Fisheries Agreement to Moroccan laws and regulations are without prejudice to its position concerning the status of the non-self-governing territory of Western Sahara, whose adjacent waters are part of the fishing zone defined in point (h) of Article 1 of the Fisheries Agreement, and its right to self-determination,
 - for the Kingdom of Morocco, the Sahara region is an integral part of the national territory over which it exercises full sovereignty in the same manner as for the rest of the national territory. Morocco considers that any solution to this regional dispute should be based on its autonomy initiative.

I should be obliged if you would confirm that your Government is in agreement with the above.

Please accept, Sir, Madam, the assurance of my highest consideration.'

I am able to confirm that my Government is in agreement with the content of your letter.

Please accept, Sir, Madam, the assurance of my highest consideration.

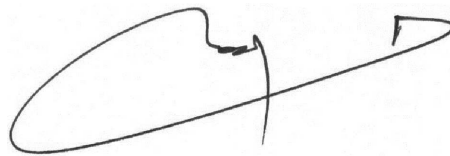
حرر بيروكسيل بتاريخ

Съставено в Брюксел на
 Hecho en Bruselas, el
 V Bruselu dne
 Udfærdiget i Bruxelles, den
 Geschehen zu Brüssel am
 Brüssel,
 Έγινε στις Βρυξέλλες, στις
 Done at Brussels,
 Fait à Bruxelles, le
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 Fatto a Bruxelles, addì
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 Gedaan te Brussel,
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 Feito em Bruxelas,
 Întocmit la Bruxelles,
 V Bruseli
 V Bruslju,
 Tehty Brysselissä
 Utfärdat i Bryssel den

14. 01. 2019

عن المملكة المغربية

За Кралство Мароко
 Por el Reino de Marruecos
 Za Marocké království
 For Kongeriget Marokko
 Für das Königreich Marokko
 Maroko Kuningriigi nimel
 Για το Βασίλειο του Μαρόκου
 For the Kingdom of Morocco
 Pour le Royaume du Maroc
 Za Kraljevinu Maroko
 Per il Regno del Marocco
 Marokas Karalistes vārdā –
 Maroko Karalystės vardu
 A Marokkói Királyság részéről
 Ghar-Renju tal-Marokk
 Voor het Koninkrijk Marokko
 W imieniu Królestwa Marokańskiego
 Pelo Reino de Marrocos
 Pentru Regatul Maroc
 Za Marocké kráľovstvo
 Za Kraljevino Maroko
 Marokon kuningaskunnan puolesta
 För Konungariket Marocko



REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2019/442

of 12 December 2018

amending and correcting Delegated Regulation (EU) 2017/587 to specify the requirement for prices to reflect prevailing market conditions and to update and correct certain provisions

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012 ⁽¹⁾, and in particular Article 4(6), Article 14(7), Article 22(4) and Article 23(3) thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) 2017/587 ⁽²⁾ sets out transparency requirements for trading venues and systematic internalisers in respect of shares, depositary receipts, exchange-traded funds, certificates and other similar financial instruments. In particular, Delegated Regulation (EU) 2017/587 specifies that prices quoted by systematic internalisers reflect prevailing market conditions, as required by Article 14(3) of Regulation (EU) No 600/2014, where those prices are close in price, at the time of publication, to quotes of equivalent sizes for the same financial instrument on the most relevant market in terms of liquidity. Systematic internalisers may therefore provide quotes that are not subject to the minimum price increment ('tick size') with which trading venues are to comply.
- (2) The ability of systematic internalisers to provide quotes using price increments smaller than those available to trading venues may result in marginally better prices available to investors. Those quotes, however, undermine the overall quality of the liquidity available, the efficient valuation and pricing of financial instruments, and the level playing field between trading venues and systematic internalisers. This is most relevant for shares and depositary receipts which are subject to a wider range of tick sizes than other financial instruments.
- (3) To ensure effective price formation, the overall quality of the liquidity available and the efficient valuation of shares and depositary receipts, prices quoted by systematic internalisers for those instruments should only be deemed to reflect prevailing market conditions where those prices are subject to minimum price increments corresponding to the tick sizes applicable to prices published by trading venues.
- (4) Regulation (EU) 2016/1033 of the European Parliament and of the Council ⁽³⁾ removes securities financing transactions from the scope of the transparency provisions for trading venues and systematic internalisers. It is therefore necessary to remove references to securities financing transactions from Delegated Regulation (EU) 2017/587.
- (5) Delegated Regulation (EU) 2017/587 should therefore be amended accordingly.

⁽¹⁾ OJ L 173, 12.6.2014, p. 84.

⁽²⁾ Commission Delegated Regulation (EU) 2017/587 of 14 July 2016 supplementing Regulation (EU) No 600/2014 of the European Parliament and of the Council on markets in financial instruments with regard to regulatory technical standards on transparency requirements for trading venues and investment firms in respect of shares, depositary receipts, exchange-traded funds, certificates and other similar financial instruments and on transaction execution obligations in respect of certain shares on a trading venue or by a systematic internaliser (OJ L 87, 31.3.2017, p. 387).

⁽³⁾ Regulation (EU) 2016/1033 of the European Parliament and of the Council of 23 June 2016 amending Regulation (EU) No 600/2014 on markets in financial instruments, Regulation (EU) No 596/2014 on market abuse and Regulation (EU) No 909/2014 on improving securities settlement in the European Union and on central securities depositories (OJ L 175, 30.6.2016, p. 1).

- (6) A number of provisions of Delegated Regulation (EU) 2017/587 diverge from the draft regulatory technical standards on which that Regulation is based ⁽⁴⁾. To the extent that those divergences are errors that affect the substance of those provisions, they should be corrected.
- (7) This Regulation is based on the draft regulatory technical standards submitted by the European Securities and Markets Authority ('ESMA') to the Commission.
- (8) In accordance with Article 37 of Regulation (EU) No 1095/2010 of the European Parliament and of the Council ⁽⁵⁾, ESMA has conducted open public consultations on the draft regulatory technical standards on which this Regulation is based, analysed the potential related costs and benefits and requested the opinion of the Securities and Markets Stakeholder Group,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Delegated Regulation (EU) 2017/587

Delegated Regulation (EU) 2017/587 is amended as follows:

- (1) in Article 2, point (h) is deleted;
- (2) in Article 6, point (h) is deleted;
- (3) Article 10 is replaced by the following:

'Article 10

Prices reflecting prevailing market conditions

(Article 14(3) of Regulation (EU) No 600/2014)

The prices published by a systematic internaliser shall be deemed to reflect prevailing market conditions where they are close in price, at the time of publication, to quotes of equivalent sizes for the same financial instrument on the most relevant market in terms of liquidity as determined in accordance with Article 4 for that financial instrument.

