



14.9.2011

B7-0519/2011

MOTION FOR A RESOLUTION

pursuant to Rule 90(6) of the Rules of Procedure

requesting an opinion from the Court of Justice on the compatibility with the Treaties of the Protocol on the EU-Morocco Fisheries Partnership Agreement

Andrew Duff, Raül Romeva i Rueda, Jan Philipp Albrecht, François Alfonsi, Pino Arlacchi, Catherine Bearder, Thijs Berman, Jean-Paul Besset, Izaskun Bilbao Barandica, José Bové, Franziska Katharina Brantner, Frieda Brepoels, Nikolaos Chountis, Sergio Gaetano Cofferati, Tarja Cronberg, Chris Davies, Bairbre de Brún, Cornelis de Jong, Leonidas Donskis, Lena Ek, Jill Evans, Tanja Fajon, Göran Färm, Gerben-Jan Gerbrandy, Ana Gomes, Catherine Grèze, Anna Hedh, Sophia in 't Veld, Vincenzo Iovine, Oriol Junqueras Vies, Jelko Kacin, Franziska Keller, Nicole Kiil-Nielsen, Mojca Kleva, Jean Lambert, Patrick Le Hyaric, Barbara Lochbihler, Isabella Lövin, Sarah Ludford, Olle Ludvigsson, Ulrike Lunacek, George Lyon, Arlene McCarthy, Edward McMillan-Scott, Willy Meyer, Guido Milana, Paul Murphy, Bill Newton Dunn, Norbert Neuser, Marit Paulsen, Miguel Portas, Phil Prendergast, Michèle Rivasi, Heide Rühle, Marietje Schaake, Carl Schlyter, Olle Schmidt, Helmut Scholz, Marco Scurria, Alyn Smith, Søren Bo Søndergaard, Francisco Sosa Wagner, Bart Staes, Catherine Stihler, Charles Tannock, Rui Tavares, Keith Taylor, Patrizia Toia, Ramon Tremosa i Balcells, Emilie Turunen, Michail Tremopoulos, Marita Ulvskog, Ivo Vajgl, Diana Wallis, Graham Watson, Åsa Westlund, Cecilia Wikström

B7-0519/2011

European Parliament resolution requesting an opinion from the Court of Justice on the compatibility with the Treaties of the Protocol on the EU-Morocco Fisheries Partnership Agreement

The European Parliament,

- having regard to Articles 3(5) and 21 of the Treaty on European Union,
 - having regard to Articles 218(6) and (11) of the Treaty on the Functioning of the European Union,
 - having regard to 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 Morocco¹,
 - having regard to the proposal for a Council decision on the conclusion of a Protocol setting out the fishing opportunities and financial compensation provided for in the Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco² and to the Council's request for the consent of the European Parliament³,
 - having regard to Rule 90(6) of its Rules of Procedure,
- A. whereas the first Protocol on the Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco expired on 28 February 2011;
- B. whereas a new 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 was signed on 13 July 2011;
- C. whereas the conclusion of the new Protocol requires the consent of the European Parliament before it can be finally adopted by the Council;
- D. whereas the application of the new Protocol extends to the waters off the coast of Western Sahara, which has been on the United Nations list of Non-Self-Governing Territories since 1963;
- E. whereas, in order to comply with international law, economic activities relating to the natural resources of a Non-Self-Governing Territory must be carried out for the benefit of the people of such a territory, and in accordance with their wishes; whereas it has not been demonstrated that the Union's financial contribution is used for the benefit of the people of Western Sahara;

¹ OJ L 141, 29.5.2006, p. 1.

² COM(2011)0313 final.

³ 11226/2011 – C7-0201/2011.

- F. whereas these obligations bind not only Morocco but also the Union as the primary beneficiary of the Fisheries Partnership Agreement and its Protocol;
1. Takes the view that there is legal uncertainty as to whether the new Protocol complies with international law as regards the socio-economic interests of the Non-Self-Governing Territory of Western Sahara and the exploitation of its natural resources, and thus as to whether the new Protocol is compatible with the Treaties in this respect;
 2. Decides to seek an opinion from the Court of Justice on the compatibility of the above-mentioned Protocol with the Treaties;
 3. Instructs its President to forward this resolution to the Council and the Commission for information and to take the necessary measures to obtain such an opinion from the Court of Justice.