

Disma International/Azura Group

332 rue de Turin

66034 Perpignan – France

Att: Mr. Hicham Harakat, CEO

Paris/Brussels, 02.12.2024

REGARDING AZURA AND THE OCCUPATION OF WESTERN SAHARA

Dear Mr. Harakat

Western Sahara Resource Watch (WSRW) and the French association les Amis du Peuple du Sahara Occidental (APSO) are privileged to present you with our compliments. We are writing to inquire about some aspects in relation to your company's agriculture and aquaculture production in occupied Western Sahara.

We are currently in the process of writing an article on our website www.wsrw.org about the matter. Furthermore, we are working on a report on the different certification schemes involved in the problematic trade from the territory for the the websites www.vest-sahara.no and www.wsrw.org. This larger report is to be published in approximately a month from now. We would hope to hear back from you – either on behalf of Disma International or Azura Group – **prior to 24 December 2024**.

Allow us to first contextualise our query. The United Nations consider Western Sahara to be a non-self-governing territory without an administering power in place. The International Court of Justice has confirmed that Morocco has no sovereignty over the territory, and that the people of Western Sahara have a right to self-determination – the right to determine the future status of the territory.¹ In 1988, the UN was able to broker a ceasefire arrangement between Morocco and the Western Sahara liberation movement, Polisario, in which both parties agreed to hold a referendum on self-determination.² To that goal, a UN mission (MINURSO) has been deployed to the territory, but it has not been able to organise a referendum as Morocco continues to block any effort that offers a choice beyond integration. In November 2020, the ceasefire collapsed after the Moroccan army seized a section of the UN buffer zone to break up a Saharawi protest.³

While well over a hundred of UN Resolutions, and rulings by the International Court of Justice, the European Court of Justice⁴ and the African Court on Human and People's Rights⁵, all underline that Morocco has no sovereignty or administering mandate over Western Sahara, Morocco continues to militarily control about three-quarters of the territory. Incentivized by its exploitation of the territory's resources, Morocco has little interest to genuinely take part in the UN-mediated peace process. Meanwhile, the lingering conflict continues to have a high human and humanitarian cost: over 170,000 Saharawis are stuck in refugee camps in neighbouring Algeria, surviving in harsh desert conditions and dwindling humanitarian aid. Saharawis who live under the yoke of Morocco's occupation are victims of serious human rights violations that have been reported by the UN Human Rights Committee, UN Working Group on Arbitrary Detention, the UN Special Rapporteur on Human Rights Defenders, in addition to credible international organisations such as Human Rights Watch, Amnesty International, and others. In 2023, the UN High Commissioner for Human Rights lamented the fact that his Office

¹ International Court of Justice, Western Sahara, <https://www.icj-cij.org/case/61>

² The "settlement proposals" are included in the Report of the UN Secretary General on Western Sahara of June 1990, available here: https://minurso.unmissions.org/sites/default/files/unsrg_report_18_june_1990.pdf

³ WSRW, 19.11.2020, Saharawi gov calls for halt of all activity in Western Sahara over war, <https://wsrw.org/en/news/saharawi-gov-calls-for-halt-of-all-activity-in-western-sahara-over-war>

⁴ The Rulings for cases T-512/12, T-180/14, C-266/16, T-275/18 and combined cases T-344/19, T-356/19 and T-279/19 can be accessed at the site of the EU Court of Justice, <http://curia.europa.eu>.

⁵ African Court on Human and People's Rights, 22.09.2022, Ruling on Application N° 028/2018 <https://www.african-court.org/cpmt/storage/app/uploads/public/632e0f3ad/632e0f3ad580e748464681.pdf>

has not been allowed to visit Western Sahara for the last eight years.⁶ Year after year, Western Sahara is ranked among the worst countries and territories in terms of political rights and civil liberties, on par with countries and territories like North Korea, Syria, Afghanistan and Crimea.⁷

The status of the territory comes with repercussions for business activities. As established in 2002 by the UN Legal Counsel at the request of the Security Council, any economic activity in the territory would be in violation of international law if not undertaken in accordance with the wishes and the interests of the people of the territory.⁸ We also refer to the conclusions of the UN Treaty Body on Economic, Social and Cultural Rights⁹ and of the UN Human Rights Committee¹⁰, which have both emphasized the need of obtaining the Saharawi people's "consent to the realization of developmental projects and [resource] extraction operations".

