

To

EDEKA Zentrale Stiftung & Co. KG

New-York-Ring 6

D-22297 Hamburg

Germany

Att: CEO, Mr. Markus Mosa

Berlin/Brussels, 04.09.2025

REGARDING SALES AND MISLABELING OF PRODUCTS FROM OCCUPIED WESTERN SAHARA

Dear Mr. Mosa,

Western Sahara Resource Watch (WSRW) is privileged to present you with our compliments. We are writing to inquire about some aspects in relation to sourcing and selling products from occupied Western Sahara in EDEKA shops. We have found a product from Western Sahara with false country of origin information sold by your company in one of the EDEKA shops, under the Gut & Günstig label.

We will tomorrow publish an article on the matter on our website www.wsrw.org, and would appreciate your company's assessment.

Any responses from EDEKA to the questions below will be reflected within that article when we receive your response and/or included in a separate follow-up article on our website.

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, that occupies the majority of Western Sahara since 1975, 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

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/uns_g_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>

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 has not been allowed to visit Western Sahara for the last eight years.⁶

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.⁷ We also refer to the conclusions of the UN Treaty Body on Economic, Social and Cultural Rights⁸ and of the UN Human Rights Committee⁹, 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 (ECJ) has concluded on the following points as settled:

- The territory of Western Sahara constitutes a separate and distinct territory from that of the Kingdom of Morocco.¹⁰
- Morocco has no sovereignty¹¹ or administering mandate¹² 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.¹³
- 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.¹⁴
- The Court is clear that the right to consent resides with the *people* of Western Sahara, and not with the *population* of the territory. 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. 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."¹⁵
- 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.¹⁶

The last series of these rulings stem from October 2024, when the ECJ annulled the amendments to the EU-Moroccan trade and fisheries agreements that included the territory of Western Sahara in the scope of the agreements' application without the consent of the Saharawi people (joint court cases C-779/21 P, C-799/21 P)¹⁷

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 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>

⁸ 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

⁹ 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

¹⁰ 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.

¹¹ Judgment of 10 December 2015, EU:T:2015:953, §241. Considered a settled matter in subsequent rulings.

¹² "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.

¹³ Judgment of 27 February 2018, EU:C:2018:118, §67-85. Considered settled in subsequent rulings.

¹⁴ Judgment of 21 December 2016, EU:C:2016:973, §104. Reiterated and refined in subsequent rulings.

¹⁵ Judgment of 4 October 2024, EU:C:2024:833, §180-181 and §158. Judgment of 4 October 2024, EU:C:2024:835, §152-153 and §129.

¹⁶ Judgment of 4 October 2024, EU:C:2024:833, §96-138, Judgment of 4 October 2024, EU:C:2024:835, §70-109.

¹⁷ <https://curia.europa.eu/juris/document/document.jsf?text=&docid=290677&pageIndex=0&doclang=IT&mode=lst&dir=&occ=first&part=1&cid=4049115>

and C-778/21 P, C-798/21 P¹⁸, respectively). The court laid out that application of the trade and fisheries agreements to the territory is to be ceased within a transition phase of one year, ending in October 2025.

In another case (C-399/22¹⁹), 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 goods from Western Sahara must indicate Western Sahara alone as the country of origin of those goods.²⁰ Contrary to the two other rulings from 2024, this obligation is already in effect.

Regarding our specific enquiry to your company:

The picture to the right was taken at EDEKA Zimmermann, Weststraße 77, 09116 Chemnitz, in August 2025. The product in question is part of the *Gut & Günstig* brand. The content is described as being of Moroccan origin. It explains, furthermore, that the product is packed in Agadir, Morocco.

Lastly, however, the GGN number 4063061817693 on the package illustrates that the product is made at the plantation of the Moroccan company Tawarta. The production site is not in Morocco, but in Dakhla in Western Sahara.



The certificate in the GGN database can be viewed here: https://vest-sahara.s3.amazonaws.com/wsrw/feature-images/File/2556/68b877a72c227_Tawarta_GlobalGAP_Acerta_certificate_03.09.2025_English.jpg

database.globalgap.org/globalgap/search/SearchMain.faces

Name*

Land

Bundesland

Ort

PLZ

Search #3 - Durchsuche die GLOBALG.A.P. Datenbank nach Erzeugern gemäß Standard Erfordernissen

Bitte beachten Sie, dass Drop-Down Menüs gemäß Ihrer Rollen variieren können.

