



Member of the European Parliament

To:

Ms. Mogherini, High Representative/Vice President of the Commission

Ms. Malmström, Commissioner for Trade

Mr. Moscovici, Commissioner for Economic and Financial Affairs

18 July 2018

Dear Commissioners Mogherini, Malmström and Moscovici,

We wish to draw to your immediate attention an urgent matter that potentially implies a serious breach of EU legislation, European Court of Justice (ECJ) case law and public international law, in relation to EU trade in goods originated in Western Sahara.

According to reliable sources, a Dutch-flagged vessel, named the *Bente*, allegedly carrying products from the occupied territories of Western Sahara is currently en route to the German port of Bremen and is scheduled to arrive on 19 July. We are concerned about this development, since, if these allegations are confirmed, this might imply a direct violation of the recent judgements by the ECJ on the EU-Morocco Agreements of 21 December 2016 (C-104/16) and on the EU-Morocco Fisheries Agreement of 27 February 2018 (C-266/16).

It would appear that the *Bente* loaded fishmeal in the port of Laayoune, which is in the occupied part of Western Sahara. There are concerns that the Moroccan authorities would have delivered the relevant shipping documents and certificates of origin pertaining to this shipment.

As you will know, the ECJ ruled that the EU-Morocco Association Agreement, as well as the Liberalisation Agreement and the Fisheries Agreement, do not apply to the territory and waters of Western Sahara; that the Sahrawi people has the right to self-determination, which includes the right to permanent sovereignty over their natural resources; and the Sahrawi people must be regarded as a third party, that must give its consent in order for other parties to export from their territory. It follows that any import into the EU from occupied Western Sahara has currently no legal basis under EU-Morocco bilateral agreements.

In light of the above, we call on the Commission, as the guardian of the European legal norm, to consider this matter with utmost urgency and to seize the relevant German authorities with a view to taking the appropriate measures, notably in application of the Commission's note¹ on the customs implications of the ECJ judgement in case C-104/16P (Western Sahara), before the vessel arrives in Bremen on 19 July.

Yours sincerely,

Barbara Lochbihler, MEP

Helga Trüpel, MEP

Bodil Valero, MEP

¹ https://ec.europa.eu/taxation_customs/sites/taxation/files/guidance-2017-03-15.pdf