Recent years have witnessed an emerging body of law pertaining to Morocco's claim to the territory. Since 2015, in ten (!) consecutive rulings, the Court of Justice of the European Union has concluded on the following points as settled:

- The territory of Western Sahara constitutes a territory distinct from that of the Kingdom of Morocco.¹¹
- Morocco has no sovereignty¹² or administering mandate¹³ over Western Sahara.
- Consequently, the waters adjacent to Western Sahara cannot be regarded as part of the Moroccan fishing zone, territorial waters, exclusive economic zone, or any other notion used to describe Morocco's role vis-à-vis the waters off Western Sahara.¹⁴
- The people of Western Sahara are to be regarded as a third party to the EU's agreements with Morocco, and that as such, no agreement can affect their territory without their consent, as a corollary of the right to self-determination.¹⁵
- The Court is clear that the right to consent resides with the people of Western Sahara, and not with the population of the territory.¹⁶ The Court stipulates that "a majority of the population of Western Sahara is not part of the people holding the right to self-determination, namely the people of Western Sahara. That people, which for the most part has been displaced, is the sole holder of the right to self-determination with regard to the territory of Western Sahara."¹⁷ The Court adds that "there is a difference in that regard between the concept of the 'population' of a non-self-governing territory and of the 'people' of that territory. The latter refers to a political unit which holds the right to self-determination, whereas the concept of 'population' refers to the inhabitants of a territory."¹⁸
- The Court has firmly established the position of Front Polisario, the UN-recognised representation of the people of Western Sahara to be able to bring cases before EU Courts on behalf of the Saharawi people, and that it has access to the Court to defend their right to self-determination.¹⁹
- In Case C-399/22, which specifically dealt with the labelling of products from Western Sahara, the Court again emphasised the separate and distinct status of the territory in relation to Morocco, and concluded that at the stages of import and sale to the consumer, the labelling of the goods from Western Sahara must indicate Western Sahara alone as the country of origin of those goods.²⁰

⁶ OHCHR, 07.03.2023, Global update: High Commissioner outlines concerns in over 40 countries, <https://www.ohchr.org/en/statements-and-speeches/2023/03/global-update-high-commissioner-outlines-concerns-over-40-countries>

⁷ <https://freedomhouse.org/countries/freedom-world/scores?sort=asc&order=Total%20Score%20and%20Status>

⁸ UN Security Council, 12.02.2002, Letter dated 29 January 2002 from the Under-Secretary-General for Legal Affairs, the Legal Counsel, addressed to the President of the Security Council, S/2002/161, <https://undocs.org/S/2002/161>

⁹ UN Economic and Social Council, 22.10.2015, Concluding Observations on the fourth periodic report of Morocco, E/C.12/MAR/CO/4*, §6, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fMAR%2fCO%2f4&Lang=en

¹⁰ UN Human Rights Committee, 01.12.2016, Concluding Observations on the sixth periodic report of Morocco, §10, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/MAR/CO/6&Lang=en

¹¹ Judgment of 21 December 2016, EU:C:2016:973, §92, and reiterated in the Judgment of 27 February 2018, EU:C:2018:118, §62, Judgment of 4 October 2024, EU:C:2024:833, §163, Judgment of 4 October 2024, EU:C:2024:839, §85 and Judgment of 4 October, EU:C:2024:835, §134.

¹² Judgment of 10 December 2015, EU:T:2015:953, §241. Considered a settled matter in subsequent rulings.

¹³ "Account must also be taken of the fact that the Kingdom of Morocco does not have any mandate granted by the UN or by another international body for the administration of that territory, and it is common ground that it does not transmit to the UN information relating to that territory, such as those provided for by Article 73(e) of the UN Charter." Judgment of 10 December 2015, EU:T:2015:953, §233. Considered a settled matter in subsequent rulings.

