

# conference

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November 1991

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS ROME

Twenty-sixth Session

Rome, 9 - 28 November 1991

APPLICATION FOR MEMBERSHIP BY REGIONAL ECONOMIC INTEGRATION ORGANIZATION

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1. In document C 91/28, the Conference was informed that the Netherlands, in its capacity as current President of the Council of the European Community, expressed by letter dated 7 October 1991, the Community's intention to consider applying for membership of the Organization once appropriate amendments had been adopted to the Constitution and General Rules of the Organization.

2. The Director-General received on 25 November 1991 a letter from the President of the Council of the European Communities transmitting the European Community's application for membership in FAO and the formal instrument of acceptance of the relevant obligations of the Constitution of FAO provided for in Article II.3 of the Constitution (Appendix A). Pursuant to Article II.5 of the FAO Constitution, the European Community has also transmitted a Declaration of Competence specifying the matters in respect of which competence has been transferred to the European Community by its Member States (Appendix B).

3. In its letter of application, the European Community has also requested the Conference to consider the suspension of Rule XIX of the General Rules of the Organization in order to allow for the European Community's application for membership in FAO to be considered at the present session of the FAO Conference.

4. In the past, the Conference has on a number of occasions considered applications for membership which were received during the session of the Conference, after having suspended Rule XIX GRO in accordance with Rule XLVIII.1 GRO.

APPENDIX A

COUNCIL  
OF THE  
EUROPEAN COMMUNITIES  
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The President

Brussels, 25 November 1991

The Director-General  
Food and Agriculture Organization  
of the United Nations  
Viale delle Terme di Caracalla  
ROME  
(Italy)

Sir,

I have the honour to inform you that the European Community has decided to request admission as a member to the Food and Agriculture Organization of the United Nations. I would therefore ask you to submit this request, in accordance with the relevant sections of the Constitution and of the General Rules of the Organization, to the Conference.

The European Community formally accepts the obligations attached to membership of the Food and Agriculture Organization of the United Nations, as laid down by the Constitution of the Organization, and solemnly undertakes to fulfil the obligations in force at the time of its admission in all loyalty and conscience.

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In this connection, I would be grateful if the Conference of the FAO would consider the suspension of Rule XIX of the General Rules of the Organization in order to allow for the European Community's application for membership in the FAO to be considered at the present Session of the FAO Conference.

Please accept, Sir, the assurance of my highest consideration.

(Signed)

Enclosure

COUNCIL  
OF THE  
EUROPEAN COMMUNITIES

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The President

Brussels, 25 November 1991

The Director-General  
Food and Agriculture Organization  
of the United Nations  
Viale delle Terme di Caracalla  
ROMA  
(Italy)

Sir,

INSTRUMENT OF ACCEPTANCE

The European Community formally accepts the obligations attached to membership of the Food and Agriculture Organization of the United Nations, as defined in the Constitution of the Organization, and solemnly undertakes to fulfil the obligations in force at the time of its admission in all loyalty and conscience.

Please accept, Sir, the assurance of my highest consideration.

(Signed)

Rue de la Loi, 170  
1048 BRUSSELS

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APPENDIX B

DECLARATION OF COMPETENCE BY THE EUROPEAN COMMUNITY  
IN RESPECT OF MATTERS COVERED BY THE CONSTITUTION OF THE FAO

(pursuant to the General Rules of the Organization)

The General Rules of the FAO stipulate that at the time of their admission, regional economic integration organizations shall submit a declaration specifying the matters covered by the Constitution in respect of which competence has been transferred to them by their Member States.

The European Community was founded by the Treaties of Paris and Rome, signed respectively on 18 April 1951 and 25 March 1957. Following ratification by the signatory States, those Treaties entered into force on 25 July 1952 and 1 January 1958<sup>1</sup>.

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<sup>1</sup> The Treaty of Paris establishing the European Coal and Steel Community was registered with the Secretariat of the United Nations on 15 March 1957 under No. 3729; the Treaties of Rome establishing the European Economic Community and the European Atomic Energy Community (Euratom) were registered at 21 April 1958 and 24 April 1958 respectively under No. 4300 and 4301. The present members of the Community are: Belgium, Denmark, Germany, Greece, Spain, France, Ireland, Italy, Luxembourg, the Netherlands, Portugal and the United Kingdom. The Constitution of the FAO applies, in respect of matters transferred to the European Economic Community, to the territories in which the Treaty establishing the latter is applicable, under the conditions laid down in that Treaty. This declaration is not valid for those territories of the Member States to which the Treaty does not apply, and is therefore without prejudice to the actions and positions which may be taken by the Member States concerned on behalf of those territories in the framework of the FAO, and which are in the interest of those territories.

In accordance with the aforementioned Rules, this declaration specifies the Community's competence in matters covered by the Constitution.

The scope of the competence which the Member States have transferred to the Community pursuant to the Treaties is, by its nature, subject to continuous change. The Community will make further declarations whenever the need arises.

In matters in which no competence has been transferred to the Community or in those areas in which it has not exercised its non-exclusive competence, Member States remain competent.