However, the prices published by a systematic internaliser in respect of shares and depositary receipts shall be deemed to reflect prevailing market conditions only where those prices meet the requirements set out in the first paragraph of this Article and respect minimum price increments corresponding to the tick sizes specified in Article 2 of Commission Delegated Regulation (EU) No 2017/588 ^(*).

^(*) Commission Delegated Regulation (EU) 2017/588 of 14 July 2016 supplementing Directive 2014/65/EU of the European Parliament and of the Council with regard to regulatory technical standards on the tick size regime for shares, depositary receipts and exchange-traded funds (OJ L 87, 31.3.2017, p. 411).'

Article 2

Corrections to Delegated Regulation (EU) 2017/587

Delegated Regulation (EU) 2017/587 is corrected as follows:

- (1) in Article 2, point (b) is replaced by the following:

'(b) the transaction is part of a portfolio trade which includes five or more different shares.'

- (2) in Article 3, paragraph 2 is replaced by the following:

'2. The transparency requirements referred to in paragraph 1 shall also apply to any "actionable indication of interest" as defined in Article 2(1)(33) of Regulation (EU) No 600/2014 and pursuant to Article 3 of that Regulation.'

⁽⁴⁾ Final Report 'Draft Regulatory and Implementing Technical Standards MiFID II/MiFIR' of 28 September 2015 (ESMA/2015/1464).

⁽⁵⁾ Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC (OJ L 331, 15.12.2010, p. 84).

(3) in Article 11, paragraphs 4 and 5 are replaced by the following:

‘4. Before a share, depositary receipt, ETF, certificate or other similar financial instrument is traded for the first time on a trading venue in the Union, the competent authority shall estimate the average value of transactions for that financial instrument taking into account any previous trading history of that financial instrument and of other financial instruments that are considered to have similar characteristics, and ensure publication of that estimate;

5. The estimated average value of transactions laid down in paragraph 4 shall be used to determine the standard market size for a share, depositary receipt, ETF, certificate or other similar financial instrument during a six-week period following the date that the share, depositary receipt, ETF, certificate or other similar financial instrument was first admitted to trading or first traded on a trading venue.’;

(4) in Article 17, paragraph 2 is replaced by the following:

‘2. Competent authorities, market operators and investment firms including investment firms operating a trading venue shall use the information published in accordance with paragraph 1 from 1 April of the year in which the information is published.’

Article 3

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 12 December 2018.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION DELEGATED REGULATION (EU) 2019/443**of 13 February 2019****amending Delegated Regulation (EU) 2017/588 as regards the possibility to adjust the average daily number of transactions for a share where the trading venue with the highest turnover of that share is located outside the Union****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU ⁽¹⁾, and in particular Article 49(3) thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) 2017/588 ⁽²⁾ sets out the mandatory tick size regime for shares, depositary receipts and certain exchange-traded funds. In particular, under Delegated Regulation (EU) 2017/588 the minimum tick size applicable to shares and depositary receipts is calibrated on the basis of the average daily number of transactions on the most liquid trading venue in the Union. This metric is a good and simple liquidity indicator for the vast majority of those financial instruments. It is however not suited to shares that are admitted to trading or traded in the Union and a third country concurrently, where the trading venue with the highest turnover in those shares is located outside the Union. In that case, there is a risk that the mandatory tick size, determined on the basis of Union trading volumes alone, will be based only on a small subset of the overall trading volumes. It is therefore important that competent authorities are allowed to adjust the average daily number of transactions for such shares so as to reflect the overall liquidity profile of those shares. In order to alleviate constraints around data availability from third-country trading venues and allow for the possibility to use other public data, it is also important to provide competent authorities with sufficient flexibility as to the methodology used to take into account the liquidity available on those third-country trading venues.
- (2) The mandatory tick size was introduced to harmonise price increments on trading venues in the Union and to preserve market depth, liquidity and the orderly functioning of equity trading in the Union. To achieve those objectives, it is important that information on the adjusted average daily number of transactions used for determining tick sizes applicable to a share is available to all trading venues that offer trading in that share at the same time and that those trading venues start applying any adjusted average daily number of transactions on the same day. To that end, all competent authorities that supervise trading venues where the share concerned is traded should be informed about any adjustments to the average daily number of transactions for that share prior to the publication of those adjustments and trading venues should be given sufficient time to incorporate those adjustments in their systems.
- (3) To ensure legal certainty and predictability of the mandatory tick size regime, it is important that all trading venues apply tick sizes based on the adjusted average daily number of transactions that reflects the overall liquidity at the same time.
- (4) Delegated Regulation (EU) 2017/588 should therefore be amended accordingly.
- (5) This Regulation is based on the draft regulatory technical standards submitted by ESMA to the Commission.
- (6) ESMA has conducted open public consultations on the draft regulatory technical standards on which this Regulation is based, analysed the potential related costs and benefits and requested the opinion of the Securities and Markets Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1095/2010 of the European Parliament and of the Council ⁽³⁾,

⁽¹⁾ OJ L 173, 12.6.2014, p. 349.

⁽²⁾ Commission Delegated Regulation (EU) 2017/588 of 14 July 2016 supplementing Directive 2014/65/EU of the European Parliament and of the Council with regard to regulatory technical standards on the tick size regime for shares, depositary receipts and exchange-traded funds (OJ L 87, 31.3.2017, p. 411).

⁽³⁾ Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC (OJ L 331, 15.12.2010, p. 84).

HAS ADOPTED THIS REGULATION:

Article 1

In Article 3 of Delegated Regulation (EU) 2017/588, the following paragraphs 8, 9 and 10 are added:

‘8. The competent authority for a specific share may adjust the average daily number of transactions calculated or estimated by that competent authority for that share in accordance with the procedure set out in paragraphs 1 to 7 where all of the following conditions are met:

- (a) the trading venue with the highest turnover for that share is located in a third country;
- (b) where that average daily number of transactions has been calculated and published in accordance with the procedure set out in paragraphs 1 to 4, it is equal to or greater than one.

