Question for oral answer O-000008/2025
to the Council
Rule 142
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Subject: Decision by the Court of Justice of the European Union on EU-Kingdom of Morocco trade agreements

On 4 October 2024, the decision of the Court of Justice of the European Union (CJEU) concerning cases [C-778/21P and C-798/21P] and [C-779/21P and C-799/21P] was released. It dismissed appeals brought by the Commission and the Council of the European Union against the judgments of the General Court of September 2021 (respectively, EU:T:2021:640 and EU:T:2021:639) concerning the trade agreements between the EU and the Kingdom of Morocco. Those judgments had declared the respective trade agreements null and void.

The judgment reiterates that the Polisario Front is ‘a privileged interlocutor in the process conducted under the auspices of the United Nations with a view to determining the future status of Western Sahara, the decisions of which are binding on all EU Member States and institutions’.

It also states that the agreements in question do not mean that the EU recognises ‘the claims of the Kingdom of Morocco concerning sovereignty over the territory of Western Sahara’ and that the application of an agreement between the EU and the Kingdom of Morocco concerning the territory of Western Sahara must receive the consent of its people and its legitimate representatives, otherwise their right to self-determination would be violated.

The conclusion of agreements with Morocco, ignoring the CJEU’s preliminary rulings, has caused damage to the Sahrawi people by granting access to resources unlawfully exploited thus far by Morocco, for which they must be compensated.

In the light of these decisions:

1. What steps has the Council taken to comply with the CJEU decision?

2. Will it start negotiations with the Polisario Front, the legitimate representative of the Sahrawi people, to compensate for the ensuing damage and on the future trade framework for those territories?

3. What steps will it take, in compliance with the provisions of countless UN resolutions, to uphold the right of the Sahrawi people to self-determination?

Submitted: 13.3.2025
Lapses: 14.6.2025