

18 December 2017  
Brussels

Dear Commissioner Andriukaitis,

Western Sahara Resource Watch is privileged to write to you. We wish to submit several questions following DG SANCO's visit to occupied Western Sahara a fortnight ago. We understand that this was a technical, audit mission aimed at "verifying existing sanitary control systems with a view on updating the list of companies authorised to export their products to the EU" (as stated in an email by Mr Dominique Claeys, DG MARE, 7 December 2017 – see attached).

To this regard, we would be grateful if you could clarify the following issues:

1. What list of authorized companies is being updated through the above-mentioned visit of the Commission?
2. What is the applicable EU legal basis for this list, given that Morocco has no sovereignty over Western Sahara and no international mandate to administer it?
3. What is the legal basis for a mission geared towards updating the list of companies that are authorized to export their products to the EU, when there is no EU-trade arrangement currently applicable to Western Sahara?
4. Has the Commission updated the list of third countries with authorized establishments in order to include Western Sahara?
5. Will the updated list for authorized establishments located in Western Sahara be included in the Commission's website under "Morocco" (as until the ECJ ruling Polisario vs. Council of 21 December 2016) or under "Western Sahara"?
6. Are the updated lists intended to facilitate the work of the Member States' customs authorities to differentiate between products coming from Morocco and those coming from Western Sahara?
7. Given the CJEU's view of Western Sahara as having a "separate and distinct" status in relation to Morocco, and the need for the consent of the people of the territory for any trade or association agreement to affect their territory, has DG SANCO been in touch with the UN-recognised representatives of the people of Western Sahara, i.e. the Polisario Front?
8. How does DG SANCO assess its duty of non-recognition of Morocco's claims to Western Sahara in relation to its mission to the territory?

We thank you in advance for your consideration of our questions. Please do not hesitate to contact us should you require any further information to further engage the matter.

Sincerely,

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