When adjusting the average daily number of transactions for a share, the competent authority shall take into account the transactions executed on the third-country trading venue with the highest turnover for trading of that share.

9. The competent authority that adjusted the average daily number of transactions for a share in accordance with paragraph 8 shall ensure the publication of that adjusted average daily number of transactions. Prior to that publication, the competent authority shall communicate the adjusted average daily number of transactions for that share to the competent authorities of the other trading venues operating in the Union where that share is traded.

10. Trading venues shall apply the tick sizes of the liquidity band corresponding to the adjusted average daily number of transactions from the second calendar day after its publication.’

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 13 February 2019.

For the Commission
The President
Jean-Claude JUNCKER

**COMMISSION IMPLEMENTING REGULATION (EU) 2019/444
of 19 March 2019**

amending Implementing Regulation (EU) 2015/2447 as regards the forms for guarantor's undertakings and the inclusion of air transport costs in the customs value in view of the withdrawal of the United Kingdom from the Union

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code ⁽¹⁾, and in particular Articles 6(3)(b), 76(a) and 100(1)(b) thereof,

Whereas:

- (1) On 29 March 2017, the United Kingdom submitted the notification of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union. The Treaties will cease to apply to the United Kingdom from the date of entry into force of a withdrawal agreement or failing that, two years after that notification, i.e. from 30 March 2019, unless the European Council, in agreement with the United Kingdom, unanimously decides to extend that period.
- (2) If the Treaties cease to apply to and in the United Kingdom, customs duties will need to be applied to goods brought into the customs territory of the Union from the United Kingdom. In accordance with Article 71 of Regulation (EU) No 952/2013, the cost of transport up to the place where goods are brought into the customs territory of the Union is to be included in the customs value of the imported goods. The percentages of total air transport costs to be included in the customs value are set out in Annex 23-01 to Commission Implementing Regulation (EU) 2015/2447 ⁽²⁾. After its withdrawal from the Union, the United Kingdom should be added to the appropriate list of third countries in that Annex.
- (3) The forms for guarantor's undertakings are set out in Annexes 32-01, 32-02 and 32-03 and in Chapters VI and VII of Annex 72-04. Those forms list the Member States of the Union and the other Contracting Parties to the Convention on a common transit procedure ⁽³⁾, as amended by Decision No 1/2017 of the EU-EFTA Joint Committee on common transit ⁽⁴⁾ ('the Convention'). When the Treaties cease to apply to the United Kingdom, it should no longer be listed among the Member States in those forms. However, the United Kingdom has expressed its wish to accede to the Convention as a separate Contracting Party from the date following that on which the Treaties cease to apply to and in the United Kingdom, and has met the conditions for its accession. In the event of that accession, the United Kingdom should be listed among the other Contracting Parties to the Convention in the forms for guarantor's undertakings.
- (4) This Regulation should enter into force as a matter of urgency. The provisions of this Regulation relating to the inclusion of the costs of air transport from the United Kingdom in the customs value and to the deletion of the references to the United Kingdom from the part of the forms for guarantor's undertakings designated for the Member States should apply from the day following that on which the Treaties cease to apply to and in the United Kingdom unless a withdrawal agreement concluded with the United Kingdom has entered into force by that date. The provisions relating to the inclusion of the references to the United Kingdom into the list of the other Contracting Parties to the Convention in the forms for guarantor's undertakings should apply from the date of the United Kingdom's accession to the Convention as a separate Contracting Party unless a withdrawal agreement concluded with the United Kingdom has entered into force by the day following that on which the Treaties cease to apply to and in the United Kingdom.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

⁽¹⁾ OJ L 269, 10.10.2013, p. 1.

⁽²⁾ OJ L 343, 29.12.2015, p. 558.

⁽³⁾ OJ L 226, 13.8.1987, p. 2.

⁽⁴⁾ Decision No 1/2017 of the EU-EFTA Joint Committee on common transit of 5 December 2017 amending Convention of 20 May 1987 on a common transit procedure (OJ L 8, 12.1.2018, p. 1).

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) 2015/2447 is amended as follows:

(1) in Annex 23-01, in the table, in the last row of the first column ('Zone Q'), the following words are added:

‘, United Kingdom’;

(2) in Annex 32-01, point 1 is amended as follows:

(a) after the words ‘the Kingdom of Sweden’, the words ‘, the United Kingdom of Great Britain and Northern Ireland’ are deleted;

(b) after the words ‘the Republic of Turkey’, the words ‘, the United Kingdom of Great Britain and Northern Ireland’ are inserted;

(3) in Annex 32-02, point 1 is amended as follows:

(a) after the words ‘the Kingdom of Sweden’, the words ‘, the United Kingdom of Great Britain and Northern Ireland’ are deleted;

(b) after the words ‘the Republic of Turkey’, the words ‘, the United Kingdom of Great Britain and Northern Ireland’ are inserted;

(4) in Annex 32-03, point 1 is amended as follows:

(a) after the words ‘the Kingdom of Sweden’, the words ‘and the United Kingdom of Great Britain and Northern Ireland’ are deleted;

(b) after the words ‘the Republic of Turkey’, the words ‘, the United Kingdom of Great Britain and Northern Ireland’ are inserted;

(5) in Annex 72-04, Part II is amended as follows:

(a) in Chapter VI, in box 7, after the words ‘Turkey —’, the words ‘United Kingdom —’ are inserted;

(b) in Chapter VII, in box 6, after the words ‘Turkey —’, the words ‘United Kingdom —’ are inserted.

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Article 1(1), Article 1(2)(a), Article 1(3)(a) and Article 1(4)(a) shall apply from the day following that on which the Treaties cease to apply to and in the United Kingdom pursuant to Article 50(3) of the Treaty on European Union.

Article 1(2)(b), Article 1(3)(b), Article 1(4)(b) and Article 1(5) shall apply from the day the United Kingdom accedes to the Convention on a common transit procedure.

However, this Regulation shall not apply if a withdrawal agreement concluded with the United Kingdom in accordance with Article 50(2) of the Treaty on European Union has entered into force by the date following that on which the Treaties cease to apply to and in the United Kingdom pursuant to Article 50(3) of the Treaty on European Union.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 19 March 2019.

