

C/2025/5416

3.10.2025

Notice to operators**Origin labelling of fruits and vegetables originating in the non-self-governing territory of Western Sahara that are subject to the control of Moroccan custom authorities**

(C/2025/5416)

- (1) In accordance with the judgment of the Court of Justice of 4 October 2024 in Joined Cases C-779/21 P and C-799/21 P ⁽¹⁾, and in order to ensure a clear distinction on the labelling of origin between products originating in the territory of Western Sahara that are subject to the control of Moroccan customs authorities and products originating in Morocco, as well as the correct information to Union consumers, a new 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 (hereinafter 'the Agreement') has been negotiated ⁽²⁾. The Agreement replaces the previous Agreement of 2018. The Agreement, which has been signed by the parties and which applies provisionally from 4 October 2025, establishes, among other things, that products of the fruit and vegetables sector originating in Western Sahara that are subject to the control of Moroccan customs authorities shall indicate as place of origin the name of the region where the product was harvested, as indicated in the proof of origin accompanying those products when they are imported into the Union.
- (2) Decision No 2/2025 of 3 October 2025 of the EU-Morocco Association Council set up by 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, amending Protocol 4 of the Association Agreement concerning the definition of the notion of 'originating products' and methods of administrative cooperation, lays down provisions to ensure the applicability of Protocol 4 to products originating in Western Sahara that are subject to the Agreement. The Decision specifies the name of the regions, namely 'Dakhla Oued Ed-Dahab' and 'Laâyoune-Sakia El Hamra', as appropriate, that should be indicated in the certificate of origin accompanying the products in question, as well as in the origin declaration.
- (3) In order to align the relevant EU legislation with the Agreement and the Decision of the EU-Morocco Association Council mentioned in point (2), the European Commission intends to adopt shortly a Commission Delegated Regulation amending Delegated Regulation (EU) 2023/2429 (hereinafter 'the amending Delegated Regulation') as regards origin labelling for fruit and vegetables originating in the non-self-governing territory of Western Sahara that are subject to the control of Moroccan custom authorities. The amending Delegated Regulation will be submitted for scrutiny to the European Parliament and the Council. The amending Delegated Regulation should be published and should enter into force at a later date, in case the European Parliament and the Council do not object. The amending Delegated Regulation should apply retroactively as from 4 October 2025, the date from which the Agreement is provisionally applied. By derogation from Article 76(1) of Regulation (EU) No 1308/2013 of the European Parliament and of the Council ⁽³⁾ and from Article 3 of Commission Delegated Regulation (EU) 2023/2429 ⁽⁴⁾, the amending Delegated Regulation should provide that, for fruits and vegetables, certain dried fruits and ripened bananas referred to in Article 1(2) of Delegated Regulation (EU) 2023/2429 originating in the territory of Western Sahara that are subject to the control of Moroccan customs authorities and that are imported and marketed in the Union, the indication of the country of origin will have to be replaced by the indication of the region in which the product originates indicated in the certificate of origin accompanying those products at the moment of import in the Union, as provided for in the Decision of the EU-Morocco Association Council mentioned in point (2).

⁽¹⁾ Judgment of the Court of Justice of 4 October 2024, *Council of the European Union v Polisario Front* in Joined Cases C-779/21 P and C-799/21 P, ECLI:EU:C:2024:835.

⁽²⁾ Council Decision (EU) 2025/2022 of 1 October 2025 on the signing and on the provisional application 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, 2025/2022, 3.10.2025, ELI: <http://data.europa.eu/eli/dec/2025/2022/oj>).

⁽³⁾ 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 (OJ L 347, 20.12.2013, p. 671, ELI: <http://data.europa.eu/eli/reg/2013/1308/oj>).

⁽⁴⁾ Commission Delegated Regulation (EU) 2023/2429 of 17 August 2023 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards marketing standards for the fruit and vegetables sector, certain processed fruit and vegetable products and the bananas sector, and repealing Commission Regulation (EC) No 1666/1999 and Commission Implementing Regulations (EU) No 543/2011 and (EU) No 1333/2011 (OJ L, 2023/2429, 3.11.2023, ELI: http://data.europa.eu/eli/reg_del/2023/2429/oj).

- (4) Finally, the amending Delegated Regulation should also provide that such products, if lawfully imported into the Union before the entry into force of the amending Delegated Regulation and bearing the indication of Western Sahara as country of origin, may continue to be marketed within the Union until stocks are exhausted, provided that they continue to conform with all other requirements of the applicable Union marketing standards.
-