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COVER NOTE

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signed by Mr Jordi AYET PUIGARNAU, Director

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to: Mr Uwe CORSEPIUS, Secretary-General of the Council of the European
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The role of the European Union in the Food and Agriculture Organisation
(FAO) after the Treaty of Lisbon: Updated Declaration of Competences and
new arrangements between the Council and the Commission for the exercise of
membership rights of the EU and its Member States

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COMMUNICATION FROM THE COMMISSION TO THE COUNCIL

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INTRODUCTION: THE EU AND THE FAO

Since 1991, the European Union, alongside its Member States, has been a Member Organisation of the Food and Agriculture Organization of the UN (FAO).

The FAO and the two other Rome-based UN agencies¹ are at the heart of international policy, playing a normative, technical and operational role in areas such as nutrition, agricultural productivity, rural development, global food crisis prevention, transboundary threats, sustainable forest management, fisheries and aquaculture, water and land, animal and plant production and health, capacity development for information and statistics, global standard setting, trade and commodities, development and humanitarian aid; areas that are all central to the EU.

Through its membership of FAO and its strategic partnership agreements with the three Rome-based UN agencies, the EU has demonstrated its willingness to engage in policy dialogue at the highest level. This is complemented by substantial financial contributions to all three organisations. Taken together, these three bodies constitute the principal international policy fora on policy issues in areas of food and agriculture where a strong EU involvement is essential.

The work that the FAO does is vital in advancing the international food security agenda. The FAO's mandate touches on core EU policy areas and it is essential that the EU is able to engage with the FAO in all of these areas so as to ensure that policies, guidelines and principles adopted at international level take good account of EU policies. The EU needs to show that the critical role it plays in responding to the challenges of global food insecurity, by virtue of its position as the world's largest donor, is backed up by a sound policy component. This will be particularly important as the EU embarks on innovative initiatives on resilience and nutrition which coincide with the programming exercise which takes us up to end 2020. This is also a period which will see intensification of the post-2015 Millennium Development Goals (MDG) discussions, including on the formulation of Sustainable Development Goals (SDGs), where the EU will want to play a decisive and strong role.

The FAO's mandate covers areas that are at the core of EU policies and indeed of its role in the world. Recent examples illustrate the EU's involvement and interest in the work of FAO. The EU has participated in negotiations which resulted in adoption of the Voluntary Guidelines for the Responsible Governance of Tenure of Land, Forests and Fisheries (VGGT), the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing and the Voluntary Guidelines on Flag State Performance. It is active in current discussions on the principles that should govern

¹ World Food Programme (WFP) and International Fund for Agricultural Development (IFAD)

responsible agricultural investment. The EU actively contributes to the work of the International Treaty on Plant Genetic Resources for Food and Agriculture. As a member organisation, the EU also provides the necessary and available statistical data in the policy areas covered by the FAO. The EU is frequently represented at political level when topics of international interest, such as the recent food crises in the Sahel and the Horn of Africa or rising food prices, demand an international response.

The EU is also a strong advocate of FAO reform and the reform of the Committee on World Food Security (CFS), an intergovernmental body set up by FAO to review and follow-up policies on world food security, supporting financially and politically both reform processes.

Between 2006 and 2011, an average of over €1 billion was allocated every year for rural development, territorial planning, agriculture and food security. Sustainable agriculture and food and nutrition security are at the top of the EU's long-term development cooperation agenda and are an important aspect of our dialogue with partner governments and international organisations such as the FAO. At the same time, addressing emergency food and nutrition needs is a priority for the EU.

Therefore at policy level, it is essential that the EU engages more effectively with the FAO. As the world's largest donor to food security, the EU has a critical role to play in responding to the challenges to global food security.

