

**Request for a preliminary ruling from the Conseil d'État (France) lodged on 15 June 2022 —
Confédération paysanne v Ministère de l'agriculture et de la souveraineté alimentaire, Ministère de
l'économie, des finances et de la souveraineté industrielle et numérique**

(Case C-399/22)

(2022/C 359/42)

Language of the case: French

Referring court

Conseil d'État

Parties to the main proceedings

Applicant: Confédération paysanne

Defendants: Ministère de l'agriculture et de la souveraineté alimentaire, Ministère de l'économie, des finances et de la souveraineté industrielle et numérique

Questions referred

1. Must the provisions of Regulation No 1169/2011, ⁽¹⁾ Regulation No 1308/2013, ⁽²⁾ Regulation No 543/2011 ⁽³⁾ and Regulation No 952/2013 ⁽⁴⁾ be interpreted as authorising a Member State to adopt a national measure prohibiting the importation, from a specific country, of fruit and vegetables that infringe Article 26 of Regulation No 1169/2011 and Article 76 of Regulation No 1308/2013 for failing to indicate the country or territory from which they actually originate, in particular where that failure is significant and it is difficult to verify the origin once the produce enters the EU?
2. If the first question is answered in the affirmative, must the agreement in the form of an Exchange of Letters, approved by the Council Decision of 28 January 2019, amending Protocols 1 and 4 to the Euro-Mediterranean Agreement of 26 February 1996 establishing an association between the European Union and its Member States, and Morocco, be interpreted as meaning that, for the purpose of applying Articles 9 and 26 of Regulation (EU) No 1669/2011 and Article 76 of Regulation (EU) No 1308/2013, on the one hand, fruit and vegetables harvested in Western Sahara have Morocco as the country of origin and, on the other, the Moroccan authorities have the power to issue the certificates of conformity provided for by Regulation No 543/2011 to fruit and vegetables harvested in Western Sahara?
3. If the second question is answered in the affirmative, does the Council Decision of 28 January 2019 approving the agreement in the form of an Exchange of Letters comply with Articles 3(5) and 21 TEU and the customary international law principle of self-determination set out, in particular, in Article 1 of the United Nations Charter?
4. Must Articles 9 and 26 of Regulation (EU) No 1669/2011 and Article 76 of Regulation (EU) No 1308/2013 be interpreted as meaning that, at the stages of importation and sale to the consumer, the packaging of fruit and vegetables harvested in Western Sahara cannot indicate Morocco as the country of origin but must indicate the territory of Western Sahara?

⁽¹⁾ Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (OJ 2011 L 304, p. 18 and corrigendum OJ 2013 L 163, p. 32).

⁽²⁾ Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ 2013 L 347, p. 671).

⁽³⁾ Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors (OJ 2011 L 157, p. 1).

⁽⁴⁾ Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ 2013 L 269, p. 1 and corrigendum OJ 2013, L 287, p. 90).