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## **EU-Moroccan Fisheries Agreement**

### **4 reasons to Vote 'Yes' in Strasbourg Thursday 29 September 2011 !**

The EU-Morocco Fisheries Partnership Agreement (FPA) and its Protocol (“FPA Protocol”) was signed in 2005 and entered into force on 28 February 2007. The European Commission rushed in early 2011 to negotiate a renewal with Morocco. The European Parliament was not consulted during this process, despite the requirement in Article 218 TFEU that this should occur.

The current fisheries agreement between the EU and Morocco allows for the EU fleet to fish in the waters of the Western Sahara, a Non-self-governing territory according to the UN.

Many people consider this to be illegal, and many others argue that it is legal. Since there are many opinions on the matter but no formal judgement in the Western Sahara saga since 1975, the simplest way to clarify the situation is to refer the agreement to the European Court of Justice.

On Thursday, the European Parliament will vote on whether or not to refer the recent renewal of the EU-Morocco Fisheries Agreement to the European Court of Justice. This will be the first time that Parliament exercises its new (Lisbon) powers to seek an Opinion from the Court on the legality of an EU international treaty (Article 218(11) TFEU).

Then we would know, once and for all, what the legal status of the agreement is.

Here you have the four main reasons to vote IN FAVOUR of this referral:

#### **The political reason**

The EU is willfully seeking to extend this agreement where the Moroccan government grants fishing rights to the EU fishing fleet to enter into Western Sahara waters. When the EP Legal Service provided an opinion to DEVE in 2009 saying that fishing in Western Sahara waters would be illegal unless it were done "for the benefits of the people of (WS) and in accordance with their wishes", however the Polisario, the body internationally recognized as the representative of the Saharawi people of WS, has denounced the current protocol and the previous one. So there is no doubt that the agreement does not correspond to the ‘wishes of the local people’.

#### **The legal reason**

Under the TFEU, the EP has the ability to refer a draft agreement to the ECJ for an assessment of its compatibility with international law; if the Court finds that there is indeed legal uncertainty about the compliance of the Agreement with the Treaties, the scope of the Agreement will have to be revised.

### **The economic reason**

A confidential 'ex-post evaluation' report provided by consultants Océanic Développement to the Commission on the operation of the FPA from 2007 to 2010 found that it was the least beneficial of all of the EU's bilateral fisheries agreements, and that it imposes a net economic loss on the EU – it generated only €0.83 in economic activity for every one euro of the €36 million paid annually by the EU. So the agreement is a failure all around and is being roundly criticised in FISH by pretty much everybody.

### **The ecological reason**

The same evaluation mentioned above, requested by the European Commission, concludes that all stocks capable of analysis are either fully or over-exploited. This makes it impossible for ongoing fishing to adhere to the principle that the EU fish only surplus stocks. EU market should be closed to them.

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