The role of the European Union in the FAO after the Treaty of Lisbon

Since the entry into force of the Treaty of Lisbon, the Union's external representation is ensured by the Commission in all areas other than Common Foreign and Security Policy (CFSP), where the Union is represented by the President of the European Council and the High Representative for Foreign Affairs and Security Policy. The Union Delegations represent the EU both for CFSP and non-CFSP matters in third countries and at international organisations. As the FAO deals only with non CFSP issues, the relevant EU actors are therefore the Commission and the EU Delegation accredited to the FAO.

The Treaties also provide for a close and sincere cooperation between the Union and its Member States. In the FAO, like in other international organisations, all efforts shall be made to ensure that the interaction between the EU actors and the EU Member States is consistent. They shall coordinate their action to the fullest extent possible, in the light of key principles such as the unity of representation, transparency and sincere cooperation.

Providing the Union and its Member States with the means to act more effectively and coherently in the FAO is part of a broader strategy pursued by the Commission for the progressive improvement of the EU's participation in international organisations and other fora and is in line with the European Parliament's resolution of 11 May 2011: "The EU as a global actor: its role in multilateral organisations"².

Unlike many organisations in which status limitations restrict the EU's ability to participate efficiently, the EU is already a Member Organisation of the FAO. Hence, there is no change needed in that respect. A coherent, comprehensive and unified external representation of the EU can be achieved, on the one hand, by submitting to the FAO a new declaration of competences to replace the last Declaration of competences issued in 1994 and, on the other

² P7_TA-PROV(2011)0229

hand, by replacing the current internal arrangements between the Council and the Commission dating from 1991, updated in 1992 and 1995.

Neither the new Declaration of competences, nor the new arrangements affect in any way the division of competences between the EU and its Member States as provided for under the Treaties.

THE DECLARATION OF COMPETENCES

Under Article II, paragraph 7, of the Constitution of the FAO, the EU is bound to submit to the FAO any change regarding the distribution of competences between the EU and its Member States.

The last Declaration of competences of the European Community to the FAO dates from 1994³. Since then, the competences conferred upon the EU by the Treaties which are relevant for the activities of the FAO have evolved substantially. Furthermore, the Treaty of Lisbon has clarified the legal framework applicable to the division of competences between the EU and its Member States.

Against this backdrop, it is deemed necessary to submit to the FAO a new declaration of competences.

The Declaration of competences should list the competences conferred upon the EU by the Treaties which are most relevant for the activities of the FAO. Given possible future evolutions of the division of competences between the EU and its Member States and the mere declaratory character of such a declaration of competences, the Declaration should be kept general while allowing other members of the FAO to be informed of the exercise of membership rights in combination with the information note to be submitted by the EU to the FAO in relation to the specific meetings of the bodies of the FAO.

The Declaration of competences will replace the one made in 1994 which currently applies to most bodies and agreements of the FAO, including the central bodies of the FAO. Therefore, this new Declaration of competences should allow the EU to clarify its relations with the institutionally most important organs of the FAO. It is, however, appropriate, at this stage, not to include in this exercise FAO bodies and agreements for which the EU has submitted a specific declaration of competences.⁴ The Commission is in the process of assessing these specific declarations of competences in view of their possible future revision, taking into account the obligations stemming from the Constitution of the FAO, as well as the on-going discussions within the international bodies concerned and the evolving nature of the relevant EU legislative framework. Appropriate Commission initiatives to revise them are planned to start as of 2014.

THE NEW ARRANGEMENTS ON THE EXERCISE OF MEMBERSHIP RIGHTS

The internal coordination for the preparation and exercise of membership rights in the FAO is currently regulated by an arrangement concluded in 1991 between the Council and the

³ Letter of the President of the Council of the European Union of 4 October 1994 (8406)

⁴ General Fisheries Commission for the Mediterranean (GFCM); Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSM) ; Codex Alimentarius Commission; International Plant Protection Convention (IPPC)

Commission⁵. It has been revised in 1992⁶ and 1995⁷ to clarify certain practices in terms of speaking and voting rights. The Court of Justice has had the occasion to decide that such arrangements are legally binding upon the institutions⁸.