¹⁴ Judgment of 27 February 2018, EU:C:2018:118, §67-85. Considered settled in subsequent rulings.

¹⁵ Judgment of 21 December 2016, EU:C:2016:973, §104. Reiterated and refined in subsequent rulings.

¹⁶ Judgment of 4 October 2024, EU:C:2024:833, §180-181. Judgment of 4 October 2024, EU:C:2024:835, §152-153.

¹⁷ Judgment of 4 October 2024, EU:C:2024:833, §157. Judgment of 4 October 2024, EU:C:2024:835, §128.

¹⁸ Judgment of 4 October 2024, EU:C:2024:833, §158. Judgment of 4 October 2024, EU:C:2024:835, §129.

¹⁹ Judgment of 4 October 2024, EU:C:2024:833, §96-138, Judgment of 4 October 2024, EU:C:2024:835, §70-109.

²⁰ Judgment of 4 October 2024, EU:C:2024:839, §89.

As you surely know, the legal cases are directly related to the kind of practices undertaken by Azura. First, the company has been directly involved in trade of agricultural products under an EU-Moroccan agreement that the CJEU has found to be contrary to the rights of the Saharawi people. Second, your company is involved in aquaculture in waters that do not belong to Morocco, according to CJEU. Third, your company has been directly involved in the mislabeling of products on the EU market. Notice that the fraudulent country of origin labelling of industrial agricultural companies from occupied Western Sahara to Europe was the reason why Confédération Paysanne initiated a legal process vis-à-vis the French court system, which, in turn, was passed on to CJEU where it was concluded.

Nearly two months after the rulings, Azura products continue to be incorrectly marketed on its website, as though the decision had never occurred. We fail to see how Azura's operations in the territory comply with the rights of the Saharawi people.

We notice your company's affiliations to IFS Food, BRCGS, BSCI and GlobalG.A.P.²¹ WSRW struggles to understand how these standards are aligned with the operations of Azura on occupied territory, and we have written to these initiatives/standards this week over the matter.

Guidance for this sort of setting can be found in the amfori guide "Operating in Challenging Contexts – a Compass for amfori Members"²², which notes that *"For the purposes of this publication, the terms conflict and unrest will be used interchangeably to describe a variety of "challenging contexts" in which high level of violence prevail. According to the UNDP guide "Heightened Human Rights Due Diligence for Business in Conflict-Affected Contexts", these contexts have three distinctive features: 1. Conflict will always create adverse negative impacts on human rights; 2. Business activities in a conflict-affected area will never be "neutral" and without impact; 3. Business should respect the standards of international humanitarian law in addition to internationally agreed human rights."* By referring to Western Sahara as "Morocco" – to the contrary of the UN and international courts – WSRW believes that Azura has taken side, politically. This political positioning has a direct, negative effect on the Saharawi people, in the way described by the CJEU.

We have the following questions which we would appreciate your comments to. The questions relate to all brands or subsidiaries of the group, including Maraissa:

INTERNATIONAL LAW

1. We notice the consistency in Azura's references to its Dakhla production site as being in "Morocco", in its marketing, annual reports, press releases, website and labelling of products. Does Azura agree with the ICJ, CJEU, UN and the African Court on Peoples' and Human Rights which all underline that Western Sahara is not part of Morocco?
2. Does Azura agree with the ICJ²³ that the right to self-determination of a people of a non-self-governing territory constitutes a fundamental human right?
3. On your website, Azura refers to its production of clams in "Dakhla in the South of Morocco"²⁴. As you probably know, the CJEU is clear that the waters offshore Western Sahara do not belong to Morocco's EEZ.²⁵ On this basis, what country's jurisdiction applies in the shallow waters of the Dakhla bay, according to Azura?
4. How does this usage of Western Sahara's waters and land take into account the right to self-determination of the Saharawi people?

