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To:

The European Commission
Rue de la Loi/Wetstraat 200
1049 Brussels, Belgium

Subject: Compliance of the EU–Morocco Agreement (Council Decision (EU) 2025/2022) with the Judgments of the Court of Justice of the European Union

Dear Members of the European Commission,

On behalf of *Adala UK*, a human rights organization based in the United Kingdom dedicated to the promotion of justice and the rule of law in Western Sahara, we wish to express our serious concern regarding **Council Decision (EU) 2025/2022 of 2 October 2025**, which authorizes the signing and provisional application of the Agreement in the form of an Exchange of Letters between the European Union and the Kingdom of Morocco on the amendment of Protocols 1 and 4 to the Euro-Mediterranean Association Agreement.

This decision appears to contravene the established jurisprudence of the **Court of Justice of the European Union (CJEU)**, in particular its judgments of **21 December 2016 (Case C-104/16 P)** and **4 October 2024 (Joined Cases C-779/21 P and C-799/21 P)**. The Court has consistently and unequivocally held that **Western Sahara constitutes a territory distinct and separate from the Kingdom of Morocco**, and that **no agreement concluded by the European Union with Morocco may lawfully apply to that territory or its adjacent waters without the consent of the people of Western Sahara**.

The provisional application of the new Agreement, insofar as it extends preferential treatment and cooperation measures to goods and products originating in Western Sahara under Moroccan administration, raises profound legal and ethical concerns. It risks undermining:

- The **principle of self-determination** of the Sahrawi people, enshrined in Article 1(2) of the Charter of the United Nations and Article 21(1) of the Treaty on European Union;
- The **binding authority of the CJEU's rulings**, which form an integral part of Union law; and
- The **credibility of the European Union's external action** as guided by respect for international law and the promotion of human rights.

In light of the above, *Adala UK* respectfully urges the European Commission to:



1. **Suspend the provisional application** of the EU–Morocco Agreement pending a full legal assessment of its compatibility with the CJEU’s judgments.
2. **Engage in consultations with the legitimate representatives of the Sahrawi people**, namely the Frente Polisario, recognized by the United Nations as the representative of the people of Western Sahara.
3. **Ensure transparency and accountability** in the implementation of any cooperation or monitoring mechanisms related to trade, aid, or resource use in Western Sahara.
4. **Direct EU assistance and development funds** toward humanitarian and educational projects benefiting Sahrawi refugees, in coordination with United Nations agencies and in full respect of the people’s rights.
5. **Reaffirm the Union’s commitment** to supporting a political solution consistent with UN Security Council resolutions, based on the free and genuine exercise of the right to self-determination by the Sahrawi people.

The European Union has long stood as a global advocate for human rights, the rule of law, and respect for judicial authority. Upholding the CJEU’s decisions in the context of Western Sahara is essential to maintaining that credibility and ensuring the Union’s external actions remain aligned with its foundational values.

We would appreciate a formal response from the European Commission clarifying the legal basis for the provisional application of this Agreement and the measures being taken to ensure full compliance with the rulings of the Court and international law.

Yours faithfully,

Sidi Ahmed Lyadasi

Chair, *Adala UK*

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