These arrangements require revision for several reasons. In practice, their application has constantly led to time-consuming discussions on the division of competences. This has not left sufficient time for the relevant Council preparatory bodies to elaborate on the substance of the positions to be taken in view of FAO meetings. Furthermore, they are no longer in line with the provisions of the Lisbon Treaty.

Any new arrangements should be seen as a tool to allow the Council to improve and fully exercise its role in EU policy making and also to ensure that the Commission and the EU Delegations, as external actors of the EU, can effectively represent the EU in the FAO.

They should ensure a more effective preparation of FAO meetings. In particular, sufficient time shall be given to the relevant preparatory bodies of the Council to consider lines to take or, where necessary, provisional statements which reflect existing EU positions.

Where there is no existing EU position or where conditions or circumstances have substantially changed, it shall be ensured that the Council can carry out its policy-making functions by agreeing upon an EU position in accordance with the relevant Treaties' provisions in due time before FAO meetings. Finally, common positions of the EU and its Member States shall be established in all cases where agenda points of the FAO relate to areas for which EU positions cannot suffice on their own to cover the whole agenda items in question.

As these new arrangements should enable the EU and its Member States to achieve coherent, comprehensive and unified external representation, all EU positions should be expressed from behind the EU nameplate. Therefore, EU actors and the Member State holding the Presidency of the Council should collaborate closely, in particular for the presentation of common positions.

The new arrangements between the Council and the Commission, regarding the exercise of membership rights of the EU and its Member States, should replace the arrangements of 1991/95. In doing so, namely replacing the 1991/95 arrangements which have, in practice caused lots of difficulties and lengthy discussions, the Council and the Commission would agree to a better and effective way to prepare the meetings of the most central bodies of the FAO. Given the nature of these arrangements, namely the exercise of membership rights of the EU and its Member States, they should apply to all FAO bodies and agreements except to those in which only the EU is member, or, conversely, of those in which only the EU Member States are members or bodies for which specific arrangements apply.⁹ The Commission will start as of 2014 to assess these specific arrangements in view of their possible revision.

⁵ Council document 10478/91 of 18/12/1991

⁶ Council document 9050/92 of 7 October 1992

⁷ Council document 8460/95 of 26 June 1995

⁸ Case C-25/94 of 19.3.1996

⁹ 1993 FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas; 2009 Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSM); General Fisheries Commission for the Mediterranean (GFCM); Indian Ocean Tuna Commission (IOTC); Codex Alimentarius Commission ; European Commission for the Control of Foot-and Mouth Disease (EuFMD); International Plant Protection Convention (IPPC);

ACCOMPANYING MEASURES TAKEN BY THE COMMISSION AND THE EU DELEGATION

The Commission is committed to ensure that it makes available the necessary resources to effectively participate in the work of FAO. A number of measures have already been taken in this respect. The EU Delegation in Rome has been strengthened by two additional posts covering the humanitarian and agricultural portfolios. In addition, there will be systematic mobilization of expertise from Headquarters when the need arises and a greater involvement in contributing to policy discussions taking place in the FAO.

It is noted that, at present, the EU is not entitled to participate in the three FAO committees with restricted membership (Finance Committee, Programme Committee and Committee on Constitutional and Legal Matters). This is by virtue of its status as member organisation, which comes with these limitations. Considering the financial weight of the EU in the FAO, and the strong link between governance and thematic questions since the reform, this situation hampers the EU's ability to participate fully in all aspects of FAO work and needs to be addressed. The more general question of a formal role for the EU in Committees (chair, co-chair) also needs to be addressed in the near future to achieve coherence with the Lisbon Treaty.

CONCLUSIONS

Given the above, the Commission proposes that:

- the Council takes note of the Declaration of competences set out in Annex 1 to be submitted to the FAO, in accordance with Article 221 TFEU, by the EU Delegation in Rome in replacement of the Declaration of competences of 1994.
- the Council and the Commission agree on the arrangements set out in Annex 2 to be applied as of the date of the agreement on the Arrangements regarding the exercise of membership rights in the FAO.

