

TRANSCRIPT OF HEARING IN EUROPEAN PARLIAMENT'S COMMITTEE FOR AGRICULTURE

20 November 2025

Agenda-point: Commission Delegated Regulation amending Delegated Regulation (EU) 2023/2429 as regards origin labelling for fruit and vegetables originating in the non-self-governing territory of Western Sahara

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Note: this is a transcript of the English translation of the hearing.

Speakers: Daniel Buda, Herbert Dorfmann, Mireia Borrás Pabón, Thomas Waitz, Luke Ming Flanagan, Lynn Boylan, Gilles Pennelle

For the European Commission: Brigitte Misonne, Deputy Director General

Daniel Buda, Vice Chair AGRI (EPP, Romania): “Welcome to the next item, and we are now dealing with the labelling of a fruit and vegetables originating in the non-self-governing territory of Western Sahara. The European Union signed agreements with Morocco in the fisheries and agriculture sector in 2019, including products from Western Sahara. On 4 October last, the European Court of Justice ruled that the Commission had violated the right to self-determination of the people of Western Sahara by signing trade deals with Morocco.

Given the implications for EU agricultural imports and consumer transparency, today we invited the Commission to clarify the content of this delegated act and discuss how far it can properly address the conclusions of the ECJ rulings. Ms. Brigitte Misonne, you have the floor for eight minutes, and we'll then hear from the political group coordinators. We will also hear from the inter-rapporteur for the Maghreb region, Lynne Boylan.

So first of all, over to the Director. Go ahead, Madam.”

Brigitte Misonne, Deputy Director-General in Charge of Directorates E and G, European Commission: “Thank you, Chair, Honourable Members of Parliament. I would like first to thank this House for giving us the opportunity to present the delegated regulation that we have designed, together with experts from Member States, on the application of the Union marketing standards for the particular case of fruit and vegetables originating in the non-self-governing territory of Western Sahara.

The Commission has adopted this regulation in the context of a new agreement, as you have recalled, Chair, in the form of an exchange of letters between the European Union and the Kingdom of Morocco as regards products originating in that territory. As you are aware, the new

agreement with Morocco, which extends bilateral trade preferences to products originating in Western Sahara, has applied provisionally since the 3rd of October this year. It aims to address a certain number of shortcomings of the previous agreement that were identified by the Court of Justice in its judgement of the 4th of October last year.

It also aims to align the extension of preferences with the conditions applicable. The new agreement does not involve any new or additional market access concession.

The new agreement includes a negotiated solution concerning the labelling of the origin of fruit and vegetables originating in Western Sahara that requires the adaptation of both the Moroccan and the EU legislation in this respect.

Let me concentrate on the aspects of the new agreement which are relevant for the delegated regulation that we are discussing now. So beyond all aspects related to the extension of bilateral preferences to products originating in Western Sahara and to its customs treatment, the new agreement includes two elements which require alignment of our rules on marketing standards in the fruit and vegetable sector. So let's go into details on those two elements.

As a necessary precondition for correct labelling, but also to respect the conditions set by the court judgement, the new agreement requires a clear differentiation between the Moroccan customs territory and Western Sahara customs territory, and as a consequence, the determination of the origin of goods from Western Sahara in the proof of origin by indicating the region of origin within Western Sahara. This is the key provision of this agreement which allows to identify and to verify the specific origin to be indicated on the label for these products.

It constitutes a substantial improvement compared to the previous agreement. For fruit and vegetables, the agreement further provides a legal basis to resolve the labelling requirements of Western Sahara products and the EU law and to ensure correct consumer information by making labelling obligations coherent with the regional origin to be declared in the certificate of origin. So that's the first element.