AUDITS, MONITORING AND COMPLIANCE TO INITIATIVES

5. Azura Group wrote in a report from 2019 that «we have grown to be a leading producer and employer in Morocco, where our headquarters, production and packaging sites are located. [...] All sites are

²¹ <https://www.azura-group.com/les-savoir-faire-azura/la-qualite-pivot-central-de-nos-actions>

²² <https://s3.eu-west-1.amazonaws.com/www-php-media-files.prd.amfori-services.k8s.amfori.org/05/amfori-compass-operating-challenging-context.pdf>

²³ <https://www.icj-cij.org/sites/default/files/case-related/169/169-20190225-ADV-01-00-EN.pdf>

²⁴ <https://www.azura-group.com/les-produits-azura/palourdes>

²⁵ Judgment of the Court (Grand Chamber) of 27 February 2018, ECLI:EU:C:2018:118, §67-69, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62016CJ0266>

subject to on-site audits, including SMETA, BSCI and GlobalGAP». ²⁶ We notice your company's affiliations to IFS Food, BRCGS, BSCI, SEDEX and GlobalG.A.P. ²⁷

- a. Can you send to us copies of all audits and certifications undertaken over the past 5 years relative to your company's operations in Dakhla and relative to the audits of your sites in Morocco that source products from Western Sahara?
 - b. Which certification bodies or audit companies have carried out these audits or compliance checks?
 - c. Which countries' laws regulate the agreements signed between your company and the auditing firms/certification bodies for inspection of the sites in Dakhla?
6. Has Azura in any of its reporting to IFS Food, BRCGS, amfori, GlobalG.A.P or to certification bodies indicated that its operations also extend to sites outside of the internationally recognised borders of Morocco, in Western Sahara? In its communication to these entities, what physical address is given to the site in Dakhla? Is it presented as being located in Morocco or in Western Sahara? If "Morocco", why has Azura chosen to present inaccurate data to the initiatives that it subscribes to?
 7. GLOBALG.A.P General Requirements, paragraph 5.2.1 notes that «Cross-border (international) certification (i.e. where one certificate covers production in more than one country) is generally not allowed». ²⁸ Is Azura's GLOBALG.A.P certification applied to both the territories of Morocco and Western Sahara (which the CJEU clarifies as "separate and distinct")?
 8. The same paragraph continues: «Where the certified producer is located in country #1 but has sites in country #2 (owned or rented), and country #2 allows this without creating a legal entity in/for country #2, these sites can be certified under the legal entity in country #1». Has the legal representative of the people and territory of Western Sahara been approached regarding the matter of the GLOBALG.A.P certification?
 9. Taking into account the GLOBALG.A.P vision of "a world in which farms are recognized for their efforts to continuously produce enough safe food while safeguarding our environment and the welfare of farming communities" ²⁹, and that the CJEU court case on the fraudulent labelling of products from Western Sahara was initiated and won by the French agricultural association Confédération Paysanne after several years of legal battle, does Azura consider the chance that its plantation activities in occupied Western Sahara risk undermining responsible farming communities in France?
 10. The IFS standard paragraph 1.2.6. states that "The senior management shall ensure that the certification body is informed of any changes that may affect the company's ability to conform to the certification requirements". Have the certification bodies or the standards been informed by Azura about the three CJEU decisions of 4 October 2024, which have a direct effect on the labelling of the products, on the understanding of the accuracy of certificates and the understanding of the legal principles applicable to business activities in the territory?
 11. Chapter 2 in the BSCI Full System Manual ³⁰, "Content of the amfori BSCI Monitoring Result", paragraph "2.2. General Description", states: "Business License Verification. Prior and during the monitoring, the auditor will review validity and scope of the business license. Attention is to be paid to: • Compliance with local law • Exactness of address • Correspondence between declared and actual number of business units. Faults in the business license will be reported in the general description and relevant findings will be captured under PA 1 Social Management Systems and Cascade Effect, PA 7 Occupational Health and Safety and PA 13 Ethical Business Behaviour. In case of flagrant misrepresentation, the auditor will report Zero Tolerance (see Guide 5)." In the case an auditor has been involved in reviewing the site in Dakhla for compliance with BSCI:
 - a. What address is given by Azura to the auditor relating to its operation in Dakhla?
 - b. Does the address identify the site as within the country "Morocco"?