Land*

Standard (Programm)

Produkttrichtung

Produkt*

Option

Produktgruppe

*Pflicht für Suche #3, wählen Sie ein Land, um das Produktauswahlmenü zu aktivieren

Betriebsart

Filter Zertifikatsgültigkeit

Ergebnisse filtern, basierend auf der verbleibenden Zeit bis Zertifikate ablaufen

Nur Zertifikate anzeigen, die ablaufen innerhalb von

Anfrage starten

Neue Anfrage

Aktualisieren

GGN	Reg.Nr.	Betriebsart	Name1/Name	Name2/Vorname	PLZ	Ort
4063061817693	ACERTA 3286	Erzeuger	RED PRODUCTION AGRICOLE TAWARTA		73000	DAKHLA
Integrated Farm Assurance (IFA)						
Zertifizierungsstelle / Erzeugergruppe	Name1	Name2	Standard (Programm)	Zertifikat (online)	Zertifikat (PDF)	Andere Informationen
ACERTA	ACERTA Certificación, S.L.	GLOBALG.A.P.		de en		
Pflanzen						
Obst und Gemüse						
Produkt	GLOBALG.A.P. Zertifikatsnummer	Zyklus	Status	Zertifizierter/geprüfter Prozess	Checklist	Gültig Bis
Tomate	00148-KVLT-0002	Aktueller	Zertifiziert	Ja	Keine Checklisten verfügbar	21.06.2026
Freilandkulturen erste Ernte in Hektar	Freilandkulturen zweite und weitere Ernten in	bedeckte/geschützte Kulturen erste Ernte in Hektar	bedeckte/geschützte Kulturen zweite und weitere Ernten in	Standard GR	Standard CPCC	Option
0.0000	0.0000	35.9000	0.0000	GLOBALG.A.P. GR version 5.4-1 GPS	GLOBALG.A.P. IFA CPCC version 5.4-1 GPS	1
Attribute aktueller Zyklus						
GRASP status	Please select					
Product Handling	Nein					
Harvest Included	Included					
Audit Type	announced					
Parallelproduktion (PP)?	Nicht ausgewählt					
Unannounced reward program	Nein, jährliche angekündigte Kontrolle					
Parallelgetrennt (PO)?	Nein					
Audit Method	Onsite					

04.09.2025 13:00:38
v2024.38.0

¹⁸ <https://curia.europa.eu/juris/document/document.jsf?text=&docid=290676&pageIndex=0&doclang=IT&mode=req&dir=&occ=first&part=1&cid=4034966>

¹⁹ <https://curia.europa.eu/juris/document/document.jsf?text=&docid=290679&pageIndex=0&doclang=IT&mode=lst&dir=&occ=first&part=1&cid=3946548>

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

In other words, the GGN number documents that the country of origin information on the package is wrong.

Under EU food regulation, EDEKA, being the brand owner under which this product is marketed, is the responsible food business operator of that product and as such responsible for “the presence and accuracy of the food information...”²¹ The mandatory food information includes the “country of origin (...) in such a way as not to mislead the consumer”.²²

To make the matter more complex, GLOBALG.A.P. is also making wrong country information in its GGN registry and in its certificate. This is systematic for all sites in the illegally occupied territory.

WSRW has been in contact with GLOBALG.A.P. over the course of the last year. The company insists on issuing certificates in the occupied territory based on legal compliance of the laws of the neighbouring country of Morocco.

Instead of using the geographical country definition used by the United Nations, ICJ, ten rulings of the CJEU and the European Union, GLOBALG.A.P insists on defining the production site as in “Morocco”.

You may see coverage of that WSRW-GLOBALG.A.P. correspondence here: <https://wsrw.org/en/news/globalgap-brands-settler-farms-responsible>

EDEKA states in its human rights policy²³ that in the fruit and vegetable sector “Global GAP GRASP standard is a minimum requirement for EDEKA procurement.”²⁴ WSRW has received highly insufficient answers from GLOBALG.A.P. in relation to the alleged GRASP that was said to have been carried out at the sites in Western Sahara. The correspondence with GLOBALG.A.P. on the matter is referred to on our website articles.