The second element of the agreement that has to do with marketing standards for fruit and vegetables is the agreed possibility for the EU to grant the Moroccan competent authorities the necessary authorisation to draw up certificates of conformity to union's marketing standards in accordance with EU legislation, as it is already the case, of course, for products originating in Morocco. To align our secondary legislation, delegated regulation, to the outcome of this international agreement, we are amending with our delegated regulation sent to you those two particular points. So the derogation to the normal rule which is to indicate the country of origin, so in marketing standards for fruit and vegetables, the obligation is to indicate the country of origin. Here, we had to introduce a derogation because what the court pointed at and what the negotiated solution with Morocco resulted in is that we will indicate the region, not the country of origin, but the region of origin, only for those products originating in Western Sahara. So those products, so products from Morocco will bear the origin Morocco, but products from Western Sahara will bear the region, which is either Dakhla-Oued Ed Dahab or Laâyoune-Sakia el Hamra. So those will be the origin labelling for fruit and vegetables from those regions. And only fruit and vegetables originating in Western Sahara in those two regions will be labelled with the names of those regions.

And the second element about authorising conformity checks, so there, the delegated regulation includes the possibility to grant to Morocco the authorisation to carry out conformity checks in respect of products originating in Western Sahara. Today, the Moroccan authorities are authorised to carry out these checks of conformity in respect of fruit and vegetables from Morocco. The amended provision will allow to authorise such checks in respect of Western Sahara products, provided that the Moroccan competent authorities make the requests and give sufficient assurance on their capacities to perform such checks for Western Sahara production. This authorisation would take the form of an implementing regulation to be adopted after the entry into force of the delegated regulation that we are discussing today.

Taking into account that the new agreement is directly applicable as from the 3rd of October, the amending delegated regulation that will enter into force from its publication after your scrutiny, if no objection is raised, will apply retroactively from that date, well, from the 4th of October, which is the provisional application, the date of provisional application of the new agreement.

For this purpose, the commission published on the 3rd of October a notice to operators informing them of the future adoption of the amending regulation, of its implications in terms of labelling

rules for fruit and vegetables originating in Western Sahara, and retroactive application to 4th of October. So it was very important to make sure that operators knew what was upcoming and that they knew also about the provisional application.

To guarantee legal certainty for products that in the meantime could potentially be lawfully imported into the Union with the indication of Western Sahara as a country of origin before the entry into force of this amending regulation, a transitional provision will allow these products to be marketed within the Union until exhaustion of stocks.

So this is in short the content of the amending delegated regulation, which is in reality nothing but the necessary legal consequence of the new agreement in the form of an exchange of letters with Morocco. Since the agreement began to apply provisionally, the feedback from EU member states so far has been positive overall, so we are able to report on that. We have been made aware of only a limited number of difficulties at import into the EU relating to origin declaration, which our TAXUD colleagues are working on internally to resolve.

So this is the usual teething phase when we implement a new trade agreement. So many thanks for your attentions, honourable members. For the sake of legal certainty for operators and to avoid disruption on well-established trade furrows, I hope that you will be able to provide non-objection to this delegated regulation within the standard scrutiny period, and we are, of course, available for further discussing and for questions. Many thanks.”

Daniel Buda: “Thank you, Director. We'll now hear from coordinators from the political groups. Mr. Dorfman.”

Herbert Dorfmann (Italy, EPP): “I'm surprised at the bare-faced cheek of the European Commission and the way it is ignoring the ECJ rulings with free trade agreements. In the ruling, it is stipulated that there is no explicit consent of the people of Western Sahara where there is a clear benefit for those people. It can be deemed implicit consent.

What the treaty now says is that the advantage here is that the European Union will build a desalination plant in Western Sahara to produce water for tomatoes to be exported to the European Union. What is the benefit for the people of the Western Sahara? It really begs that question.

Now, I have a very specific question, and I would ask the Commission representative to reply yes or no. In 399, that ruling from 2022, let me quote, we need to look at the certificate. The certificate should stipulate Western Sahara only, so that the tomatoes and melons from the region are properly recognised. Any other reference would be misleading in line with this ruling. It would be misleading for consumers, and it could create the impression that the goods come from elsewhere. Does the Commission believe that indicated two different regions could surely end up confusing consumers in Europe? I think the ruling is crystal clear, and we must abide by the ruling. The Commission has a clear question here, and I would like to hear yes or no. Do you believe that this is legally sound?”