Annex 1

DECLARATION OF COMPETENCES BY THE EUROPEAN UNION IN RESPECT OF MATTERS COVERED BY THE CONSTITUTION OF THE FOOD AND AGRICULTURE ORGANISATION OF THE UNITED NATIONS (FAO)

(Pursuant to the General Rules of the FAO)

As a member organisation of the Food and Agriculture Organisation (FAO) the European Union (EU) submits, in accordance with Article II, paragraph 7, of the Constitution of the FAO, the following Declaration of competences specifying the categories and policy areas in respect of which the Member States of the EU have conferred competences upon the EU in the areas covered by the FAO.

This Declaration of competences applies to all FAO bodies and agreements, with the exception of those for which there is a specific declaration of competences¹. It replaces the one that has been submitted to the FAO in 1994².

1. GENERAL PRINCIPLES

The FAO has already been informed³ that, as of the entry into force of the Treaty of Lisbon on 1 December 2009, the EU has replaced and succeeded the European Community and that, as of that date, the Delegation of the European Commission accredited to the FAO has become the Delegation of the EU. Under Article 1, third paragraph, of the Treaty on European Union (TEU), the EU is founded on the TEU as well as on the Treaty on the Functioning of the European Union (TFEU).

The areas of competence of the EU are set out in Articles 2 to 6 TFEU. Where the competence is shared between the EU and its Member States and to the extent that the EU has not exercised its competence or has decided to cease exercising its competence, Member States shall exercise their competence. Competences not attributed to the EU by the Treaties fall within the competences of the Member States of the EU.

On the basis of this Declaration and in accordance with Article II, paragraph 8, of the Constitution and Rule XLII of the General rules of the Organisation (FAO), the EU will submit to the FAO, when required, before a meeting of an FAO body, an information note relating to the exercise of the membership rights by either the EU or its Member States with respect to the subject matters covered by that meeting⁴.

In accordance with Article II, paragraph 10, of the Constitution (FAO), in policy areas falling within the competences of the EU, as set out below, the EU will exercise the membership rights; in policy areas where both the EU and its Member States have competences to act in

1 General Fisheries Commission for the Mediterranean" (GFCM); Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSM) ; Codex Alimentarius Commission; International Plant Protection Convention (IPPC)

2 Letter of the President of the Council of the European Union of 4 October 1994 (8406).

3 Note verbale dated 27 November 2009.

4 The EU considers that the systematic submission of such an information note is not required for meetings or specific agenda points thereof where either a vote is not envisaged or the division of competence between the EU and its Member States results directly from the present declaration of competence.

the FAO, as set out below, either the EU or its Member States will exercise the membership rights of both the EU and its Member States.

The distribution of competences between the EU and its Member States, as set out below, is, by its nature, subject to change. Whenever changes arise which affect the list below, the EU reserves the right to amend this declaration accordingly, without this constituting a prerequisite for the exercise of its competences in matters covered by the FAO.

2. COMPETENCES OF THE EU

2.1. Only the EU has the competence to act in the FAO in the policy areas listed in Article 3(1) TFEU, namely the customs union, the establishing of the competition rules necessary for the functioning of the internal market, the monetary policy for the EU Members States whose currency is the euro, the conservation of marine biological resources under the common fisheries policy and the common commercial policy.