²⁶ https://www.azura-group.com/images/actualites/pdf/AZURA_RAPPORT_2019_vFinal.pdf

²⁷ <https://www.azura-group.com/les-savoir-faire-azura/la-qualite-pivot-central-de-nos-actions>

²⁸ https://documents.globalgap.org/documents/220929_GG_GR_Rules_for_IP_v6_0_Sep22_en.pdf

²⁹ <https://www.globalgap.org/about/>

³⁰ <https://s3.eu-west-1.amazonaws.com/www-php-media-files.prn.amfori-services.k8s.amfori.org/08/amfori-bsci-system-manual-full-version-2023.pdf>

- c. If yes, how can such an address be said to be exact, taking into account that it breaches with the position of the UN and the international courts?
 - d. What country's "local law" was assessed by the auditor?
 - e. In the case it was Morocco, why did the auditor not relate to the maps of the United Nations or rulings of international courts?
 - f. Which auditor carried out the assessments?
12. In the Guide's chapter 13, under the title "Capacity building for amfori BSCI monitoring persons" it is noted that the "amfori BSCI capacity building for monitoring persons focuses not only on the content and interpretation guidelines, but also on skills and relevant competence related to: Systemic thinking: This technique allows monitoring persons to gain deeper insights into challenging and complex situations. Monitoring persons require this competence to evaluate a business's social performance in relation to its larger context". It also states that "Although social auditors do not necessarily have a legal background, it is essential that they understand the applicable laws in the country they are operating in".
- a. The specific persons that have undertaken the monitoring: do they understand that Western Sahara is separate and distinct from Morocco?
 - b. If not, how could it have happened that they failed to know?

LEGAL COMPLIANCE

13. The BSCI Code of Conduct³¹, chapter II Values, states that "Complying with national legislation is the first obligation of business enterprises." This requirement also reflected in the System Manual, which throughout stresses need to comply with «local law» (paragraph 6.1), "national law" (paragraph 6.2), "national legal regulations" (paragraph 7.7), "national legal requirements" (paragraph 7.11), «domestic law» (page 12) etc.
- a. Which national legislation applies in Western Sahara, according to Azura?
 - b. If Azura is of the conviction that Moroccan national legislation applies in Western Sahara, on what legal basis does Azura claim this, in view of the opinions and rulings of ICJ, CJEU and the African Court on Human and Peoples' Rights?
 - c. If Azura believes Moroccan national legislation does not apply in the territory, how can Azura claim to be operating in line with the BSCI Code of Conduct and the Systems Manual?

HUMAN RIGHTS

14. The BSCI Code of Conduct, as well as its supporting documents and tools, are based on, and refer to support of the United Nations Universal Declaration of Human Rights. The BRCGS Global Standard Ethical Trade and Responsible Sourcing (ETRS) explicitly addresses human rights as part of its framework.
15. As the ICJ defines the right to self-determination for a people of a non-self-governing territory to be a fundamental human right, and considering that Azura operates in the territory without taking this right into account, how does your company consider your adherence to the UN Declaration and the BSCI Code of Conduct?
16. The amfori guidance document "Doing business responsibly in conflict-affected & high-risk areas - A guidance for amfori Members. The case of Ukraine, Russia and neighbouring countries"³² spells out the following important elements: *«Companies must also "comply with the standards of international humanitarian law", as the risks of becoming complicit in gross human rights violations committed by others increase when they operate in conflict-affected areas. Companies are invited to treat the risk of complicity "as a legal compliance issue", meaning that they should be aware of the possibility for*

³¹ <https://s3.eu-west-1.amazonaws.com/www-php-media-files.prd.amfori-services.k8s.amfori.org/09/amfori-bsci-code-of-conduct-english-december-2021-v2-2-1.pdf>

³² <https://s3.eu-west-1.amazonaws.com/www-php-media-files.prd.amfori-services.k8s.amfori.org/08/due-diligence-guidance-enhanced-ukraine.pdf>

