

Agreement establishing an Association between the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Morocco

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND ("the United Kingdom") and THE KINGDOM OF MOROCCO ("Morocco") (hereinafter referred to as "the Parties"),

RECOGNISING that 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, done at Brussels on 26 February 1996 ("the EU-Morocco Association Agreement") and the Agreement between the European Union and the Kingdom of Morocco establishing a dispute settlement mechanism, done at Brussels on 13 December 2010 ("the EU-Morocco Dispute Settlement Mechanism Agreement") will cease to apply to the United Kingdom when it ceases to be a Member State of the European Union, or at the end of any transitional arrangement during which the rights and obligations under these Agreements continue to apply to the United Kingdom;

DESIRING that the rights and obligations between the Parties as provided for by the EU-Morocco Association Agreement and the EU-Morocco Dispute Settlement Mechanism Agreement should continue;

HAVE AGREED AS FOLLOWS:

Article 1. Objectives

1. The overriding objective of this Agreement is to preserve the links between the Parties established in the association created in Article 1 of the EU-Morocco Association Agreement.
2. In particular, the Parties agree to preserve the preferential conditions relating to trade between the Parties which resulted from the EU-Morocco Association Agreement and to provide a platform for further trade liberalisation between the Parties.
3. For the avoidance of doubt, it is confirmed that the Parties establish an association as well as a free trade area in goods and associated rules in accordance with this Agreement and affirm the objectives in Article 1 of the EU-Morocco Association Agreement and Article 1 of the EU-Morocco Dispute Settlement Mechanism Agreement.

Article 2. Definitions and Interpretation

1. Throughout this Instrument:
 - (a) the "EU-Morocco Agreements" means the Agreements defined in Article 3(1);
 - (b) the "Incorporated Agreements" means the provisions of the EU- Morocco Agreements as incorporated into this Agreement (and related expressions are to be read accordingly);
 - (c) "mutatis mutandis" means with the technical changes necessary to apply the EU-Morocco Agreements as if they had been concluded between the United Kingdom and Morocco, taking into account the object and purpose of this Agreement.
2. Throughout the Incorporated Agreements and this Instrument, "this Agreement" means this Instrument and the Incorporated Agreements.
3. Throughout the Incorporated Agreements references to financial cooperation cover a range of forms of such cooperation and means by which it may occur, including bilateral cooperation and cooperation through multilateral and regional organisations.

Article 3. Incorporation of the EU-Morocco Agreements

1. The provisions of the following agreements (together referred to as the "EU- Morocco Agreements") in effect immediately

before they cease to apply to the United Kingdom are incorporated into this Agreement, mutatis mutandis, subject to the provisions of this Instrument:

- (a) the EU-Morocco Association Agreement; and
- (b) the EU-Morocco Dispute Settlement Mechanism Agreement

2. For the avoidance of doubt, the EU-Morocco Association Agreement incorporated by this Article, and referred to throughout this Instrument, is that agreement as amended (up until immediately before it ceased to apply to the United Kingdom), including by subsequent exchanges of letters between the European Union and Morocco, among others the Agreement in the form of an Exchange of Letters between the European Union and Morocco on the amendment of Protocols 1 and 4 to the EU-Morocco Association Agreement done at Brussels on 25th October 2018.⁽¹⁾

(1) The amendment to Protocol 4 to the EU-Morocco Association Agreement made by the Agreement done at Brussels on 25th October 2018 is reflected in Annex E of Protocol 4 to this Agreement.

Article 4. References to European Union Law

1. Except as otherwise provided, references in this Agreement to European Union law are to be read as references to that European Union law in force as incorporated or implemented in United Kingdom law as retained European Union law on the day after the United Kingdom ceases to be bound by the relevant European Union law.

2. In this Article "United Kingdom law" includes the law of the territories for whose international relations the United Kingdom is responsible to whom this Agreement extends, as set out in Article 6.

Article 5. References to the Euro

Notwithstanding Article 3(1), references to the euro (including "EUR" and "€") in the Incorporated Agreements shall continue to be read as such in this Agreement.

Article 6. Territorial Application

1. This Agreement shall apply to both Parties to the extent that and under the conditions which the EU-Morocco Agreements (as defined by Article 3) applied immediately before they ceased to apply to the United Kingdom.

2. In respect of the United Kingdom, the application referred to in paragraph 1 is to the United Kingdom and those territories for whose international relations the United Kingdom is responsible. (2)

3. Notwithstanding paragraphs 1 and 2, and Article 11 of this Instrument, this Agreement shall apply to those territories for whose international relations the United Kingdom is responsible from the date of written notification by the United Kingdom to Morocco of application of this Agreement to those territories. (3)

(2) This is without prejudice to the position of Morocco with regard to the status of these territories.