2.2. In addition, in certain policy areas, listed in particular in Article 4(2) TFEU, only the EU may act in the FAO insofar as the EU has adopted common rules which may be affected by actions taken by the FAO or where external action of the EU is necessary to enable the EU to exercise its internal competences. These policy areas are, in particular:

- the internal market, including measures with the aim of establishing or ensuring the functioning of the internal market (Article 26(1) TFEU), the approximation of laws (Articles 114 to 118 TFEU) and the free movement of goods, persons, services and capital (Articles 28 to 37, 45 to 66 TFEU);
- agriculture and rural development, in particular action to:
 - increase agricultural productivity in a sustainable manner, in line with the Union's action in the field of environmental policy, climate change, forestry and energy;
 - stabilise markets, control price volatility, assure the availability of supply and guarantee food security;
 - pursue the objectives of the common commercial policy in respect of agricultural products;
 - ensure a fair standard of living for agricultural communities;
 - ensure that supplies reach consumers at reasonable prices;
 - ensure the economic development of agricultural regions and rural areas.
- fisheries other than the conservation of marine biological resources, as well as aquaculture;
- environment, including measures to be adopted under Article 192 TFEU in order to achieve the objectives of the EU policy set out in Article 191 TFEU,

namely to preserve, protect and improve the quality of the environment, to protect human health, to ensure prudent and rational utilisation of natural resources, including forests and to promote measures at international level to deal with regional or worldwide environmental problems, and in particular combating climate change;

- energy, including measures to be adopted under Articles 170, 192 and 194 (2) TFEU in order to achieve the objectives of the EU policy set out in the Article 194 TFEU in the context of the establishment and functioning of the internal market and with regard to the need to preserve and improve the environment, namely to ensure the functioning of the energy market, to ensure security of energy supply in the EU, promote energy efficiency and energy saving and the development of new and renewable forms of energy and promote the interconnection of energy networks;
- measures to be taken pursuant to Article 168(4) TFEU related to common safety concerns in public health, including measures to set high standards of quality and safety of organs and substances of human origin as well as for medicinal products and devices for medical use and measures in relation to food and feed, in the veterinary and phytosanitary fields.

3. COMPETENCES OF THE EU AND ITS MEMBER STATES

3.1. In certain policy areas, both the EU and its Member States have competences to act in the FAO, including, in particular:

- Research and development and space including measures to be adopted under Article 180 TFEU in order to carry out activities regarding the definition and implementation of research, technological development and demonstration programmes by promoting cooperation and dissemination of results;
- Development cooperation including measures to be adopted under Article 209 TFEU in order to achieve the objectives of the EU policy set out in Article 208 TFEU, namely the reduction and eradication of poverty, and food security and nutrition;
- Humanitarian aid, including activities carried out by the EU, as well as legal and policy measures adopted by the latter, intended to achieve the humanitarian aid objectives specified in Article 214(1) TFEU, namely providing ad hoc assistance and relief and protection for people in third countries who are victims of natural or man-made disasters, in order to meet the humanitarian needs resulting from these different situations;
- Protection and improvement of human health;
- Industry, including measures encouraging a favourable environment for the competitiveness of industry and particularly for small and medium-size enterprises;
- Tourism, including the encouragement of a favourable environment for the development of the tourism industry.

- 3.2. As members of the FAO, both the EU and its Member States have competences to act in the FAO with regard to organisational and procedural matters, including legal and budgetary issues, election of chairpersons, adoption of agendas and reports.**

Annex 2

ARRANGEMENTS BETWEEN THE COUNCIL AND THE COMMISSION REGARDING THE EXERCISE OF MEMBERSHIP RIGHTS OF THE EUROPEAN UNION AND ITS MEMBER STATES IN THE FOOD AND AGRICULTURE ORGANISATION (FAO)

1. SCOPE AND GENERAL PRINCIPLES

These arrangements apply to the preparation and exercise of membership rights of the European Union (EU) and its Member States in all FAO bodies and agreements, including drafting committees. They do not apply to bodies and agreements in which only the EU is member, or conversely, of those in which only the EU Member States are members or bodies for which specific arrangements apply.¹⁴ These arrangements replace the arrangements concluded in 1991 (Doc. 10478/91, Annex II.a), updated in 1992 (doc. 9050/92, Annex II.b) and in 1995 (ref. 8460/95, Annex II.c).

