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Legislation

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EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2019/217

of 28 January 2019

on the conclusion of the agreement in the form of an Exchange of Letters between the European Union and the Kingdom of Morocco on the amendment of Protocols 1 and 4 to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part

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(4), in conjunction with the second subparagraph of Article 218(6), point (a)(i) thereof,

Having regard to the proposal from the European Commission,

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

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 ⁽²⁾ ('the Association Agreement') entered into force on 1 March 2000.
- (2) Since the Association Agreement entered into force, the Union has continued to strengthen its bilateral relations with the Kingdom of Morocco and awarded it advanced status.
- (3) The Union does not prejudice the outcome of the United Nations' political process on the final status of Western Sahara and, has consistently reaffirmed its commitment to resolving the dispute in Western Sahara, presently listed by the United Nations as a non-self-governing territory, large parts of which are currently administered by the Kingdom of Morocco. It fully supports the efforts made by the United Nations Secretary-General and his personal envoy to help the parties reach a fair, lasting and mutually-acceptable political solution that would ensure the self-determination of the people of Western Sahara under agreements aligned with the principles and objectives enshrined in the Charter of the United Nations, as set out in the Resolutions of the UN Security Council, in particular Resolutions 2152 (2014), 2218 (2015), 2385 (2016), 2351 (2017) and 2414 (2018).
- (4) Since the Association Agreement came into force, products from Western Sahara certified to be of Moroccan origin have been imported to the Union, benefiting from the tariff preferences laid down in its relevant provisions.
- (5) However, in its judgment in Case C-104/16 P ⁽³⁾, the Court of Justice specified that the Association Agreement covered the territory of the Kingdom of Morocco alone and not Western Sahara, which is a non-self-governing territory.
- (6) It should be ensured that the trade flows developed over the years are not disrupted, while establishing appropriate guarantees for the protection of international law, including of human rights, and sustainable development in the territories concerned. On 29 May 2017, the Council authorised the Commission to open negotiations with the Kingdom of Morocco with a view to establishing, in accordance with the judgment of the Court of Justice, a legal basis to grant the tariff preferences laid down in the Association Agreement to products

⁽¹⁾ Consent of 16 January 2019 (not yet published in the Official Journal).

⁽²⁾ OJ L 70, 18.3.2000, p. 2.

⁽³⁾ Judgment of the Court of Justice of 21 December 2016, *Council of the European Union v Polisario Front*, C-104/16 P, ECLI:EU:C:2016:973.

originating in Western Sahara. An agreement between the European Union and the Kingdom of Morocco is the only means of ensuring that the import of products originating in Western Sahara benefits from preferential origin, given that only the Moroccan authorities are able to ensure compliance with the rules necessary for the granting of such preferences.

- (7) The Commission assessed the potential consequences of such an Agreement for sustainable development, particularly with regard to the advantages and disadvantages for the people concerned arising from the tariff preferences given to products from Western Sahara and the exploitation of the natural resources of the territories in question. The effects of tariff benefits on employment, human rights and the exploitation of natural resources are very difficult to measure as they are by nature indirect. Moreover, it is not easy to obtain objective information on this issue.
- (8) Nonetheless, the assessment indicates that, overall, the advantages for the economy of Western Sahara arising from the granting of the tariff preferences laid down in the Association Agreement to products originating in Western Sahara, such as the powerful leverage effect it represents for economic growth and thus social development, outweigh the disadvantages raised in the consultation process, such as the extensive use of natural resources, especially underground water reserves, for which measures have been taken.
- (9) It has been assessed that the extension of tariff preferences to products originating in Western Sahara will have a positive overall effect for the people concerned. It can be expected that this effect should continue and may even be enhanced in the future. The assessment indicates that extending the benefit of tariff preferences to Western Saharan products will promote the conditions for investment and foster substantial and rapid growth favourable to local jobs. The existence in Western Sahara of economic and production activities that would benefit greatly from the tariff preferences laid down in the Association Agreement shows that failure to grant tariff preferences would significantly jeopardise exports from Western Sahara, especially those of fishery and agricultural products. It is assessed that by stimulating investment, the granting of tariff preferences should also have a positive impact on the development of Western Sahara's economy.
- (10) Having regard to the considerations on consent in the ruling of the Court of Justice, the Commission, in liaison with the European External Action Service, has taken all reasonable and feasible steps in the current context to adequately involve the people concerned in order to ascertain their consent to the agreement. Wide-ranging consultations were conducted and the majority of the social, economic and political stakeholders who participated in the consultations stated that they were in favour of extending the tariff preferences in the Association Agreement to Western Sahara. Those who rejected the idea felt essentially that such an Agreement should affirm Morocco's position on Western Sahara. However, the text of the Agreement does not imply that it recognises Morocco's sovereignty over Western Sahara. The Union will also continue to step up its efforts in support of the process, initiated and pursued through the United Nations, working towards a peaceful resolution of the dispute.
- (11) In accordance with Council Decision (EU) 2018/1893 ⁽⁴⁾, the Agreement in the form of an Exchange of Letters between the European Union and the Kingdom of Morocco on the amendment of Protocols 1 and 4 to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part (the 'Agreement'), was signed on 25 October 2018 subject to its conclusion at a later date.
- (12) The Agreement helps achieve the aims pursued by the Union under Article 21 of the Treaty on European Union.
- (13) The Agreement should be approved,

