Council Decision (EU) 2020/462 of 20 February 2020 establishing the position to be adopted on behalf of the European Union within the Association Committee set up by the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part, concerning the exchange of information for the purpose of evaluating the impact of the Agreement in the form of an Exchange of Letters on the amendment of the Euro-Mediterranean Agreement

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establishing the position to be adopted on behalf of the European Union within the Association Committee set up by the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part, concerning the exchange of information for the purpose of evaluating the impact of the Agreement in the form of an Exchange of Letters on the amendment of the Euro-Mediterranean Agreement

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 207(3) and the first subparagraph of Article 207(4) in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part[(1)] ('the Association Agreement') was concluded on behalf of the European Union by means of Council and Commission Decision 2000/204/EC, ECSC[(2)] and entered into force on 1 March 2000.

(2) By means of Decision (EU) 2019/217[(3)], the Council approved the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and the Kingdom of Morocco on the amendment of Protocols 1 and 4 to the Association Agreement[(4)] ('the amending Agreement') with a view to extending the tariff preferences laid down in the Association Agreement to products originating in Western Sahara.

(3) In accordance with Article 81 of the Association Agreement, an Association Committee was established to manage the Association Agreement. Pursuant to Article 83 of the Association Agreement, the Association Committee has the power to take decisions for the management of the Association Agreement as well as in those areas in which the Council has delegated its powers to it.

(4) The Association Committee is to adopt, at the latest two months after the entry into force of the amending Agreement, a decision on the arrangements for evaluating the

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (EU) 2020/462. (See end of Document for details)*

impact of the amending Agreement, in particular on sustainable development and with regard to the advantages for the people concerned and the exploitation of the natural resources of Western Sahara.

(5) It is appropriate to establish the position to be taken on the Union's behalf in the Association Committee, as the proposed decision will be binding on the Union.

(6) In order to monitor the effects of the amending Agreement on the people concerned and the exploitation of the natural resources of the territories in question, the amending Agreement specifically provides for a suitable framework and procedure to allow the parties, on the basis of regular exchanges of information, to evaluate its consequences during implementation. The Union and the Kingdom of Morocco have agreed to exchange information at least once a year by means of the Association Committee. The specific arrangements for the evaluation exercise should therefore be laid down with a view to their adoption by the Association Committee.

(7) The purpose of the exchange of information coincides with that of the joint report of 11 June 2018 by the Commission and the European External Action Service on the benefits for the people of Western Sahara and the public consultation on extending tariff preferences to products from Western Sahara.

(8) As regards the impact on the territory’s economy, the information available to date primarily concerns agriculture and fishing, but the preferences concern all products; the data to be exchanged could therefore change according to developments in Western Sahara. Furthermore, the exchange of information does not exclusively concern economic aspects (‘benefits’ in the narrow sense) but is intended to allow for a broader evaluation covering such aspects as sustainable development and the impact on the exploitation of natural resources.

(9) The Kingdom of Morocco has also agreed to set up separately a mechanism for collecting statistics on exports to the Union of products originating in Western Sahara, which are to be made available on a monthly basis to the Commission and to custom authorities in the Member States.

(10) The Kingdom of Morocco will be able, on the basis of existing information systems, to ask the Union for information on production and trade in specific product categories of interest to the Kingdom of Morocco,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted on behalf of the Union within the EU-Kingdom of Morocco Association Committee set up by the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part, shall be based on the draft Decision of the Association Committee attached to this Decision.

Article 2

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

***Changes to legislation:** There are currently no known outstanding effects for the Council Decision (EU) 2020/462. (See end of Document for details)*

Done at Brussels, 20 February 2020.

For the Council

The President

B. DIVJAK

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (EU) 2020/462. (See end of Document for details)*

ANNEX

RELEVANT INFORMATION FOR THE PURPOSES OF THE EXCHANGE OF INFORMATION PROVIDED FOR IN THE AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS

The information exchanged is to be used to update the joint report of 11 June 2018 by the Commission and the European External Action Service (EEAS)[5]. The exchange of information is therefore to include detailed information that allows for the impact of the Agreement in the form of an Exchange of Letters to be evaluated during its implementation, including general information on the territories and people concerned. This information is intended solely for the purposes of evaluation and the updating of the report by the Commission and the EEAS. The following are examples of relevant information:

1. Information provided by the Kingdom of Morocco:

   (a) General information:

   * Socio-economic and environmental statistics.

   (b) Information on the main export sectors of the economy:

   * production by type of product;
   * the area farmed and the volume harvested;
   * exports to the European Union in terms of volume and value;
   * economic activities of local operators related to the sectors covered by the Agreement in the form of an Exchange of Letters, and employment generated;
   * sustainable management of resources;
   * production establishments.

2. Information provided by the EU:

   Information on trade in products exported to the Kingdom of Morocco by customs code and in terms of volume and value, as well as, where such data are available, on the production of specific products.

3. Other relevant information:

   As stated in the correspondence exchanged by the European Commission and the Mission of the Kingdom of Morocco to the European Union on 6 December 2018, the Kingdom of Morocco is setting up a mechanism for collecting information on exports covered by the Association Agreement, as amended by the Exchange of Letters, which will systematically and regularly provide and make available each month precise data so that the European Union has transparent and reliable information on the origin of these exports to the Union, by region[6]. The European Commission will have direct access to such data and will share them with the customs authorities of the Member States of the European Union.

   For its part, the Kingdom of Morocco will have transparent and reliable statistical information on exports from the European Union to the Kingdom of Morocco.