*additional civil and criminal liability.» and «Given the heightened risk that companies may be connected to human rights abuses and / or violations of humanitarian law in conflict situations, companies are expected to conduct enhanced / heightened due diligence.»*³³ The aspect of heightened due diligence in such contexts is also an important principle of the UNGP. The UNGP is, in turn, a basis of the BSCI Code of Conduct, which we understand Azura must have adhered to as it joined as member of amfori. Taking into account that Azura systematically refers to its site in Dakhla as being in Morocco, on websites, reports, in marketing material and on the labelled products, we cannot see how Azura could have possibly carried out heightened due diligence. A very minimum result from such a due diligence study, would be that your company correctly reflects the name of the territory where you have your Dakhla operation. By calling Dakhla a city in Morocco, thus failing to properly reflect the geographical location properly, it is safe to assume that Azura has failed to assess also the right to self-determination that follows from the territory's separate and distinct status from the neighbouring countries, under international law.

- a. Can Azura document that it has carried out heightened due diligence regarding its operations in occupied Western Sahara, in accordance with the UNGP?
- b. If yes, does the heightened due diligence assess the legal status of the territory?
- c. If yes, why does your company still refer to Dakhla as part of Morocco, as if international law or IHL is inapplicable, several years after establishing in Western Sahara?
- d. Does the heightened due diligence address the rights of the people of Western Sahara to self-determination, as a fundamental human right?

EMPLOYING SETTLERS

17. The BSCI System Manual, Part 1, on due diligence refers repeatedly to “local stakeholders”. GLOBALG.A.P envisions “a world in which farms are recognized for their efforts to continuously produce enough safe food while safeguarding our environment and the welfare of farming communities.”³⁴ In this regard, it is useful to keep in mind the clear distinction that the CJEU rulings drew on 4 October 2024 between the “population” and the “people” of Western Sahara. A large part of the people of the territory are today refugees, living abroad, following the occupation. The population, however, consists of individuals who Morocco has been incentivised to move into the territory. It was exactly by applying a mistaken “stakeholder approach” that the EU Commission lost in the CJEU.
 - a. How does Azura define a “local stakeholder” or a “farming community” in a situation of an illegal occupation?
 - b. Does Azura here refer to groups of settlers illegally installed at a location in an occupied territory in violation of the Geneva Conventions, and in disregard of the right to self-determination of the people of that land?
 - c. To what extent could Azura, through a “local stakeholder” or “farming community” approach that documents benefits to local settlers, in fact risk undermining international law and contributing to the ongoing injustice against the Saharawi people?

ERRONEOUS LABELLING

18. Initiatives that Azura has subscribed to are clear on the importance of correct labelling of products:
 - The IFS Standard, version 8, Paragraph 1 “Governance and commitment” notes the following:
 - 1.1.1 “The senior management shall develop, implement and maintain a corporate policy, which shall include, at a minimum: • food safety, product quality, legality and authenticity”³⁵
 - The IFS Standard, Paragraph 1.2.5 notes:

“The senior management shall maintain a system to ensure that the company is kept informed of

³³ <https://s3.eu-west-1.amazonaws.com/www-php-media-files.prn.amfori-services.k8s.amfori.org/08/due-diligence-guidance-enhanced-ukraine.pdf>

³⁴ <https://www.globalgap.org/about/>

³⁵ The IFS Standard defines Food Authenticity in the following way: “The characteristic of a food in relation to its origin, and/or process of production and/or its inherent properties (e.g. organoleptic or chemical).”

all relevant legislation, scientific and technical developments, industry codes of practice, food safety and product quality issues, and that they are aware of factors that can influence food defence and food fraud risks.”