Daniel Buda: “Thank you very much. For Patriots, Mireia Boras-Pabon for two minutes.”

Mireia Borrás Pabón (Spain, PSE): “Thank you, Chairman. After a year in this Parliament, championing European farming, we've seen a lot. We've seen the Commission sign trade agreement, unfair competition agreements like Mercosur, we've seen the green transition hijacked for deindustrialization and a rural exodus. We have seen them dress up their attempt to dismantle the CAP. What we've yet to see is this level of bare-faced cheek.

Let me recap briefly, so that we all have a clear context. In 2012, we had the farm protocol with the EU and Morocco. We saw investment funds move in, and we saw farming included in the association agreement.

We've seen fruit and vegetables imported into Europe. We would never accept those production standards. Our producers cannot compete with the phytosanitary and labour standards.

We've seen farmers lose markets, jobs being lost. The same thing will happen with Mercosur. The Commission seems to have grown accustomed to betraying European farmers.

We are here to defend farming, but you're defending the interests of a third country, flouting an ECJ ruling. That ruling was crystal clear. Extending duty-free access to Morocco would be illegal, and anything from Western Sahara should solely indicate as origin Western Sahara. That is in line with the ruling. Let me read it out. I believe that what the Commission is doing flouts the legal ruling of the ECJ.

It is immoral. Consumer rights in Europe cannot be up for negotiation. We are not here to please other countries or multinational companies. We are here to defend European farmers and consumers. We are not the Moroccan trade office. I know what the Commission is at here. They're waiting for other rulings to come in a few years' time to sort things out for them. But for as long as the Patriots are here, for as long as Vox are here, we will stand firm against you. We will firmly reject this delegated act. Thank you."

Daniel Buda: "Thank you very much. For Greens, Thomas Waitz."

Thomas Waitz (Austria, Greens/ALE): "Thank you, Chair Buda. Well, it's quite interesting how different political groups coming from different political opinions are actually sharing the same assessment here. I have been part of the groups of members of European Parliament, cross-party, that have been objecting to the trade agreement in the first place, because it was clear that it was going against international law and against our own European standards, against our own European legislation.

And Commission knew it in the very first place. And you know, this also decision came at a time where we afterwards had a huge corruption scandal with two countries involved, Qatar and Morocco. I don't want to indicate anything here, but this was the same time when this was happening.

And you knew that it's against international law. And the European Court of Justice was exactly confirming this. And now you're coming back with a proposal that, in my assessment, is again against international law.

I cite my colleague Herbert Doffman here. Who knows in the European Union these two Arabic names of two regions? This is a betrayal on our consumers. There needs to be transparency from which country these products come from.

And it's Western Sahara. And then we talk about, OK, tomato production. I mean, I guess you know how that country looks like. It's a desert. It's a desert. And there's an influx of Moroccan settlers since two decades now. And it's exactly these areas and these settlers - and nothing against Moroccans, I like this country very much - but this is a second country where settlers from Morocco were taking over the few areas that you can actually use for agriculture. And that's where these tomatoes are produced.

Sorry, but this is not along international law. And it's us Europeans that are very often advocating to stand with international law. We should take ourselves serious and do the very same thing when it comes to agricultural products from Western Sahara. That's where they come from. That's how they need to be labelled. As long as this is not on the table, you will also see an objection from my group."

Daniel Buda: For the left, Luke Ming Flanagan, please."

Luke Ming Flanagan (Ireland, The Left): "Just to echo the words of the last member who spoke, and pretty much everyone, all of the members here are in agreement on it.