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Article 7. Continuation of Time Periods

1. Unless this Instrument Provides Otherwise:

(a) if a period in the EU-Morocco Agreements has not yet ended, the remainder of that period shall be incorporated into this Agreement; and

(b) if a period in the EU-Morocco Agreements has ended, any ongoing right or obligation in the EU-Morocco Agreements shall apply between the Parties and that period shall not be incorporated into this Agreement.

2. Notwithstanding paragraph 1, a reference in the Incorporated Agreements to a period relating to a procedure or other administrative matter (such as a review, committee procedure or notification) shall not be affected.

Article 8. Further Provision In Relation to the Association Council and the Association Committee

1. The Association Committee which the Parties establish under incorporated Article 81 shall ensure that this Agreement operates properly.
2. Upon entry into force of this Agreement, any decisions adopted by the Association Council or the Association Committee established by the EU-Morocco Association Agreement before the EU-Morocco Agreements ceased to apply to the United Kingdom shall, to the extent those decisions relate to the Parties to this Agreement, be deemed to have been adopted, mutatis mutandis, and subject to the provisions of this Instrument, by the Association Council or the Association Committee established under incorporated Articles 78 and 81, respectively.
3. Nothing in paragraph 2 prevents the Association Council or the Association Committee making decisions which modify, are different to, revoke or supersede the decisions deemed to have been adopted by it under that paragraph.

Article 9. Integral Parts of this Agreement

The Annexes and Footnotes to this Instrument are integral to this Agreement. The Agreement in the form of an Exchange of Notes between the United Kingdom and Morocco in respect of Protocol 4 of this Agreement, done on or around the date of this Agreement, shall likewise form an integral part of this Agreement.

Article 10. Amendments

1. The Parties may agree, in writing, to amend this Agreement. An amendment shall enter into force on the first day of the second month following the date of receipt of the later of the Parties' notifications that they have completed their internal procedures, or on such date as the Parties may agree.
2. Notwithstanding paragraph 1, the Association Council (or the Association Committee in so far as such powers are delegated to it by the Council under incorporated Article 81 of the EU-Morocco Association Agreement) may decide that the Annexes, Appendices, Protocols, Joint Decisions or Declarations and Notes to this Agreement should be amended. The Parties may adopt the Association Council's or the Association Committee's decision subject to their internal procedures.

Article 11. Entry Into Force and Provisional Application

1. Article 96 of the EU-Morocco Association Agreement and Article 23 of the EU-Morocco Dispute Settlement Mechanism Agreement shall not be incorporated into this Agreement.
2. Each of the Parties shall notify the other in writing of the completion of the procedures required by its law for the entry into force of this Agreement.
3. This Agreement shall enter into force on the later of:
 - (a) the date on which the EU-Morocco Agreements cease to apply to the United Kingdom; and
 - (b) the date of the later of the notifications by which the Parties notify each other that they have completed their respective legal procedures.
4. Pending entry into force of this Agreement, the Parties may agree to provisionally apply this Agreement, or provisions of it, by an exchange of notifications. Such provisional application shall take effect on the later of:
 - (a) the date on which the EU-Morocco Agreements cease to apply to the United Kingdom; and
 - (b) the date of the later of the Parties' notifications.
5. A Party may terminate the provisional application of this Agreement, or provisions of it, by written notification to the other Party. Such termination shall take effect on the first day of the second month following notification.
6. Where this Agreement is, or certain provisions of this Agreement are, provisionally applied, the term "entry into force of this Agreement" in any provisionally applied provisions shall be deemed to refer to the date that such provisional application takes effect.
7. The United Kingdom shall submit notifications under this Article to the Ministry of Foreign Affairs and International

Cooperation of Morocco or its successor. Morocco shall submit notifications under this Article to the United Kingdom's Foreign and Commonwealth Office or its successor.

Article 12. Authentic Texts

There shall be texts of this Agreement in the English, French and Arabic languages, duly certified by both Governments, which shall be equally authoritative.

In witness whereof the undersigned, duly authorised thereto by their respective Governments, have signed this Agreement.

Signed in duplicate at London this twenty-sixth day of October 2019.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

ANDREW MURRISON

For the Government of the Kingdom of Morocco:

NASSER BOURITA

Annex I

The incorporation of the provisions of the EU-Morocco Association Agreement into this Agreement is further modified as follows, and as set out in Annex II:

1. MODIFICATIONS TO TITLE II FREE MOVEMENT OF GOODS

- (a) Article 21 shall not be incorporated into this Agreement.
- (b) In Article 23(2) the final sentence shall not be incorporated into this Agreement.
- (c) Article 30 shall not be incorporated into this Agreement.