These arrangements shall be applied in full respect of the principle of sincere cooperation provided for in Articles 4(3) and 13(2) TEU so to enable the EU to achieve coherent, comprehensive and unified external representation.

These arrangements do not affect the distribution of competences between the EU and its Member States or the allocation of powers between the institutions under the Treaties. Neither do they affect the decision-making procedures for the adoption of EU positions by the Council as set out in the Treaties. These arrangements do not prejudice future similar exercises for other international organisations.

For the purpose of these arrangements and in line with case-law of the Court of Justice¹⁵, a matter is covered by an EU position either where this matter is subject to EU legislation or an EU policy established by other means (such as general guidelines, Council conclusions, EU strategies or EU concerted actions) or where such an EU position is established for the purpose of the relevant FAO meeting.

2. PREPARATION OF FAO MEETINGS

2.1. Fora for coordination

All issues related to the preparation and exercise of membership rights in the FAO shall be submitted to the relevant preparatory bodies of the Council (i.e. Coordination Working Party (FAO), Fisheries, Forestry or Phytosanitary Measures Working Parties) in Brussels.

All efforts shall be made to reach an agreement in these Working Parties in a spirit of sincere cooperation. Where an agreement cannot be reached in the Working Parties, the matter shall be submitted to COREPER and, where necessary, to the Council in due time before the relevant FAO meeting.

¹⁴ 1993 FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas; 2009 Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSM); General Fisheries Commission for the Mediterranean (GFCM); Indian Ocean Tuna Commission (IOTC); Codex Alimentarius Commission; European Commission for the Control of Foot-and Mouth Disease (EuFMD); International Plant Protection Convention (IPPC);

¹⁵ Case C-246/07 Commission v Sweden [2010] ECR I-3317.

When necessary, local coordination meetings may take place in Rome or elsewhere (depending on the venues of the FAO meetings). They shall be prepared and presided over by the EU Delegation accredited to FAO or, where the FAO meeting takes place outside Rome and the EU Delegation accredited to FAO is unable to take up this duty, by the EU Delegation in the country hosting the meeting or, otherwise, by the Representation of a Member State in that country or the Commission, in collaboration with the EU Delegation to FAO. The purpose of these local coordination meetings is to address unforeseen issues. These meetings cannot alter substantially EU positions, common positions, lines to take or statements which are established in accordance with point 2.3 below.

2.2. "Information note" with regard to the exercise of membership rights of the EU and its Member States

Where required under Rule XLII, paragraph 2, of the FAO-General Rules of the Organisation, on receipt of the agendas from the FAO, the Commission shall submit to the General Secretariat of the Council a draft of the provisional "information note" with regard to the exercise of the membership rights of the EU and its Member States (hereinafter referred to as the "provisional information note").

The provisional information note shall set out the provisional distribution of tasks and, where applicable, the casting of votes in the FAO bodies concerned.

In case a Member State disagrees with the Commission's draft of the provisional information note, it shall explain its reasons in writing at the latest two working days before the relevant Working Party meeting.

The Commission shall transmit the provisional information note to the Delegation of the EU accredited to FAO in Rome for further transmission to FAO.

The transmission of the provisional information note is without prejudice to possible subsequent modifications to be transmitted to the FAO. This may be the case, in particular, where EU positions or common positions (which may take the form of lines to take or statements) are established only after the transmission the provisional information note, and/or due to the late reception of background documents from the FAO.

2.3. Preparation and adoption of lines to take and of voting intentions

2.3.1. The positions to be taken by the EU or the EU and its Member States in the FAO shall, in principle, take the form of lines to take, leaving the external actors sufficient flexibility to represent the interests of the EU and/or its Member States in the most efficient way. Only where considered necessary, positions should be set out fully in statements. The power to act on the basis of lines to take or to deliver statements shall also cover the casting of votes.