And I think what Thomas said, the people of the European Union deserve to know where their products are coming from. And they shouldn't be hoodwinked. And if you are tuning in to this meeting and watching how the European Union works, and if you look at this as its parliament, this is the Agriculture Committee, where we are meant to have the biggest input for the citizens of Europe into EU agricultural policy. And you hear all the MEPs, the elected people, whether you like them or not, we're all elected here, going in one direction. And the Commission going in a different direction.

And this is even bigger than this issue alone. This is about who makes the decisions in the European Union. Is it the people who are elected? Or is it the people who were there because, well, someone put them there in a second degree way because they were elected? I think our

opinion should be listened to. And it quite obviously isn't. But it's good to see a united voice here today."

Daniel Buda: "Thank you very much. For INTA, Ms Lynn Boylan. Two minutes, please."

Lynn Boylan (Ireland, The Left): "Thank you, Chair. And thank you for allowing me to participate today. As you said, I'm the standing rapporteur for the Maghreb region in the INTA Committee. And I'm following this process in AGRI with great interest. I have a couple of very specific questions for the Commission around the labelling issue and trying to get answers or clear answers that stand up to legal scrutiny.

And so I suppose one of the things is, why is the issue of labelling of products that should be placed on the EU market, which is an internal EU issue regulated by domestic EU legislation, made the subject of an agreement with Morocco? So are there any precedents for such an inclusion of provisions concerning labelling in an international agreement concluded by the EU? Secondly, I have to ask, what was the justification for derogating from the principle that products placed on the market in the EU should indicate the origin of the products in question as determined on the basis of the non-preferential rules of origin as laid out in the Customs Code? Is it legally and technically sound to provide for the application of the preferential rules of origin of Protocol 4 for such a purpose as results from the Council decision on this delegated act? And I'd like to ask you to explain how this whole construction could be compliant with the judgement of the court, which clearly required, as other colleagues have said, that Western Sahara should be used and how the mention of regional entities will not be misleading and confusing to EU consumers, especially given that there are other regions in other countries that have similar sounding names. So there's a purpose of the country of origin labelling is to give clarity to consumers.

And finally, I'd ask you to explain how it could be compatible with the inter-institutional balance and sincere cooperation to adopt a delegated act making a change to Union legislation in order to implement an agreement to which the European Parliament has not yet given its consent. So to my AGRI colleagues, we do need to defend EU farmers. We need to not reward the fruits of illegal occupation. And we do also need to defend the reputation of the EU and the institutions that we're elected to, because this will once again end up in the European Court of Justice, and then that calls in the credibility of the EU institutions. So I would urge my AGRI colleagues to proceed with caution here. We do not want to end up back in front of the courts."

Daniel Buda: Thank you very much. For Patriots, Mr. Pennelle, please."

Gilles Pennelle (France/PfE): "Thank you, Chairman. The RN MEPs do not want to get into this debate on Western Sahara. This is part of Morocco's sovereignty, and Morocco is a friend of France. Our problem is with the free trade agreement.

Tomatoes coming from a region in Morocco, regardless whatever region, offer unfair competition to French, Spanish, European tomatoes. If you go to supermarkets, you can see rock-bottom prices for tomatoes from elsewhere and higher prices for tomatoes from Brittany. We're killing off the tomato-growing sector in Europe. Morocco offers prices that we cannot compete with. Production methods, irrigation, pesticides, all the like. We cannot compete. There is no respect for seasonal growing patterns. The problem isn't labelling whether these tomatoes come from the north or south. It's because they come from Morocco. They are competing against and destroying our tomato-growing sector."

Daniel Buda: "Madam Director. Director, this debate is very important. There are huge difficulties here. Legal problems, too. Perhaps there is a lack of information. I hope I'm not wrong. I hope that there is more information in the Commission about the Court of Justice ruling. All the colleagues here have raised legal difficulties, so please note this in the minutes for our meeting. We need a written reply from the European Commission on these difficulties. This is incredibly complicated. Would you be able to give us an answer here this morning? This goes beyond the whole issue of product quality and labelling. This is about respecting decisions handed down by the European Court of Justice.