For the Commission

The President

Jean-Claude JUNKER

COMMISSION IMPLEMENTING REGULATION (EU) 2019/445**of 19 March 2019****amending Implementing Regulation (EU) No 367/2014 setting the net balance available for EAGF expenditure**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 ⁽¹⁾, and in particular Article 16(2) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) No 367/2014 ⁽²⁾ sets the net balance available for European Agricultural Guarantee Fund (EAGF) expenditure, as well as the amounts available for the budget years 2014 to 2020 for the European Agricultural Fund for Rural Development (EAFRD), pursuant to Article 10c(2) and Articles 136, 136a and 136b of Council Regulation (EC) No 73/2009 ⁽³⁾ and to Article 7(2), Article 14 and Article 66(1) of Regulation (EU) No 1307/2013 of the European Parliament and of the Council ⁽⁴⁾.
- (2) In accordance with Article 11(6) of Regulation (EU) No 1307/2013, Lithuania notified the Commission by 1 August 2018 of its decision to reduce by the amount of EUR 360 000 direct payments and the estimated product of this reduction for the calendar year 2019 to be made available as additional support for measures under rural development. The relevant national ceilings were adapted through Commission Delegated Regulation (EU) 2019/71 ⁽⁵⁾.
- (3) In accordance with Article 3(1) of Council Regulation (EU, Euratom) No 1311/2013 ⁽⁶⁾, the sub-ceiling for market related expenditure and direct payments of the multiannual financial framework set out in Annex I to that Regulation is to be adjusted under the technical adjustment provided for in Article 6(1) of that Regulation following the transfers between the EAFRD and direct payments.
- (4) As a result of those changes, it is necessary to adjust the net balance available for EAGF as set by Implementing Regulation (EU) No 367/2014. For the sake of clarity, the amounts to be made available to the EAFRD should also be published.
- (5) Implementing Regulation (EU) No 367/2014 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Implementing Regulation (EU) No 367/2014 is replaced by the text in the Annex to this Regulation.

⁽¹⁾ OJ L 347, 20.12.2013, p. 549.

⁽²⁾ Commission Implementing Regulation (EU) No 367/2014 of 10 April 2014 setting the net balance available for EAGF expenditure (OJ L 108, 11.4.2014, p. 13).

⁽³⁾ Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003 (OJ L 30, 31.1.2009, p. 16).

⁽⁴⁾ Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009 (OJ L 347, 20.12.2013, p. 608).

⁽⁵⁾ Commission Delegated Regulation (EU) 2019/71 of 9 November 2018 amending Annex I to Regulation (EU) No 1305/2013 of the European Parliament and of the Council and Annex III to Regulation (EU) No 1307/2013 of the European Parliament and of the Council (OJ L 16, 18.1.2019, p. 1).

⁽⁶⁾ Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 (OJ L 347, 20.12.2013, p. 884).

Article 2

This Regulation shall enter into force on the seventh day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 19 March 2019.

For the Commission

The President

Jean-Claude JUNKER

ANNEX

‘ANNEX

(EUR million - current prices)

Budget year	Amounts made available to EAFRD						Amounts transferred from EAFRD	Net balance available for EAGF expenditure
	Article 10b of Regulation (EC) No 73/2009	Article 136 of Regulation (EC) No 73/2009	Article 136b of Regulation (EC) No 73/2009	Article 66 of Regulation (EU) No 1307/2013	Article 136a(1) of Regulation (EC) No 73/2009 and Article 14(1) of Regulation (EU) No 1307/2013	Article 7(2) of Regulation (EU) No 1307/2013	Article 136a(2) of Regulation (EC) No 73/2009 and Article 14(2) of Regulation (EU) No 1307/2013	
2014	296,300	51,600		4,000				43 778,100
2015			51,600	4,000	621,999		499,384	44 189,785
2016				4,000	1 138,146	108,659	573,047	43 950,242
2017				4,000	1 174,732	111,026	572,440	44 145,682
2018				4,000	1 184,257	110,213	571,820	44 162,350
2019				4,000	1 491,459	111,358	571,158	43 880,341
2020				4,000	1 507,843	112,401	570,356	43 887,112'

COMMISSION IMPLEMENTING REGULATION (EU) 2019/446**of 19 March 2019****amending and correcting Regulation (EC) No 1235/2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 as regards the arrangements for imports of organic products from third countries****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 ⁽¹⁾, and in particular Article 33(2) and (3) and Article 38(d) thereof,

Whereas:

- (1) Products imported from a third country may be placed on the Union market as organic if they are covered by a certificate of inspection issued by the competent authorities, control authorities or control bodies of a recognised third country or by a recognised control authority or control body. In accordance with Action 12 of the Action Plan for the Future of Organic Production in the European Union ⁽²⁾, the Commission has developed a system of electronic certification for imports of organic products, as a module integrated into the electronic Trade Control and Expert System (TRACES) established by Commission Decision 2003/24/EC ⁽³⁾. In order to improve the functioning of the electronic certification system, it is appropriate to use the qualified electronic seal in TRACES for the endorsement of the certificates of inspection for the purposes of Commission Regulation (EC) No 1235/2008 ⁽⁴⁾.
- (2) Annex III to Regulation (EC) No 1235/2008 sets out the list of third countries whose systems of production and control measures for organic production of agricultural products are recognised as equivalent to those laid down in Regulation (EC) No 834/2007.
- (3) According to information provided by Australia, the internet address of its competent authority has changed. Furthermore, the names of the control bodies 'Australian Certified Organic Pty. Ltd' and 'NASAA Certified Organic (NCO)' have changed.
- (4) According to information provided by Chile, 'ARGENCERT' is not recognised by the Chilean authorities as a control body and should therefore be deleted from the list. The name of 'BIO CERTIFICADORA SERVICIOS LIMITADA' has changed.
- (5) Annex IV to Regulation (EC) No 1235/2008 sets out the list of control authorities and control bodies competent to carry out controls and issue certificates in third countries for the purpose of equivalence.
- (6) 'BAŞAK Ekolojik Ürünler Kontrol ve Sertifikasyon Hizmetleri Tic. Ltd' has notified the Commission of the change of its address.
- (7) The Commission has received and examined a request from 'CCPB Srl' to amend its specifications. Based on the information received, the Commission has concluded that it is justified to extend the geographical scope of its recognition for product category A to Benin, Cote d'Ivoire and Togo, for product category D to Vietnam, and for product categories D and E to Seychelles and Hong Kong.