I. The European Community has exclusive competence in:

- a) All matters relating to commercial policy, in accordance with Article 113 of the EEC Treaty. The common commercial policy comprises not only the traditional instruments in this field (tariff measures, trade protection and promotion, the conclusion of trade agreements, etc.) but also any new instrument introduced at international level under that Article<sup>1</sup>;
- b) all matters concerning fisheries which are aimed at protecting the fishing grounds and conserving the biological resources of the sea, in accordance with Article 102 of the 1972 Act of Accession.

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<sup>1</sup> Opinion 1/78 of the Court of Justice (1979) ECR 2871

II. The Community also has competence, but not of an exclusive nature, in the following matters which come under the FAO's field of activity:

a) Development co-operation (Articles 235 and 238 of the EEC Treaty)<sup>1</sup>:

No common policy exists under the Treaty beyond the relevant aspects of the common commercial policy (tariff measures in favour of developing countries and other support measures for certain products coming from developing countries). Nonetheless the Community has a policy of development co-operation, in addition to that of the Member States, through the Lomé Convention (the association agreement with the countries known as the ACP) and numerous co-operation agreements with the countries of the Mediterranean basin, Asia and Latin America. It has also approved numerous food aid, humanitarian and technical programmes and campaigns. These acts form the basis of its competence in the field of development.

b) Policy on research and technological development (Articles 130f to 130g of the EEC Treaty)<sup>1</sup>:

The Community's competence mainly covers basic research (Universities, research institutes) and both research and technological development relating to the food industries. Here, the Community has wide competence:

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<sup>1</sup> In parallel with EEC Member States' national policies.

- in promoting Community co-operation with third countries and international organizations in research, technological development and demonstration (Article 130g):
  - in providing for Community co-operation with third countries or international organizations via international agreements with regard to research, technological development and demonstration (Article 130n).
- c) Environmental policy (Articles 130r to 130t of the EEC Treaty<sup>1</sup>:

The Community has adopted a large number of legislative acts and under Article 130r (5) of the EEC Treaty has express competence to co-operate with third countries and international organizations, which may be laid down in international agreements. Its competence is exercised case by case, with the participation of the Member States where the latter have remained competent.

- d) Agricultural policy (Articles 38 to 47 of the EEC Treaty), including the harmonization of standards of animal and plant health:

1. The Common Agricultural Policy (CAP) is very broad in its scope. It covers both production and trade in agricultural products (products of first-stage processing as well as products of the soil, of stockfarming and of fisheries). It includes all aspects of agriculture and fisheries (such as productivity, income, prices, consumers, finance, technical progress, stabilization of prices, availability of supplies, structural policy, vocational training, research and animal and plant health).

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<sup>1</sup> In parallel with EEC Member States' national policies.



2. However, the CAP only covers the products listed in Annex II of the Treaty. There are therefore a limited number of products which, although they fall within the general definition of agricultural products are not listed (e.g., wool, hides and furs, some fruits and foreign plants such as maté). These products do not come within the Community's competence under the CAP unless such competence has expressly been transferred by an act adopted outside the Articles of the Treaty relating to the CAP. This is the case for cotton (cf. Protocol No. 4 of the 1979 Act of Accession).
3. In addition, the Community has not up to now exercised its competence for a very small number of agricultural products (potatoes, agricultural alcohol, bananas, coffee<sup>1</sup>, and cork). The Member States retain competence in agricultural policy for these products.
4. The Community has fully exercised its competence in agricultural policy with regard to productivity, incomes, prices and structural policy; it therefore has exclusive competence to discuss these matters in external relations. In areas where Community legislation is not exhaustive, such as vocational training, research and finance, the Member States retain partial competence which may be determined when these matters are discussed within the FAO.

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<sup>1</sup> The Community is however a contracting party to the International Coffee Agreement (under its commercial policy).

5. Forestry is not part of the CAP, but the Community has adopted a number of measures in this area for which it is competent externally. These relate to agricultural policy (structural policy), environment policy or commercial policy (trade in wood).

- e) The approximation of provisions laid down by law, regulation or administrative section by the Member States, in particular with regard to the establishment of the internal market (Articles 100 and 100a EEC):

For the purposes of the FAO, only competence in respect of food products and machines, equipment and tools intended for agricultural and food production is relevant. Even in this limited area it is impossible to list all the Community measures in force. The Community and its Member States will therefore indicate their respective competence when these matters arise on the agenda of a FAO meeting.

- f) Other Community policies (e.g., transport, economic, and social policy) which may marginally concern the activities of the FAO.

It is possible that, from time to time, other Community policies will enter into consideration as areas of Community competence within the FAO. This may in particular be the case with economic policy (particularly conjunctural policy, under Article 103 EEC<sup>1</sup>), transport policy (Articles 74 to 84 EEC) and social policy (working conditions in agriculture, equality between men and women, see Articles 117 to 128 EEC<sup>1</sup>).

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<sup>1</sup> In co-operation with Member States.