HAS ADOPTED THIS DECISION:

Article 1

Agreement in the form of an Exchange of Letters between the European Union and the Kingdom of Morocco on the amendment of Protocols 1 and 4 to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part (the 'Agreement'), is hereby approved on behalf of the Union.

The text of the Agreement is attached to this Decision.

⁽⁴⁾ Council Decision (EU) 2018/1893 of 16 July 2018 relating to the signature, on behalf of the European Union, of the Agreement in the form of an Exchange of Letters between the European Union and the Kingdom of Morocco on the amendment of Protocols 1 and 4 to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part (OJ L 310, 6.12.2018, p. 1).

Article 2

The President of the Council shall designate the person empowered to proceed, on behalf of the Union, to the notification provided for in the Agreement ⁽⁵⁾.

Article 3

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, 28 January 2019.

For the Council
The President
P. DAEA

⁽⁵⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

AGREEMENT

in the form of an Exchange of Letters between the European Union and the Kingdom of Morocco on the amendment of Protocols 1 and 4 to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part

A. Letter from the Union

Dear Sir,

I write with reference to the negotiations that took place as part of the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part ('the Association Agreement'), concerning the amendment of certain protocols to the Agreement.

Following those negotiations, the European Union and the Kingdom of Morocco have agreed the following:

This Agreement is concluded without prejudice to the respective positions of the European Union with regard to the status of Western Sahara and of the Kingdom of Morocco with regard to that region.

Both parties reaffirm their support for the United Nations process and back the efforts made by the Secretary-General to reach a definitive political settlement in line with the principles and objectives of the Charter of the United Nations and based on the Resolutions of the UN Security Council.

The European Union and the Kingdom of Morocco agreed to insert the joint declaration below, after Protocol 4 to the Association Agreement.

Joint declaration concerning the application of Protocols 1 and 4 to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part ("the Association Agreement")

1. Products originating in Western Sahara subject to controls by customs authorities of the Kingdom of Morocco shall benefit from the same trade preferences as those granted by the European Union to products covered by the Association Agreement.
2. Protocol 4 shall apply *mutatis mutandis* for the purposes of defining the originating status of the products referred to in paragraph 1, including with regard to proof of origin ⁽¹⁾.
3. The customs authorities of the Member States of the European Union and of the Kingdom of Morocco shall be responsible for ensuring that Protocol 4 is applied to those products.'

The European Union and the Kingdom of Morocco reaffirm their commitment to applying the protocols in accordance with the provisions of the Association Agreement concerning respect for fundamental freedoms and human rights.

The insertion of the joint declaration is based on the long-standing special partnership between the European Union and the Kingdom of Morocco, as notably embodied in the advanced status awarded to the Kingdom of Morocco, and on the parties' shared desire to deepen and expand the partnership.

In this spirit of partnership and in order to allow the parties to assess the impact of the Agreement, particularly on sustainable development and with regard to the advantages for the people concerned and the exploitation of the natural resources of the territories in question, the European 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 this evaluation exercise will be determined at a later date before being adopted by the Association Committee at the latest two months after the entry into force of this Agreement.

This Agreement can be applied provisionally by mutual agreement notified by an exchange of notifications between the parties, with effect from the date of the signature authorised by the Council of the European Union.

This Agreement takes effect the day after the date on which the parties notify the completion of the internal procedures for its adoption.

⁽¹⁾ The Kingdom of Morocco customs authorities shall be responsible for applying the provisions of Protocol 4 for the products referred to in paragraph 1.

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

Yours faithfully,

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

25-10-2018

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 Europsku uniju

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

Moham Jamil

for the

عن الاتحاد الأوروبي

B. *Letter from the Kingdom of Morocco*

Dear Sir,

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

'Dear Sir,

I write with reference to the negotiations that took place as part of the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part ('the Association Agreement'), concerning the amendment of certain protocols to the Agreement.