- The IFS Standard, Paragraph 4.20 Food Fraud notes:
 - “4.20.1 The responsibilities for a food fraud vulnerability assessment and mitigation plan shall be defined. The responsible person(s) shall have the appropriate specific knowledge.
 - 4.20.2 A documented food fraud vulnerability assessment, including assessment criteria, shall be documented, implemented and maintained. The scope of the assessment shall cover all raw materials, ingredients, packaging materials and outsourced processes, to determine the risks of fraudulent activity in relation to substitution, mislabelling, adulteration or counterfeiting. “
 - The addition to the BSCI System Manual of chapter «13 Ethical Behaviour», paragraph 13.3 asks the question “Is there satisfactory Evidence that the Auditee takes the necessary Measures to not take Part in falsifying Information related to its Activities, Structure and Performance; nor in any Act of Misrepresentation of its Supply Chain?”
 - a. With what reason does Azura represent the Dakhla location as being in Morocco, even after ten rulings in the CJEU?
 - b. Under what conditions did Azura obtain the right to exploit the land in question?
 - c. Were original individual right holders to the land or the representative of the Saharawi people asked?
19. The “amfori BSCI Farm Audit, Interpretation Guidelines for large farms”, paragraph 13.3, asks the following “*CRUCIAL QUESTION: Is there satisfactory evidence that the auditee takes the necessary measures to not being involved in falsifying information related to the activities, structure and performance nor in any act of misrepresentation in the supply chain?*”³⁶ It furthermore explains that “*The ethical behaviour of companies starts with how they run their businesses and operations. Fraud and misrepresentation in the supply chain adversely impact supply chain integrity. They can also lead to substandard or defective products. (e.g. use of prohibited substances, adulteration, fake origin of the products) Falsification, fraud and misinterpretation are purposeful actions intended to cause harm or loss to another party, for one’s own direct or indirect gain.*” The CJEU is clear that because Western Sahara is not part of Morocco, products from Western Sahara cannot be labelled as Moroccan, but must be labelled from Western Sahara. Wrong country of origin labelling is generally considered an act of Food Fraud.
- a. How does Azura believe that erroneous country of origin labelling could be compatible with amfori membership or IFS Food certificate compliance?
 - b. Have auditors triggered a Zero Tolerance alert on the basis of this misrepresentation?
 - c. Has the auditor assessed whether the erroneous representation of Azura’s production in Western Sahara as being in Morocco is compatible with the BSCI values and principles?

OTHER ASPECTS

20. Regarding the Azura Group’s facilities in Morocco that pack or receive or export agriculture or fisheries products originating from occupied Western Sahara:
- a. How are these establishments ensuring legal compliance in the supply chain?
 - b. How are these establishments ensuring that the products are labelled correctly?
21. Which specific Disma International products with origin from Dakhla, and under what brands, are today marketed internationally?
22. From which ports are the aquaculture and agriculture products of Western Sahara origin currently exported?

³⁶ <https://s3.eu-west-1.amazonaws.com/www-php-media-files.prn.amfori-services.k8s.amfori.org/05/auditor-guidelines-large-farms-110122.pdf>

23. Regarding quality checks, your website informs that “100% des analyses menées sur nos produits sont conformes à la réglementation européenne. Elles sont réalisées par un laboratoire externe indépendant, certifié COFRAC”.³⁷
- Which external laboratory carries out the checks of the products that originate in Western Sahara?
 - In which city and country are these laboratory checks carried out?
 - If this laboratory is based in Western Sahara, how does Azura view the legal status of the laboratory results to be in line with European regulations, considering that Moroccan law is not viewed by the EU regulations to apply outside of Morocco’s international borders?
 - If the laboratory work on products is not done in the country of origin – but in a third country, Morocco – how is this in line with European regulations?
24. Will Azura halt operations in the occupied territory that are undertaken on permits from the Moroccan government, without the explicit permission from the Saharawi people?
- If no to question 24, will Azura rectify all reports on erroneous labelling, so that its business practice is in line with the CJEU ruling of 4 October 2024?
 - If no to question 24, will Azura make sure to publicly report on the production volumes or values in Western Sahara separately from the Moroccan productions, in matters of transparency?
 - If no to question 24, how will Azura ensure the full transparency and traceability of its production in the occupied territory so that clients will not unknowingly purchase Western Sahara products mixed in with the ones made in Morocco?
25. How does Azura consider the legal risk involved, in terms of:
- operating in the territory without consent of the Saharawi people, and;
 - marketing and selling products on the EU market with the wrong country of origin indication?

We’d be grateful for your response. Any answer from your company will be included in the report. We’d appreciate answers prior to 24 December.

Looking forward to hearing from you,

Sincerely,

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³⁷ <https://www.azura-group.com/les-savoir-faire-azura/la-qualite-pivot-central-de-nos-actions>