⁽¹⁾ OJ L 189, 20.7.2007, p. 1.⁽²⁾ COM(2014) 179 final.⁽³⁾ Commission Decision 2003/24/EC of 30 December 2002 concerning the development of an integrated computerised veterinary system (OJ L 8, 14.1.2003, p. 44).⁽⁴⁾ Commission Regulation (EC) No 1235/2008 of 8 December 2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 as regards the arrangements for imports of organic products from third countries (OJ L 334, 12.12.2008, p. 25).

- (8) The Commission carried out investigations on suspected irregularities in relation to several lots of products from Kazakhstan, Moldova, Russia, Turkey and the United Arab Emirates that had been certified as being organic by 'Control Union Certifications'. 'Control Union Certifications' did not provide timely and conclusive answers to the various requests for information made by the Commission. In addition, 'Control Union Certifications' failed to demonstrate the traceability and organic status of those products. Moreover, 'Control Union Certifications' issued a certificate of inspection for products that had previously been downgraded to conventional by the competent authorities of a Member State due to pesticide residues. Therefore, the Commission has decided to withdraw the recognition of 'Control Union Certifications' pursuant to points (c), (d) and (f) of the first subparagraph of Article 12(2) of Regulation (EC) No 1235/2008 for all product categories in respect of Kazakhstan, Moldova, Russia, Turkey and the United Arab Emirates. As a consequence, the entries relating to those countries should be deleted from the list of recognised control bodies and control authorities in Annex IV to Regulation (EC) No 1235/2008 for 'Control Union Certifications'.
- (9) The Commission has received and examined a request from 'Ecocert SA' to amend its specifications. Based on the information received, the Commission has concluded that it is justified to extend the geographical scope of its recognition for product category D to Kosovo.
- (10) The Commission has received a request from 'Florida Certified Organic Growers and Consumers, Inc. (FOG), DBA as Quality Certification Services (QCS)' to change its address.
- (11) The Commission has received and examined a request from 'IBD Certificações Ltda' to amend its specifications. Based on the information received, the Commission has concluded that it is justified to extend the geographical scope of its recognition for product categories A and D to Colombia, Ecuador and Peru.
- (12) The Commission has received and examined a request from 'Organización Internacional Agropecuaria' to amend its specifications. Based on the information received, the Commission has concluded that it is justified to extend the geographical scope of its recognition for product categories A and D to Russia and for product category E to Argentina.
- (13) 'Organska Kontrola' and 'Quality Assurance International' have notified the Commission of the change of their addresses.
- (14) Annex IV to Regulation (EC) No 1235/2008 as amended by Implementing Regulation (EU) 2019/39 ⁽³⁾ erroneously refers to 'Letis S.A' as a recognised control body for product category B in respect of Belize, Brazil, Colombia, Costa Rica, the Dominican Republic, Guatemala, Honduras, Panama and El Salvador. That error needs to be corrected.
- (15) Annex IV to Regulation (EC) No 1235/2008 as amended by Implementing Regulation (EU) 2019/39 also erroneously refers to 'Organic Control System' as a recognised control body for product category E in respect of the Republic of North Macedonia. That error needs to be corrected as well.
- (16) Regulation (EC) No 1235/2008 should therefore be amended and corrected accordingly.
- (17) The deletion of the recognition of 'Letis S.A' for product category B in respect of Belize, Brazil, Colombia, Costa Rica, the Dominican Republic, Guatemala, Honduras, Panama and El Salvador and the deletion of the recognition of 'Organic Control System' for product category E in respect of the Republic of North Macedonia should apply retroactively from the date of entry into force of Implementing Regulation (EU) 2019/39.
- (18) The measures provided for in this Regulation are in accordance with the opinion of the Committee on organic production,

⁽³⁾ Commission Implementing Regulation (EU) 2019/39 of 10 January 2019 amending Regulation (EC) No 1235/2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 as regards the arrangements for imports of organic products from third countries (OJ L 9, 11.1.2019, p. 106).

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1235/2008 is amended and corrected as follows:

(1) in Article 13(2), the second subparagraph is replaced by the following:

‘The original certificate of inspection shall be a printed and hand-signed copy of the completed electronic certificate in TRACES or, alternatively, a certificate of inspection signed in TRACES with a qualified electronic seal within the meaning of Article 3(27) of Regulation (EU) No 910/2014 of the European Parliament and of the Council (*).

(*) Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).’;

(2) Annex III is amended in accordance with Annex I to this Regulation;

(3) Annex IV is amended and corrected in accordance with Annex II to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Points (7) and (8) of Annex II shall apply from 31 January 2019.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 19 March 2019.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX I

Annex III to Regulation (EC) No 1235/2008 is amended as follows:

(1) the entry relating to **Australia** is amended as follows:

- (a) in point 4, the internet address is replaced by the following: 'http://www.agriculture.gov.au/';
- (b) in point 5, the rows relating to code numbers AU-BIO-001 and AU-BIO-004 are replaced by the following:

'AU-BIO-001	ACO Certification Ltd	www.aco.net.au
AU-BIO-004	NASAA Certified Organic	www.nasaa.com.au'

(2) in the entry relating to **Chile**, point 5 is amended as follows:

- (a) the row relating to code number CL-BIO-004 is deleted;
- (b) the row relating to code number CL-BIO-010 is replaced by the following:

'CL-BIO-010	BIO CERTIFICADORA SERVICIOS LIMITADA O BIOAUDITA	https://www.bioaudita.cl'
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ANNEX II

Annex IV to Regulation (EC) No 1235/2008 is amended and corrected as follows:

- (1) in the entry relating to '**Başak Ekolojik Ürünler Kontrol ve Sertifikasyon Hizmetleri Tic. Ltd'**, point 1 is replaced by the following:

'1. Address: Atatürk Mahallesi 1014. Sokak No:21 D:1, 35920 Selçuk/İZMİR, Turkey';

- (2) in the entry relating to '**CCPB Srl**', in point 3, the following rows are inserted in the order of the code numbers:

'BJ-BIO-102	Benin	x	—	—	—	—	—
CI-BIO-102	Côte d'Ivoire	x	—	—	—	—	—
HK-BIO-102	Hong Kong	—	—	—	x	x	—
SC-BIO-102	Seychelles	—	—	—	x	x	—
TG-BIO-102	Togo	x	—	—	—	—	—
VN-BIO-102	Vietnam	—	—	—	x	—	—'

- (3) in the entry relating to '**Control Union Certifications**', in point 3, the following rows are deleted:

'AE-BIO-149	United Arab Emirates	x	x	x	x	x	x
KZ-BIO-149	Kazakhstan	x	x	x	x	x	x
MD-BIO-149	Moldova	x	x	x	x	x	x
RU-BIO-149	Russia	x	x	x	x	x	x
TR-BIO-149	Turkey	x	x	x	x	x	x'

- (4) in the entry relating to '**Ecocert SA**', in point 3, the following row is inserted in the order of the code numbers:

'XK-BIO-154	Kosovo	—	—	—	x	—	—'
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- (5) in the entry relating to '**Florida Certified Organic Growers and Consumers, Inc. (FOG), DBA as Quality Certification Services (QCS)**', point 1 is replaced by the following:

'1. Address: 5700 SW 34th st, suite 349, Gainesville, FL 32608, United States';

- (6) in the entry relating to '**IBD Certificações Ltda**', in point 3, the following rows are inserted in the order of the code numbers:

'CO-BIO-122	Colombia	x	—	—	x	—	—
EC-BIO-122	Ecuador	x	—	—	x	—	—
PE-BIO-122	Peru	x	—	—	x	—	—'

- (7) in the entry relating to '**Letis S.A**', in point 3, in the rows relating to Belize, Brazil, Colombia, Costa Rica, the Dominican Republic, Guatemala, Honduras, Panama and El Salvador, the cross in column B is deleted;

- (8) in the entry relating to '**Organic Control System**', in point 3, in the row relating to the Republic of North Macedonia, the cross in column E is deleted;

(9) in the entry relating to '**Organización Internacional Agropecuaria**', point 3 is amended as follows:

(a) the following row is inserted in the order of the code numbers:

'RU-BIO-110	Russia	x	—	—	x	—	—'
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(b) in the row relating to Argentina, a cross is added in column E;

(10) in the entry relating to '**Organska Kontrola**', point 1 is replaced by the following:

'1. Address: Kranjčevićeva 15, 71 000 Sarajevo, Bosna i Hercegovina';

(11) in the entry relating to '**Quality Assurance International**', point 1 is replaced by the following:

'1. Address: 4370 La Jolla Village Drive, Suite 300, San Diego, CA 92122, United States.'.

DECISIONS

COUNCIL DECISION (EU) 2019/447

of 15 March 2019

appointing an alternate member, proposed by the Italian Republic, of the Committee of the Regions

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 305 thereof,

Having regard to the proposal of the Italian Government,

Whereas:

- (1) On 26 January 2015, 5 February 2015 and 23 June 2015, the Council adopted Decisions (EU) 2015/116 ⁽¹⁾, (EU) 2015/190 ⁽²⁾ and (EU) 2015/994 ⁽³⁾ appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020.
- (2) An alternate member's seat on the Committee of the Regions has become vacant following the end of the term of office of Mr Giorgio SILLI,

HAS ADOPTED THIS DECISION:

Article 1

The following is hereby appointed as an alternate member of the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2020:

— Mr Alessio MARSILI, *Consigliere del Municipio XIII di Roma Capitale*.

Article 2

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

Done at Brussels, 15 March 2019.

For the Council

The President

M.C. BUDÁI

⁽¹⁾ Council Decision (EU) 2015/116 of 26 January 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 20, 27.1.2015, p. 42).

⁽²⁾ Council Decision (EU) 2015/190 of 5 February 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 31, 7.2.2015, p. 25).

⁽³⁾ Council Decision (EU) 2015/994 of 23 June 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 159, 25.6.2015, p. 70).

COUNCIL DECISION (EU) 2019/448**of 18 March 2019****on the submission, on behalf of the European Union, of a proposal for the listing of methoxychlor in Annex A to the Stockholm Convention on Persistent Organic Pollutants**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 14 October 2004 the Stockholm Convention on Persistent Organic Pollutants ('the Convention') was concluded by the European Community by means of Council Decision 2006/507/EC ⁽¹⁾.
- (2) As a Party to the Convention, the Union may submit proposals for the amendment of the Annexes to the Convention. Annex A to the Convention lists chemicals to be eliminated, Annex B lists chemicals to be restricted and Annex C lists chemicals the releases of which from unintentional production are to be reduced or eliminated.
- (3) According to available scientific information and review reports, and taking due account of the screening criteria set out in Annex D to the Convention, methoxychlor exhibits characteristics of a persistent organic pollutant.
- (4) Methoxychlor is not approved as an active substance pursuant to Regulation (EC) No 1107/2009 of the European Parliament and of the Council ⁽²⁾ and is therefore not allowed to be placed on the market or used in the Union in plant protection products. Methoxychlor is also not approved as an active substance pursuant to Regulation (EU) No 528/2012 of the European Parliament and of the Council ⁽³⁾ and is therefore not allowed to be placed on the market or used in the Union in biocidal products. Moreover, methoxychlor is not registered in accordance with Regulation (EC) No 1907/2006 of the European Parliament and of the Council ⁽⁴⁾ and, consequently, it is not allowed to be manufactured or placed on the market in the Union in quantities of 1 tonne or more per year per manufacturer or importer.
- (5) Although methoxychlor was phased out in the Union many years ago, it may still be used as a pesticide and dispersed in the environment outside the Union, which may be the reason why it is detected in the environment. Due to the potential for long-range environmental transport of methoxychlor, the measures taken nationally or at Union level are not sufficient to safeguard a high level of protection of the environment and human health, and wider international action is necessary.
- (6) The Union should therefore submit a proposal to the Secretariat of the Convention for the listing of methoxychlor in Annex A to the Convention,

HAS ADOPTED THIS DECISION:

Article 1

The Union shall submit a proposal for the listing of methoxychlor (CAS No: 72-43-5, EC No 200-779-9) in Annex A to the Stockholm Convention on Persistent Organic Pollutants ('the Convention').