Following those negotiations, the European Union and the Kingdom of Morocco have agreed the following:

This Agreement is concluded without prejudice to the respective positions of the European Union with regard to the status of Western Sahara and of the Kingdom of Morocco with regard to that region.

Both parties reaffirm their support for the United Nations process and back the efforts made by the Secretary-General to reach a definitive political settlement in line with the principles and objectives of the Charter of the United Nations and based on the Resolutions of the UN Security Council.

The European Union and the Kingdom of Morocco agreed to insert the joint declaration below, after Protocol 4 to the Association Agreement.

Joint declaration concerning the application of Protocols 1 and 4 to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part ("the Association Agreement")

1. Products originating in Western Sahara subject to controls by the customs authorities of the Kingdom of Morocco shall benefit from the same trade preferences as those granted by the European Union to products covered by the Association Agreement.
2. Protocol 4 shall apply *mutatis mutandis* for the purposes of defining the originating status of the products referred to in paragraph 1, including with regard to proof of origin ⁽²⁾.
3. The customs authorities of the Member States of the European Union and of the Kingdom of Morocco shall be responsible for ensuring that Protocol 4 is applied to those products.'

The European Union and the Kingdom of Morocco reaffirm their commitment to applying the protocols in accordance with the provisions of the Association Agreement concerning respect for fundamental freedoms and human rights.

The insertion of the joint declaration is based on the long-standing special partnership between the European Union and the Kingdom of Morocco, as notably embodied in the advanced status awarded to the Kingdom of Morocco, and on the parties' shared desire to deepen and expand the partnership.

In this spirit of partnership and in order to allow the parties to assess the impact of the Agreement, particularly on sustainable development and with regard to the advantages for the people concerned and the exploitation of the natural resources of the territories in question, the European 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 this evaluation exercise will be determined at a later date before being adopted by the Association Committee at the latest two months after the entry into force of this Agreement.

This Agreement can be applied provisionally by mutual agreement notified by an exchange of notifications between the parties, with effect from the date of the signature authorised by the Council of the European Union.

This Agreement takes effect the day after the date on which the parties notify the completion of the internal procedures for its adoption.

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

⁽²⁾ The Kingdom of Morocco customs authorities shall be responsible for applying the provisions of Protocol 4 for the products referred to in paragraph 1.

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

Yours faithfully,

حرر ببروكسيل 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
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

25 -10- 2018

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 Karalistės 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 IMPLEMENTING REGULATION (EU) 2019/218

of 1 February 2019

approving an amendment to the specification for a Protected Designation of Origin or a Protected Geographical Indication ('Vinos de Madrid' (PDO))

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular Article 99 thereof,

Whereas:

- (1) The Commission has examined the application for the approval of an amendment to the specification for the Protected Designation of Origin 'Vinos de Madrid', sent by Spain in accordance with Article 105 of Regulation (EU) No 1308/2013.
- (2) The Commission has published the application for the approval of an amendment to the specification in the *Official Journal of the European Union*, as required by Article 97(3) of Regulation (EU) No 1308/2013 ⁽²⁾.
- (3) No statement of objection has been received by the Commission under Article 98 of Regulation (EU) No 1308/2013.
- (4) The amendment to the specification should therefore be approved in accordance with Article 99 of Regulation (EU) No 1308/2013.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

The amendment to the specification published in the *Official Journal of the European Union* regarding the name 'Vinos de Madrid' (PDO) is hereby approved.

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*.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ C 398, 5.11.2018, p. 8.

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

Done at Brussels, 1 February 2019.

*For the Commission,
On behalf of the President,
Phil HOGAN
Member of the Commission*

CORRIGENDA

Corrigendum to Commission Implementing Decision (EU) 2018/1622 of 29 October 2018 on the non-approval of certain active substances in biocidal products pursuant to Regulation (EU) No 528/2012 of the European Parliament and of the Council*(Official Journal of the European Union L 271 of 30 October 2018)*

On page 29, in the table of the Annex:

for:

'939	Active Chlorine: manufactured by the reaction of hypochlorous acid and sodium hypochlorite produced <i>in situ</i>	SK	Mixture	Not available	2, 3, 4, 5, 11, 12'
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read:

'939	Active Chlorine: manufactured by the reaction of hypochlorous acid and sodium hypochlorite produced <i>in situ</i>	SK	Mixture	Not available	2, 3, 4, 5'
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