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Future Protocol setting out the fishing opportunities and financial compensation provided for in the Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco

Greens/EFA motion for a resolution

The European Parliament,

- having regard to the Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco (Council Regulation (EC) No 764/2006 of 22 May 2006([1](#))),
- having regard to the current Protocol setting out the fishing opportunities and financial compensation provided for in the Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco (0000/2011),
- having regard to consent procedure pursuant to Article 43(2) and Article 218 (6), second subparagraph, point (a), of the Treaty on the Functioning of the European Union (C7-0000/2011),
- having regard to the opinions of the Committee on Development and the Committee on Budgets (A7-0000/2011 and A7-0000/2011),
- having regard to the external ex-post evaluation of the previous protocol to the agreement that was in effect from 2007 through 2011,
- having regard to the Legal Opinion regarding the Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco by the European Parliament's Legal Service (SJ-0269/09, D(2009)37828) of 14 July 2009,
- having regard to Rules 115(5) and 110(2) of its Rules of Procedure,

A. whereas according to the external ex-post evaluation report carried out on behalf of the European Commission the previous Protocol was clearly unsatisfactory; whereas it had the lowest cost-benefit ratio of any EU bilateral agreement, it fostered fishing on many depleted stocks and failed to contribute to the development of the fisheries sector in Morocco;

B. whereas in addition both the previous protocol and the current protocol provide for fishing opportunities for EU vessels in the waters off the occupied territory of the Western Sahara, a situation that a number of leading legal experts, as well as the European Parliament Legal Service, have concluded is against international law, since no country has recognized Morocco's claim over this territory, and no proof has been found that show that the fisheries agreement is according to the wishes or benefits the people of Western Sahara;

C. whereas the legal opinion of the Legal Service of the European Parliament notes that if 'the rights' of 'the Saharawi people under international law' are not respected, 'the Community should envisage either the suspension of the agreement in conformity with its Article 15 and Article 9 of the Protocol, or to apply the agreement in such a way that EU flagged vessels are excluded from the exploitation of the waters of Western Sahara';

D. whereas the Community should not deliberately put itself in a position whereby it can be tried in the International Court of Justice for violation of international law;

E. whereas any future Protocol to be negotiated by the Commission must rectify the serious problems identified with the previous and current protocols;

1. Insists that any future Protocol must explicitly exclude the waters off the occupied territory of the Western Sahara, viz. be limited to waters north of *27° 40' N*;
2. Insists that any future Protocol must be limited to those stocks of fish or other marine species for which there is a scientifically demonstrated surplus beyond the ability of the Moroccan fleet to harvest as required under the UN Law of the Sea;
3. Calls on the Commission to ensure any future Protocol contributes to the development of the Moroccan fisheries management system, including control and surveillance, scientific research, development of the local fleets, training, etc.);
4. Is concerned that the current state of the stocks of fish and other marine resources in the waters of Morocco might be so poor, as indicated by the ex post evaluation, that no Protocol would be possible for the period beginning 28 February 2012 while respecting the condition of limiting exploitation to surplus stocks;
5. Instructs its President to forward this resolution to the Commission, the Member States, the Government of Morocco and the International Commission for the Conservation of Atlantic Tunas.

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Contact person



Michael Earle

Advisor on Fisheries

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