2.3.2. For agenda items covered by existing EU positions¹⁶, the Commission shall inform the Council of draft EU lines to take which shall reflect these existing EU positions. In accordance with the principle of sincere cooperation and in order to allow the Commission to draw on all available expertise, Member States may submit observations which the Commission shall take into account, when finalising the EU lines to take.

¹⁶ Including agenda items which also contain ancillary elements not covered by an EU position.

- 2.3.3. *For agenda items not covered by existing EU positions¹⁷, but where it is necessary or deemed appropriate to establish an EU position for that purpose, the Commission shall submit to the Council for endorsement a draft EU position (which may take the form of lines to take or statements; see point 2.3.1.).*

The same principles shall apply where existing EU positions have to be substantially adapted for the purpose of a position to be taken in the FAO.

In preparing its drafts, the Commission will draw upon expertise from Member States when appropriate.

- 2.3.4. *Common lines to take of the EU and its Member States shall be established for agenda items which:*

2.3.4.1. cover policy areas of cooperation with third countries and humanitarian aid (Part V, Title III of TFEU) and for which it is deemed appropriate that the EU and its Member States deliver joint statements referring to their respective actions in these areas; or

2.3.4.2. are partly covered by an EU position but, at the same time, are intrinsically linked to matters for which the adoption of an EU position is excluded; or

2.3.4.3. cover organisational and procedural matters, such as election of chairpersons, adoptions of agendas and reports.

Drafts for the establishment of these common lines to take shall be submitted by the Commission for the cases referred to in 2.3.4.1. and 2.3.4.2. and by the Member State holding the rotating Presidency of the Council for the cases referred to in 2.3.4.3.

¹⁷

Including agenda items which also contain ancillary elements already covered by an EU position.

2.3.5. *For agenda items not covered by EU or common positions, Member States inform each other as well as the EU Delegation and the Commission about their draft positions and voting intentions.*

2.3.6. *Any drafts shall be submitted to the relevant preparatory body of the Council wherever possible 5 working days before the meeting of that body.*

3. INTERVENTIONS AND CASTING OF VOTES IN FAO BODIES

3.1. The EU Delegation and/or the Commission act on the basis of EU lines to take or deliver EU statements "on behalf of the EU" (and, where applicable, cast the respective vote).

3.2. The EU Delegation and/or the Commission act on the basis of common lines to take or deliver common statements "on behalf of the EU and its Member States" (and, where applicable, cast the respective vote).

3.3. However, in the following cases, an entrusted Member State acts on the basis of common lines to take or delivers common statements "on behalf of the EU and its Member States" (and, where applicable, casts the respective vote):

- In cases under 2.3.4.2, where the common position primarily contains elements not covered by an EU position. This distribution of tasks shall be made on the basis of the main expected impact of the policy pursued within the FAO on the EU or on its Member States.
- For organisational and procedural matters, such as the election of chairpersons, adoptions of agendas and reports.

3.4. Member States deliver statements on their own behalf (and, where applicable, cast the respective vote).

3.5. As regards the three FAO committees with restricted membership (Finance Committee, Programme Committee and Committee on Constitutional and Legal Matters), which so far do not extend to the EU, the nominated member(s) from the EU Member State(s) that sit(s) in these committees shall be entrusted, where applicable, to deliver EU statements or common statements and cast the vote, if the need arises.

4. PRACTICALITIES

4.1. EU statements or common statements are delivered from behind the EU nameplate. EU statements are delivered "on behalf of the EU". Common statements are delivered "on behalf of the EU and its Member States".

- 4.2. In order to gain the best available expertise and reinforce, where necessary, their resources, the EU Delegation and/or the Commission may decide for specific meetings of the FAO, to draw upon experts of Member States who may be asked to take the floor to further elaborate on the statements, speaking from behind the EU nameplate.**
- 4.3. Questionnaires: The Commission will reply to the Questionnaires that the FAO sends to the EU. Before the Commission returns the completed questionnaires to the FAO, it will send them to the Council for comments. Member States will have 10 days to react.**