2. MODIFICATIONS TO TITLE IV

PAYMENTS, CAPITAL, COMPETITION AND OTHER ECONOMIC PROVISIONS

- (a) In Article 36 the following shall not be incorporated into this Agreement:
 - i. in paragraph (1)(c), the words ", with the exception of cases in which a derogation is allowed under the Treaty establishing the European Coal and Steel Community";
 - ii. paragraph (2) (including any reference to it); and
 - iii. the second bullet point in paragraph (5).
- (b) Article 40(1) shall not be incorporated into this Agreement.
- (c) In Article 40(2) the words "Using the principles set out in paragraph 1 as a basis," shall not be incorporated into this Agreement.

3. MODIFICATIONS TO TITLE V ECONOMIC COOPERATION

- (a) In Article 47(a) the first and second bullet points shall not be incorporated into this Agreement.
- (b) In Article 49(a) the words ", including cooperation in the context of access for Morocco to Community business networks and decentralised cooperation networks" shall not be incorporated into this Agreement.
- (c) Article 51 shall not be incorporated into this Agreement.
- (d) Article 52 shall not be incorporated into this Agreement

(e) In Article 53 for the words "achieve closer" substitute "establish a dialogue on".

(f) In Article 55 the following shall not be incorporated into this Agreement:

- i. in paragraph (a), the words ", in correlation with major trans-European communication routes"; and
- ii. paragraphs (b) and (c).

(g) In Article 57(d) the words "and the interconnection of such networks with Community networks" shall not be incorporated into this Agreement.

(h) In Article 61(2) the words "the Community and" shall not be incorporated into this Agreement.

(i) In Article 62(3)(c) the words "the Community and" shall not be incorporated into this Agreement.

4. MODIFICATIONS TO TITLE VI

COOPERATION IN SOCIAL AND CULTURAL MATTERS

(a) In the first paragraph of Article 65(1), after the words "the following paragraphs", insert "and Article 67".

(b) In Article 65(2) for the words "various Member States" substitute "United Kingdom and the various Member States of the European Union".

(c) In Article 67(1):

i. the words "Before the end of the first year following the entry into force of this Agreement," shall not be incorporated into this Agreement; and

ii. after the first sentence, insert:

"However, paragraph 2 of Article 65 shall not apply unless and until the Association Council:

(a) determines that appropriate data sharing arrangements are in place to enable the United Kingdom to implement paragraph 2 of Article 65; and

(b) having done so, decides to apply the provision, with or without modifications, or to replace it.".

(d) In Article 67(2):

i. at the start, insert:

"After entry into force of this Agreement, the Association Council shall examine any developments in data sharing arrangements between the United Kingdom and the European Union and consider whether these are appropriate to enable implementation of paragraph 2 of Article 65."; and

ii. before the words "adopt detailed", insert "also".

5. MODIFICATIONS TO TITLE VII

FINANCIAL COOPERATION

(a) In Article 76 the words "Within the framework of Community instruments intended to buttress structural adjustment programmes in the Mediterranean countries - and" shall not be incorporated into this Agreement.

6. MODIFICATIONS TO TITLE VII

INSTITUTIONAL, GENERAL AND FINAL PROVISIONS

(a) In Article 85 the words ", and between the Economic and Social Committee of the Community and its counterpart in the Kingdom of Morocco" shall not be incorporated into this Agreement.

(b) In the first paragraph of Article 86(4) the final sentence shall not be incorporated into this Agreement.

(c) Article 92 shall not be incorporated into this Agreement.

(d) In the second paragraph of Article 93, immediately after the words "other Party", insert "in writing".

(e) Article 95 shall not be incorporated into this Agreement.

7. MODIFICATIONS TO ANNEX 7

RELATING TO INTELLECTUAL, INDUSTRIAL AND COMMERCIAL PROPERTY

(a) In paragraph (1) for the words "the Agreement" substitute "this Agreement".

8. MODIFICATIONS TO PROTOCOL 1

CONCERNING THE ARRANGEMENTS APPLICABLE TO THE IMPORTATION INTO THE EUROPEAN UNION OF AGRICULTURAL PRODUCTS, PROCESSED AGRICULTURAL PRODUCTS, FISH AND FISHERY PRODUCTS ORIGINATING IN THE KINGDOM OF MOROCCO

[not include]

9. MODIFICATIONS TO PROTOCOL 2

CONCERNING THE ARRANGEMENTS APPLICABLE TO THE IMPORTATION INTO THE KINGDOM OF MOROCCO OF AGRICULTURAL PRODUCTS, PROCESSED AGRICULTURAL PRODUCTS, FISH AND FISHERY PRODUCTS ORIGINATING IN THE EUROPEAN UNION

[not included]

10. MODIFICATIONS TO PROTOCOL 5

ON MUTUAL ASSISTANCE IN CUSTOMS MATTERS BETWEEN THE ADMINISTRATIVE AUTHORITIES

[not included]

11. MODIFICATIONS TO JOINT DECLARATIONS

[not included]