The Commission, on behalf of the Union, shall communicate the proposal referred to in the first subparagraph to the Secretariat of the Convention with all the information required under Annex D to the Convention.

⁽¹⁾ Council Decision 2006/507/EC of 14 October 2004 concerning the conclusion, on behalf of the European Community, of the Stockholm Convention on Persistent Organic Pollutants (OJ L 209, 31.7.2006, p. 1).

⁽²⁾ Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1).

⁽³⁾ Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products (OJ L 167, 27.6.2012, p. 1).

⁽⁴⁾ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

Article 2

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

Done at Brussels, 18 March 2019.

For the Council
The President
P. DAEA

COMMISSION IMPLEMENTING DECISION (EU) 2019/449

of 18 March 2019

amending Commission Implementing Decision (EU) 2016/715 setting out measures in respect of certain fruits originating in certain third countries to prevent the introduction into and the spread within the Union of the harmful organism *Phyllosticta citricarpa* (McAlpine) Van der Aa

(notified under document C(2019) 2024)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community ⁽¹⁾, and in particular the fourth sentence of Article 16(3) thereof,

Whereas:

- (1) Commission Implementing Decision (EU) 2016/715 ⁽²⁾ lays down measures in respect of fruits of *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., and their hybrids, other than fruits of *Citrus aurantium* L. and *Citrus latifolia* Tanaka ('the specified fruits'), originating in Argentina, Brazil, South Africa and Uruguay to prevent the introduction into and the spread within the Union of *Phyllosticta citricarpa* ('the specified organism').
- (2) The increase in the number of import interceptions in the last three years shows that the measures provided for by Implementing Decision (EU) 2016/715 remain necessary for the protection of the Union territory from the specified organism.
- (3) Furthermore, a significant number of interceptions of the specified organism has been notified in 2018 by Member States, as a result of their import inspections of the specified fruits originating in Brazil. The requirements for the introduction into the Union of those fruits originating in Brazil should therefore be strengthened.
- (4) To ensure the specified fruits originating in Brazil are free from the specified organism, they should be subject to the same import inspection requirements as the fruits originating in Argentina, South Africa and Uruguay.
- (5) As the specified fruits originating in Brazil will have to be subjected to treatments against the specified organism, the requirement for detailed information on the pre- and post-harvest treatments should also become applicable to those fruits for traceability purposes.
- (6) Implementing Decision (EU) 2016/715 should therefore be amended accordingly.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

Amendments to Implementing Decision (EU) 2016/715

Implementing Decision (EU) 2016/715 is amended as follows:

- (1) Article 4 is deleted;
- (2) Article 5a is amended as follows:
 - (a) the title is replaced by the following:

'Introduction into the Union of specified fruits originating in Argentina and Brazil';

⁽¹⁾ OJ L 169, 10.7.2000, p. 1.

⁽²⁾ Commission Implementing Decision (EU) 2016/715 of 11 May 2016 setting out measures in respect of certain fruits originating in certain third countries to prevent the introduction into and the spread within the Union of the harmful organism *Phyllosticta citricarpa* (McAlpine) Van der Aa (OJ L 125, 13.5.2016, p. 16).

(b) the introductory phrase is replaced by the following:

‘Specified fruits originating in Argentina and Brazil shall be accompanied by a phytosanitary certificate, as referred to in the first subparagraph of point (ii) of Article 13(1) of Directive 2000/29/EC, including under the heading “Additional declaration” the following elements:’

(3) Article 6 is amended as follows:

(a) the title is replaced by the following:

‘Requirements concerning inspection of the specified fruits originating in Argentina, Brazil, South Africa and Uruguay within the Union’;

(b) paragraph 1 is replaced by the following:

‘1. Specified fruits originating in Argentina, Brazil, South Africa and Uruguay shall be visually inspected at the point of entry or at the place of destination established in accordance with Commission Directive 2004/103/EC (*). Those inspections shall be carried out on samples of at least 200 fruits of each species of the specified fruits by batch of 30 tonnes, or part thereof, selected on the basis of any possible symptom of *Phyllosticta citricarpa*.

(*) Commission Directive 2004/103/EC of 7 October 2004 on identity and plant health checks of plants, plant products or other objects, listed in Part B of Annex V to Council Directive 2000/29/EC, which may be carried out at a place other than the point of entry into the Community or at a place close by and specifying the conditions related to these checks (OJ L 313, 12.10.2004, p. 16).’

(4) in Article 7, point (c) is replaced by the following:

‘(c) detailed information on the pre- and post-harvest treatments has been kept.’;

(5) Article 22 is replaced by the following:

‘Article 22

Date of expiration

This Decision shall expire on 31 March 2022.’

Article 2

Addressees

This Decision is addressed to the Member States.

Done at Brussels, 18 March 2019.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

COMMISSION IMPLEMENTING DECISION (EU) 2019/450**of 19 March 2019****on publication of the European Assessment Documents (EADs) for construction products drafted in support of Regulation (EU) No 305/2011 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC ⁽¹⁾, and in particular Article 22 thereof,

Whereas:

- (1) In accordance with Regulation (EU) No 305/2011, Technical Assessment Bodies are to use methods and criteria provided in European Assessment Documents, the references of which have been published in the *Official Journal of the European Union*, for assessing performance of construction products covered by those documents in relation to their essential characteristics.
- (2) In accordance with Article 19 of Regulation (EU) No 305/2011, following several requests by manufacturers for European Technical Assessments, the organisation of Technical Assessment Bodies drew up and adopted several European Assessment Documents.
- (3) The Commission has assessed whether the European Assessment Documents drafted by the organisation of Technical Assessment Bodies satisfy the demands to be met in relation to the basic requirements for construction works set out in Annex I to Regulation (EU) No 305/2011.
- (4) The European Assessment Documents drafted by the organisation of Technical Assessment Bodies satisfy the demands to be met in relation to the basic requirements for construction works set out in the Annex to Regulation (EU) No 305/2011. It is therefore appropriate to publish the references of those European Assessment Documents in the *Official Journal of the European Union*,

HAS ADOPTED THIS DECISION:

Article 1

The references of the European Assessment Documents for construction products drafted in support of Regulation (EU) No 305/2011 that are listed in Annex to this Decision are hereby published in the *Official Journal of the European Union*.

Article 2

This Decision shall enter into force on the day of its publication in the *Official Journal of the European Union*.

