



## **Loss of customs data and bypassing of European law: ECVC condemns the European Commission's attempt to impose the EU-Morocco agreement**

**ECVC denounces an unprecedented situation in EU import controls, with the outright disappearance of official European Commission statistics on tomato imports from Morocco and Western Sahara. Faced with this new violation of European law, ECVC calls on the European Parliament to act and oppose the Commission's push to force through the EU-Morocco agreement.**

While our members have informed us that tomato imports into the European market have not stopped, the website of the European Commission's Directorate-General for Agriculture continues to show figures well below the usual levels. These data are accompanied by an official statement indicating the temporary absence of statistics from the customs authorities<sup>1</sup>. Last January, ECVC met with the European Commissioner for Agriculture and Food, Christophe Hansen, who admitted that there were serious problems with the information on tomato imports from Morocco, blaming the customs authorities of certain Member States for this situation.

**As the EU attempts to conclude new agreements, including in the agricultural sector, with countries such as India and Mercosur, these worrying signs of a lack of border control mechanisms demonstrate once again that promises of controls cannot be kept.**

Far from being limited to this episode, these shortcomings also result in customs duty exemption fraud. The tomato quotas actually benefiting from these exemptions exceed the quotas set out in the agreement by tens of thousands of tonnes. This European tax fraud represents a loss of several million euros in European public money.

These shortcomings point to a systemic failure on the part of European customs authorities in terms of transparency and their ability to effectively control border-crossing quotas.

European farmers, who suffer from unfair competition, the Sahrawi people and the health of European citizens seem to be nothing more than an adjustment variable in the eyes of the European authorities. ECVC calls on the Commission to shed light on these events.

### **ECVC calls for a strong response from the European Parliament to the circumvention of democracy and European law**

These disturbing discoveries come at a time when the European Commission is being criticised for conducting secret negotiations with Morocco to renew the EU-Morocco agricultural agreement, which was annulled by the European Court of Justice in 2024. This disappearance of official and strategic data is far from insignificant, given the Commission's attempts to force through this issue and, more recently, the EU-Mercosur agreement.

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<sup>1</sup> <https://www.hortidaily.com/article/9808389/moroccan-tomatoes-have-disappeared-from-the-eu-imports-statistics/>

**By attempting to impose a similar version of the agreement that has been declared illegal, the Commission is persisting with a policy of *fait accompli* that once again circumvents European law and weakens the framework of international law.**

Its failure to consult the European Parliament and the Sahrawi people, during a negotiation process conducted in total secrecy over just five days<sup>2</sup>, is unacceptable, as is the provisional application of the agreement, which sees the Commission once again violating European interinstitutional agreements. This must be met with a firm response from the European Parliament.

**The Commission is contributing to the destabilisation of international law by using free trade as a tool to subjugate peoples**

While the territory of Western Sahara clearly retains, under international and European law, the status of a ‘non-self-governing territory’ undergoing an unfinished decolonisation process, the EU-Morocco agreement perpetuates and reinforces the colonial situation there.

By considering the consent of the Sahrawi people (a legal prerequisite for any EU agreement) to be an adjustment variable that can be bought with cosmetic measures, such as increased humanitarian aid to refugee camps, the EU is helping to strip the Sahrawi people's right to self-determination of its substance.

Worse still, the EU claims to be able to obtain the consent of the Sahrawi people by investing in critical infrastructure, which, far from providing “tangible benefits”, will instead accentuate the extent of colonisation. These measures will increase the Moroccan state's appropriation of land and water in this territory, to the benefit of European and Moroccan agro-industrial transnational corporations, which are the main beneficiaries.

As a reminder, in its rulings, the Court makes a clear distinction between the ‘population of Western Sahara’ and the ‘Sahrawi people’, whose legitimate and recognised representative is the Polisario Front. However, the Commission's exclusion of the latter from the ‘joint assessment mechanism’ further undermines the legal validity of this agreement.

Western Sahara remains a territory ‘separate and distinct’ from Morocco (as the Court affirmed in its ruling following the complaint by the Confédération Paysanne), and therefore a customs territory in its own right. In this sense, the Commission's amendment of the labelling rules aimed at creating regions of origin and obscuring the provenance ‘Western Sahara’ can only be seen as yet another circumvention of the CJEU's requests.

ECVC calls on the European Parliament to reject this agreement, which once again sacrifices the food sovereignty of peoples and European democracy on the altar of free trade. MEPs must request that the agreement be referred back to the CJEU.

**It is high time that the European Union defended the interests of its citizens and farmers while respecting the rights of people around the world, rather than promoting an outdated trade model that is destructive to local rural communities.**

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<sup>2</sup> <https://www.euractiv.com/news/eu-scrambles-to-save-morocco-deal-with-controversial-western-sahara-clause/>

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