Bear in mind that we have farmers' interests, but we also have to protect consumers. We need proper labelling of products imported from other regions around the world.

I am not *au fait* with the details, but we've heard from various colleagues, including a colleague from the INTA Committee, and so there is a major difficulty here.

Please take good note of those remarks. Anyone following us online may quite rightly wonder how it is possible that the European Commission is breaching a decision adopted by the European Court of Justice. Perhaps there is some missing information, but we cannot accept this without a clear explanation. Now over to you to shed light on the matter.”

Brigitte Misonne, European Commission: “Thank you, Chair. Of course, the European Commission is following the Court of Justice ruling and obeying by the law, of course.

I will try to explain the process. I will try to explain the choices.

Maybe I should recall that we are here discussing a delegated regulation about the labelling of fruit and vegetables, but it's clear that it has the overall dimension and link to the agreement, of course, and to the overall Court of Justice ruling. So let me try to be as specific as I can. I will not be able to go through all the questions, but let's try to stick to the facts, let's say, to explain our reasoning and how we came there.

Maybe the first question is why this EU legislation on origin labelling for fruit and vegetables needed to be modified. Why did we feel that we had to modify this delegated regulation? So as already said, the current regulation requires the indication of the country of origin. So there is no other possibility in the current legislation.

So as the Court was ruling and putting the emphasis on Western Sahara, part of a country, we could not leave the legislation unchanged. So that's why we had to look into the delegated regulation on origin labelling for fruit and vegetables. The Court, in its judgement, made the interpretation of union legislation clear. You have all recalled it. It requires the indication of Western Sahara as origin for fruit and vegetables coming from that region.

In the light of this judgement and the need to provide correct origin information to EU consumers to allow their informed choice and to avoid disruptions in the functioning of the supply chain of these products, most of them perishable, the new agreement aims to make the labelling obligations coherent with the modalities to indicate the origin in the Certificate of Origin. Opting for the indication of the regional origin on the label has been the result of negotiations with Morocco...”

Herbert Dorfmann: “Exactly, that is the problem. There is a judgment.”

Daniel Buda: “Is it possible using the microphone. Herbert, you like intervention? Please.”

Herbert Dorfmann: “But sorry, I mean, there's a judgement and the judgement, the European Commission cannot deal a judgement with the government of Morocco. This is ridiculous. Come on. We're not stupid.”

Brigitte Misonne, European Commission: “Shall I continue Chair?”

Daniel Buda: “Director, you can of course proceed, please, but please respond to the questions that have been put to you, and you may not be able to because it is highly complex and you may not have the responses ready, but please, in that case, please inform us in writing of the responses because these are questions that have been put to you by members of the committee that raise concerns and problems related to Europeans and consumers, and so we would like the responses and we'd like clarity in these responses. Thank you”

Brigitte Misonne, European Commission: “Okay, Chair, I noted your insistence in having a written answer to that. I understand. So, we have well noted all your questions, of course. My purpose was to tell you that there is no case where the Commission is proposing a regulation that would not respect a court of justice judgement, but yes, of course, we will look into how we can put

together a written reply, and we'll come back to you on those particular aspects, and if you preferred it, we keep it there, we can, of course, no problem."

Daniel Buda: "Please, you may proceed."

Brigitte Misonne, European Commission: "Maybe I will then not continue on the legality of what we have been doing, maybe answering other questions that you had.

For instance, some of you mentioned that those regions, Dakhla and Laâyoune, they are also cities or regions in other countries of the region in Egypt, Tunisia, and Mauritania, and there the reply is, of course, that we have specified the name *in extenso* to make sure that there was no confusion and that it was clear that it was coming from those, from Western Sahara.

