



Ms. Mogherini, High Representative of the European Union
Ms. Malmström, European Commissioner for Trade
Mr. Moscovici, Commissioner for Economic and Financial Affairs

Brussels, 24th April 2017

Dear Commissioners Mogherini, Malmström and Moscovici,

We wish to draw to your immediate attention an urgent matter that potentially implies a serious breach of EU legislation, ECJ case-law and public international law, in relation to EU trade in goods originated in Western Sahara.

We have received news of a Spanish vessel, the *Albiz*, leaving the port of Laayoune on the 23th of April and heading for the port of Dordrecht, in the Netherlands. The nature of its cargo remains unknown, but we are informed that its draught has changed from 4.4 upon arrival to Laayoune to 6.5 at the moment of leaving. We are concerned that the shipment is originated in Western Sahara, which could imply a direct violation of the recent judgement of the Court of Justice of the European Union on the EU-Morocco Agreements of 21 December 2016 (Council v. Front POLISARIO, C-104/16).

As you will know, the above-mentioned judgement stated in no ambiguous terms, that the EU-Morocco Association agreement, as well as the Liberalisation agreement, do not apply to the territory of Western Sahara; that the Sahrawi people has the right to self-determination, which includes the right to permanent sovereignty over their natural resources; and the Sahrawi people must be regarded as a third party, that must give its consent in order for other parties to export from their territory. It follows that any import into the EU from occupied Western Sahara has no legal basis.

In light of the above, an urgent inspection of the *Albiz* vessel appears necessary in order to clarify the nature and legal situation of its cargo and to ensure that the vessel does not continue its journey in case its shipment is in contradiction with European law.

In your response dated 10 April 2017 to a letter sent by Greens/EFA MEPs on the vessel Key Bay carrying products originating from Western Sahara, you stated that *"there is no prohibition, embargo or ban on imports of products from Western Sahara into the European Union. The importation of goods into the European Union (including those coming from Western Sahara) is subject to rules, procedures, verification processes and, for specific products, to technical requirements so as to ensure the proper implementation of European Union legislation"*. While we can agree with this statement, we regret that your services have declined repeatedly to reply to written questions from the European Parliament inquiring precisely into the specific rules, procedures, verification processes and technical requirements in relation to Western Sahara in the light of the ECJ ruling of 21 December 2016.

Since we have reason to believe that the applicable rules pertaining to the cargo of the *Albiz* vessel might not have been respected - including in relation to the certificates of origin and applied customs tariff, we call on the Commission, as the guardian of the European legal norm, to consider this matter with utmost urgency and to seize the relevant Dutch and Spanish authorities with a view to taking the appropriate measures in relation to this vessel.

Yours sincerely,

MEP Judith Sargentini

MEP Florent Marcellesi