



PRESS RELEASE No 169/24

Luxembourg, 4 October 2024

Judgment of the Court in Case C-399/22 | Confédération paysanne (Melons and tomatoes from Western Sahara)

Consumer information: the labelling of melons and tomatoes harvested in Western Sahara must refer to that territory, and not Morocco, as the country of origin

Any other indication would be deceptive and could mislead consumers

As goods imported into the European Union, melons and tomatoes harvested in Western Sahara must indicate their country of origin under EU legislation. That indication must appear on the goods and must not be deceptive. For this reason, the labelling of those goods must indicate Western Sahara as their country of origin.

That obligation applies not only to goods originating from a 'country' (as a synonym for the word 'State'), but also to those originating from 'territories' (designating entities other than 'countries'). Whilst being under the jurisdiction or international responsibility of a State, those territories nevertheless have a separate and distinct status under international law. Referring to Morocco rather than to Western Sahara for the purpose of identifying the origin of melons and tomatoes harvested in the latter territory would mislead consumers as to the true origin of those goods.

Despite the failure on the part of exporters of melons and tomatoes from Western Sahara, which have been presented as being of Moroccan origin, to comply with that requirement, the French authorities may not place a unilateral ban on the import of those goods. Such a measure falls under the exclusive competence of the Union.

The territory of Western Sahara, situated in north-west Africa, borders Morocco, Algeria and Mauritania, while its west coast faces the Atlantic Ocean. The majority of the territory of Western Sahara is currently controlled by Morocco, while Front Polisario, a movement campaigning for the exercise by the people of Western Sahara of its right to self-determination and for the creation of a sovereign Sahrawi State, controls a smaller and very sparsely populated area in the east of that territory.

The agricultural development of Western Sahara, in particular the production in greenhouses of tomatoes and melons, is primarily accomplished by means of irrigation infrastructure financed by Morocco. Those goods are exported to the European Union and marketed indicating Morocco on their labelling as their country of origin.

The Confédération paysanne, a union of French farmers, has asked the French authorities¹ to ban the import of melons and tomatoes originating in the territory of Western Sahara. It claims that the melons and tomatoes which are grown there are incorrectly labelled as originating in Morocco. It seeks clear labelling distinguishing goods from Western Sahara from those from Morocco, in order to comply with international law and to ensure that consumers are not misled in their purchasing decisions.

Taking the French authorities' silence as an implicit rejection of its request, the Confédération paysanne has brought

proceedings before the French Conseil d'État (Council of State), which asks the Court of Justice, first, what kind of safeguard measure may be taken by a Member State when it is found that goods are systematically accompanied by an incorrect indication of origin and, second, what indication of origin, in the context of the EU-Morocco Association Agreement approved by the Council in 2019,² is to accompany the goods in question.

The Court, sitting as the Grand Chamber, considers that **the Member States may not unilaterally adopt measures banning the import of certain agricultural goods which systematically fail to comply with the EU legislation concerning the indication of the country or territory of origin.** The Court specifies in that regard that, in principle,³ only the Union may legislate and adopt binding acts in the area of the common commercial policy. Where appropriate, it would therefore be for the Commission to intervene within the framework set by the cooperation mechanisms provided for by the EU-Morocco Association Agreement.

That being so, **the indication of the country of origin which must appear on the melons and tomatoes in question may designate only the Western Sahara**, because those goods are harvested in that territory.

That territory is separate from Morocco and is a customs territory within the meaning of EU law.

Any other indication would be likely to suggest to consumers that those melons and tomatoes originate from a place other than the territory in which they were harvested.

NOTE: A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of EU law or the validity of an EU act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

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The [full text and, as the case may be, the abstract](#) of the judgment is published on the CURIA website on the day of delivery.

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Pictures of the delivery of the judgment are available from "[Europe by Satellite](#)" ☎ (+32) 2 2964106.

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¹ More specifically, the ministre de l'Agriculture et de l'Alimentation (Minister for Agriculture and Food) and the ministre de l'Économie, des Finances et de la Relance (Minister for Economic Affairs, Finance and Recovery).

² [Council Decision \(EU\) 2019/217](#) of 28 January 2019 on the conclusion 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, was annulled by the judgment of the General Court of 29 September 2021, *Front Polisario v Council*, [T-279/19](#) (see also Press Release [No 166/21](#)). By judgment delivered today in Joined Cases *Commission and Council v Front Polisario*, [C-779/21 P](#) and [C-799/21 P](#) (see also Press Release No 170/24), the Court of Justice dismissed the appeals brought against that judgment of the General Court, but its effects were maintained until 4 October 2025.

³ The Member States may legislate and adopt legally binding acts in such an area only if empowered to do so by the Union or for the implementation of Union acts.