You had also questions about the Saharawi people, and so how do we presume the consent of the Saharawi people? Will we consult them? How do we argue that the Declaration of the Union is part of the agreement, etc.? So, as you have rightly pointed out, the court ruling requires that the people of Western Sahara must give their consent, either explicitly or implicitly, to any new agreement. The benefit-sharing mechanism foreseen in the Declaration of the Union aims to provide the people of Western Sahara with specific, tangible, substantial, proportionate, and verifiable benefits from resource exploitation. So, this regular control mechanism referred to in the Declaration of the Union was agreed by both parties and aims to comply with the court rulings by fulfilling the conditions for implicit consent.

Appropriate methodology will be developed to quantify the economic value of the natural resources used to produce the goods imported under the new agreement, and the estimated benefits will be shared by financing actions in Western Sahara – some of you have mentioned that as well – providing humanitarian assistance to Tindouf camps, and promoting the participation of the people of Western Sahara in EU programmes.

The EU Declaration is annexed to the Letter of the Union. In its letter, Morocco takes note of all the points in the Letter of the Union and expresses its agreement with the content of the Union's letter.

The Treaty provides for the possibility to obtain the opinion of the European Court of Justice, but there is no obligation to request an opinion. And there I reply to another of your questions: the Commission does not plan to seek the opinion of the Court.

I'm looking at what I can give you. Yes, maybe the next steps, because you had questions on how does it fit to have a discussion on a delegated regulation on the labelling of fruit and vegetables, while the main part is not yet cleared with an EP consent. So the next step, according to our understanding of where the other procedure is, is that the process for the Council decision on the conclusion of the agreement is still within the Council.

The Council is following an ordinary calendar for this decision. It is being discussed for the moment at working party level. It is expected to be discussed by COREPER before the Council adopts its political decision on the conclusion of the agreement. And this is envisaged to take place by the end of the year approximately. According to our information, the Council will then seize the Parliament for its consent to the proposal. And of course, we, the Commission, we remain available for you during this stage to answer further questions, and we have already said that we will look into written answers, sorry, as you requested. We are available to look at that in the relevant committees. We understand the difference between this committee and INTA.

And of course, we will be available afterwards as well to continue the discussion. Maybe I keep it at that, Chair. So reiterating that we are convinced that we have put forward legally sound delegated regulation that allows us to comply with our international obligations as well as our respect for a Court of Justice ruling."

Lynn Boylan: "That doesn't require a legal writing follow-up and writing is just to confirm that this is a precedent that never before has the EU created a legal framework in terms of labelling within EU international agreements just purely to avoid labelling the products Western Sahara."

Daniel Buda: "Herbert, please."

Herbert Dorfmann: "As several political groups announced today that they will put an objection to this regulated act in the plenary next week, among them also my own political group, and we will

vote on Wednesday. Maybe it would be good if possible if the written answer to this file would come to the Parliament within next Tuesday.”

Daniel Buda: “Please, if possible, answer. Thank you.”

Brigitte Misonne, European Commission: “I cannot answer to the question on whether it's a precedent with regard to the labelling that was, well, where there is an interception between the trade agreements and EU legislation on labelling for the legality where you request a written answer. So we will look into what we can do. We will come back to you. Obviously, I have no possibility to commit in which form and by which deadline.”

Daniel Buda: “Director, we fully understand, but you must send Parliament's request for response. Today's meeting was slightly more passionate than usual, but you must understand that MEPs are often present in their countries, in their constituencies. They talk to farmers and they are worried about the funding behind the Mercosur agreement, and we have no choice. It is our duty to call on the Commission and to demand that you respond to our question in the spirit of inter-institutional cooperation, and we need to find solutions to these problems and the difficulties that farmers are facing. We must protect consumers as well. We all are striving for the greater good and to consolidate our farming sector and to guarantee food security. This is the lens through which we must look at today's debates. There is a bit of tension, but you must understand that it's all in constructive spirit to protect our consumers and to make our farmers' lives better. We are all in good faith and are doing our best to send us this response as soon as possible.”