We have the following questions which we would appreciate your comments to.

1. Do you agree with the ICJ, CJEU, UN and the African Court on Peoples’ and Human Rights that Western Sahara is not part of Morocco?
2. Do you agree with the ICJ²⁵ that the right to self-determination of a people of a non-self-governing territory constitutes a fundamental human right?
3. We refer to the product mentioned above, which according to the GGN number is produced in the territory of Western Sahara, but is labelled with the country of origin of “Morocco”. What is the reason your company fails to comply with the CJEU ruling of 4 October 2024 that requires products from Western Sahara to not be labelled as from Morocco, but as from Western Sahara?
4. Has the erroneous country information included in the GLOBALG.A.P. certificate of the Tawarta site been of relevance when your company mistakenly assigned “Morocco” as the country of origin on the mentioned product?
5. We take it for granted that your company will rectify the geographical information on the mentioned product, to be in line with CJEU ruling of 4 October 2024 (**C-399/22**). We also take it for granted that your company will make such corrections also for other potentially incorrectly labelled fisheries and agricultural products from the territory of Western Sahara.
 - a. When this has been done, will you inform WSRW about it?
 - b. Consumers have the right to be correctly informed. The information in the certificate that the GGN code 4063061817693 is referring to contains grave, factually incorrect country information. Will EDEKA, in order to not confuse its consumers, remove the reference to

²¹ REGULATION (EU) No 1169/2011 of 25 October 2011, on the provision of food information to consumers (FIC)

²² COMMISSION IMPLEMENTING REGULATION (EU) No 543/2011

²³

²⁴ https://verbund.edeka/verbund/edeka_policy-statement_2024_-_en.pdf

²⁵ <https://www.icj-cij.org/sites/default/files/case-related/169/169-20190225-ADV-01-00-EN.pdf>

all GGN codes on all products that refer to GLOBALG.A.P. certificates that contain factually incorrect country information?

6. With respect to the ruling of the joined court cases **C-779/21 P, C-799/21 P**, will your company halt the distribution under your brands and the sale of all products from occupied Western Sahara that are undertaken on permits from the Moroccan government, without the explicit permission from the Saharawi people, under an agreement whose application to Western Sahara has been found to be contrary to EU and international law by the ECJ? If no, why?

With respect to EDEKA's mentioned promise to its consumers to have a GRASP for its agricultural products, WSRW has the following questions:

7. For a GRASP to be carried out, we had the impression that a national guidelines was required. GLOBALG.A.P. confirmed to WSRW that "to date, no national interpretation guideline for Western Sahara exists". Is a national guideline a prerequisite for a GRASP, according to EDEKA?
8. Is it EDEKA's opinion that a GRASP guidelines for one country can apply to a site outside of its international borders?
9. Taking into account that the territory of Western Sahara under international law and court rulings is "separate and distinct" from Morocco, is it EDEKA's opinion that Morocco's guideline is relevant in the case of Tawarta site? If yes, why is EDEKA of this opinion?
10. The GRASP General Rules v1.3-1-I establish that "In cases where a country does not have a GRASP Interpretation Guideline, the applicants (e.g. supplier, retailer, Certification Body) that are asking for the GRASP assessments need to hand in a project plan for the development of such interpretation guideline to the Secretariat". No such plan has seemingly been submitted. Does EDEKA know why this has never been done?
11. GLOBALG.A.P. did not respond to how the GRASP General Rules v1.3-1-i can be adhered to, taking into account that a World Bank dataset on Western Sahara which the GRASP is supposed to be understood from, is seemingly nonexistent. How could a GRASP be carried out in absense of World Bank dataset, according to EDEKA?
12. Is EDEKA aware of other certificates in its system though which GRASP has been carried out in country/territory A with national guidelines of country/territory B?

A copy of this email is sent to GLOBALG.A.P. and Acerta.

We'd be grateful for your response.

Looking forward to hearing from you,

Sincerely,

Tim Sauer

Western Sahara Resource Watch

tim@wsrw.org
www.wsrw.org