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Advocate General's Opinion in Case C-399/22 | Confédération paysanne (Melons and tomatoes from Western Sahara)

Advocate General Ápeta: melons and tomatoes from the territory of Western Sahara must bear a 'country of origin' label reflecting their origin in that territory

Such products may not indicate the Kingdom of Morocco as their 'country of origin'

The Confédération paysanne, a French agricultural union, asked the French government to prohibit the importation of melons and tomatoes originating in the territory of Western Sahara, claiming that they were falsely labelled as originating in the Kingdom of Morocco.

Faced with an implicit refusal to issue that order, the Confédération paysanne initiated an action before the French Council of State, which referred several questions relating to the interpretation of EU law to the Court of Justice.

In her Opinion, Advocate General Tamara Ápeta first explains that **the territory of Western Sahara** is regarded by the European Union and the international community as constituting **a distinct and separate territory from the Kingdom of Morocco**.

Accordingly, **EU foodstuff labelling law**, like the EU customs rules, **requires that the territory of Western Sahara be indicated as the country of origin of melons and tomatoes grown and harvested in that territory**.

Not doing so would run counter to **the EU's stated position** on the territory of Western Sahara, infringe the requirement to establish "**correct, neutral and objective**" information particulars on EU foodstuff labels, and infringe the EU legislature's decision to require **a singular origin for foodstuff labelling purposes**. Hence, the country of origin label for melons and tomatoes **must not contain any territorial designation other than that of Western Sahara**. Labelling those products as originating in Kingdom of Morocco instead of originating in Western Sahara therefore breaches EU law.

According to Advocate General Ápeta, **omitting the territory of Western Sahara as the country of origin** of melons and tomatoes **risks misleading EU consumers in their purchasing decisions**. That is because a label suggesting that food originates from a place other than its true place of origin is precisely what should be avoided under EU foodstuff labelling law.

In relation to a separate question raised by the French Council of State, the Advocate General concludes **that EU law does not authorise the French authorities to put in place a unilateral import ban** simply because melons and tomatoes from the territory of Western Sahara do not display a correct country of origin label.

Since the international trade in goods is a matter of the **common commercial policy**, and therefore **an exclusive competence of the European Union**, that policy must be governed by **uniform principles**. Accordingly, import bans can only be issued by the European Union, unless Member States are specifically authorized to do so. No such

authorization exists for the case of mislabeled melons and tomatoes.

NOTE: The Advocate General's Opinion is not binding on the Court of Justice. It is the role of the Advocates General to propose to the Court, in complete independence, a legal solution to the cases for which they are responsible. The Judges of the Court are now beginning their deliberations in this case. Judgment will be given at a later date.

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](#) of the Opinion is published on the CURIA website on the day of delivery.

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