Done at Brussels, 19 March 2019.

For the Commission

The President

Jean-Claude JUNCKER

⁽¹⁾ OJ L 88, 4.4.2011, p. 5.

ANNEX

Reference and title of the European Assessment Document

040427-00-0404	Kits for external thermal insulation composite system (ETICS) with mortar as thermal insulation product and renderings or discontinuous claddings as exterior skin
060012-00-0802	Kit consisting of chimney flue liner, made of glass fibres, mineral and organic substances, and ancillaries
090119-00-0404	Kits for external wall cladding of mineral boards with renderings applied in situ
090120-00-0404	Kits for non-load bearing mineral board external wall systems
130031-00-0304	Metal web beams and columns
130082-00-0603	Façade fixing system - plastic bracket for fixing timber or wood based elements to the substructure
260014-00-0301	Calcined layer silicate based type II addition

COMMISSION IMPLEMENTING DECISION (EU) 2019/451
of 19 March 2019
on the harmonised standards for construction products drafted in support of Regulation (EU)
No 305/2011 of the European Parliament and of the Council

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC ⁽¹⁾, and in particular Article 17(5) thereof,

Whereas:

- (1) In accordance with Regulation (EU) No 305/2011 manufacturers are to use the methods and the criteria provided in harmonised standards, the references of which have been published in the *Official Journal of the European Union*, for assessing the performance of construction products covered by those standards in relation to their essential characteristics.
- (2) By letters M/109 of 29 August 1996, M/130 of 29 January 1999, M/139 of 26 June 2001, M/122 of 14 December 1998 and M/135 of 5 May 2000, the Commission made requests to the European Committee for Standardization (CEN) for the drafting of harmonised standards in support of Council Directive 89/106/EEC ⁽²⁾ ('mandates'). The references of harmonised standards drafted on the basis of mandates are published in the *Official Journal of the European Union* ⁽³⁾.
- (3) The mandates allow revision of the harmonised standards drafted on their basis. In order to take account of the technical developments as well as requirements of Regulation (EU) No 305/2011, CEN revised several of those harmonised standards. In particular, CEN revised the harmonised standards for the following products: fire detection and fire alarm systems, fibre-cement slates and fittings, glass in building and fibre-cement flat sheets.
- (4) The Commission has assessed whether the harmonised standards revised by CEN are in conformity with the relevant mandates and Regulation (EU) No 305/2011.
- (5) The harmonised standards revised by CEN are in conformity with the relevant mandates and Regulation (EU) No 305/2011. It is therefore appropriate to publish the references of those standards in the *Official Journal of the European Union*.
- (6) In accordance with Article 17(5) of Regulation (EU) No 305/2011, a coexistence period is to be indicated for each harmonised standard that supersedes another harmonised standard. Such coexistence period has been indicated for the standard EN 15824:2017 on external renders and internal plasters based on organic binders published in the *Official Journal of the European Union* ⁽⁴⁾. Given that this period is not sufficiently long for the manufacturers to prepare for the use of the standard, it is necessary to indicate a new coexistence period for it.
- (7) In order to allow the manufacturers to use the revised harmonised standards as soon as possible, this Decision should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS DECISION:

Article 1

The references of the harmonised standards for construction products drafted in support of Regulation (EU) No 305/2011 that are listed in Annex I to this Decision are hereby published in the *Official Journal of the European Union*.

⁽¹⁾ OJ L 88, 4.4.2011, p. 5.

⁽²⁾ Council Directive 89/106/EEC of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products (OJ L 40, 11.2.1989, p. 12).

⁽³⁾ OJ C 92, 9.3.2018, p. 139.

⁽⁴⁾ OJ C 92, 9.3.2018, p. 139.

Article 2

The references of the harmonised standards for construction products drafted in support of Regulation (EU) No 305/2011 that are listed in Annex II to this Decision are hereby published in the *Official Journal of the European Union* with a new coexistence period of those standards.

Article 3

This Decision shall enter into force on the day of its publication in the *Official Journal of the European Union*.

Done at Brussels, 19 March 2019.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX I

No	Reference to the standard	Reference to the superseded standard	Beginning of the coexistence period (dd.mm.yyyy.)	End of the coexistence period (dd.mm.yyyy.)
1.	EN 54-5:2017+A1:2018 Fire detection and fire alarm systems — Part 5: Heat detectors — Point heat detectors	EN 54-5:2000 Fire detection and fire alarm systems — Part 5: Heat detectors — Point detectors EN 54-5:2000/A1:2002	xx.yy.2019	31.8.2022
2.	EN 54-7:2018 Fire detection and fire alarm systems — Part 7: Smoke detectors — Point smoke detectors that operate using scattered light, transmitted light or ionization	EN 54-7:2000 Fire detection and fire alarm systems — Part 7: Smoke detectors — Point detectors using scattered light, transmitted light or ionization EN 54-7:2000/A1:2002 EN 54-7:2000/A2:2006	xx.yy.2019	31.8.2022
3.	EN 492:2012+A2:2018 Fibre-cement slates and fittings — Product specification and test methods	EN 492:2012 Fibre-cement slates and fittings — Product specification and test methods	xx.yy.2019	xx.yy.2020
4.	EN 1096-4:2018 Glass in building — Coated glass — Part 4: Product standard	EN 1096-4:2004 Glass in building — Coated glass — Part 4: Evaluation of conformity/Product standard	xx.yy.2019	xx.yy.2020
5.	EN 1279-5:2018 Glass in building — Insulating glass units — Part 5: Product standard	EN 1279-5:2005+A2:2010 Glass in building — Insulating glass units — Part 5: Evaluation of conformity	xx.yy.2019	xx.yy.2020
6.	EN 12467:2012+A2:2018 Fibre-cement flat sheets — Product specification and test methods	EN 12467:2012 Fibre-cement flat sheets — Product specification and test methods	xx.yy.2019	xx.yy.2020

ANNEX II

No	Reference to the standard	Reference to the superseded standard	Beginning of the coexistence period (dd.mm.yyyy.)	End of the coexistence period (dd.mm.yyyy.)
1.	EN 15824:2017 Specifications for external renders and internal plasters based on organic binders	EN 15824:2009 Specifications for external renders and internal plasters based on organic binders	9.3.2018	9.3.2020

