

COMMISSION OF THE EUROPEAN COMMUNITIES

SEC(94) 437 final

Brussels, 17.03.1994

COMMUNICATION FROM THE COMMISSION TO THE COUNCIL

on the notification of a change in the distribution
of competence between the EC and its Member States
pursuant to Article 11(7) of the FAO Constitution

EXPLANATORY MEMORANDUM

1. When it acceded to the Food and Agriculture Organization of the United Nations (FAO) as a separate member, the European Community (EC) was required, pursuant to the provisions of the FAO Constitution, to lodge a general declaration of competence specifying the matters in respect of which competence had been transferred to it by its Member States in the FAO's fields of activity.¹

Since by its nature Community competence may evolve, the EC undertook, when necessary, to make further declarations to the FAO pursuant to Article II(7) of the FAO Constitution, which requires notification of any change in the distribution of competence between the EC and its Member States.

2. Entry into force of the Treaty on European Union, which inter alia amends the Treaty establishing the European Economic Community to establish the European Community, introduces new elements compared with what was declared to the FAO in November 1991.

The Community's initial declaration of competence is annexed to a Council Decision; a Council decision is therefore also required for the new declaration of competence which is the subject of this communication. That decision should be taken in time to be considered at the FAO meetings due to be held in March.

This notification is without prejudice to internal implementation, by the Council of the Union, of Title V of the Union Treaty, which might possibly be applicable to the work of the FAO.

3. It is therefore proposed that the Council decide that:

(a) in order to take account of the entry into force of the Treaty on European Union, the declaration of competence by the European Community in respect of matters covered by the FAO Constitution be partially amended and supplemented by a new Community declaration;

(b) the FAO be notified thereof. The President of the Council is instructed to carry out the requisite procedures. A draft letter to be sent to the Director-General of the FAO is accordingly annexed.

1 Annex II to the Council Decision of 25.11.1991 on the accession of the EC to the FAO.

Brussels,...

Draft

Sir,

I have the honour to inform you that the Treaty on European Union, by which the Member States of the Community established among themselves a Union founded on the European Communities, supplemented by the policies and forms of cooperation established by that Treaty, entered into force on 1 November 1993.

This Treaty inter alia amends the Treaty establishing the European Economic Community. Firstly, under Article G of the Treaty, the term "European Economic Community" is replaced by the term "European Community". Secondly, the European Community has been given new tasks.

I have therefore the honour to notify you, on behalf of the European Community and its Member States and pursuant to Article II(7) of the FAO Constitution, of the changes in the distribution of competence between the Community and its Member States following the entry into force of the said Treaty insofar as they affect your Organization's fields of activity.

The annexed notification amends and supplements the declaration of competence lodged by the European Community at the time of its accession.

Would you please ensure that the requisite changes are made to take account of the new name of the Community where necessary.

(Complimentary close)

President-in-Office of the Council
of the European Union

The Director-General
Food and Agriculture Organization
of the United Nations
Via delle Terme de Caracalla
Rome

AMENDMENTS TO THE EUROPEAN COMMUNITY'S DECLARATION OF COMPETENCE
IN RESPECT OF MATTERS COVERED BY THE CONSTITUTION OF THE FAO

(pursuant to the General Rules of the FAO)

1. Paragraph II(a) of the initial declaration of competence lodged at the time of the accession of the European Community (EC) to the FAO is hereby replaced by the following text:

II.(a) Development cooperation (Articles 130u to 130y and Article 238 of the EC Treaty)

A common policy on development cooperation is laid down by the Treaty on European Union. The purpose of this policy, which is complementary to the policies pursued by the Member States, is to foster the sustainable economic and social development of the developing countries, their smooth and gradual integration into the world economy and the campaign against poverty, as well as developing and consolidating democracy and the rule of law and respect for human rights.

The Community has competence to take any useful initiative to achieve these objectives. By virtue of Articles 130y and 238, and without prejudice to the competence of the Member States, the Community has competence to cooperate with third countries and international organizations through international agreements or association agreements such as the Lomé Convention and the numerous cooperation agreements with Mediterranean, Asian and Latin American countries.

2. The reference in the title of paragraph II(b) to Article 130q of the EEC Treaty, which was repealed by the Treaty on European Union, should be deleted.

3. The Treaty on European Union has, moreover, initiated or developed new common policies enabling the Community to contribute to the achievement of objectives in the fields of vocational training, public health and consumer protection in particular. The following subparagraphs should therefore be added to paragraph II, after subparagraph (e), of the general declaration of competence presented at the time of accession:

II.(f) Vocational training (Article 127 of the EC Treaty)

The Community's vocational training policy shall, through vocational training and retraining, aim to facilitate adaptation to industrial changes, reintegration into the labour market, mobility of instructors and trainees, stimulate cooperation on training and develop exchanges of information.

The Community has competence to take any measure to achieve these objectives, excluding any harmonization of the laws and regulations of the Member States. The Community and the Member States shall foster cooperation with third countries and the competent international organizations in the sphere of vocational training.

II.(g) Public health (Article 129 of the EC Treaty)

Community action shall be directed towards the prevention of diseases, in particular the major health scourges, by promoting research into their causes and their transmission, as well as health information and education. To that end the European Community, with the Member States, shall cooperate with third countries and the competent international organizations in the sphere of public health. Health protection requirements shall form a constituent part of the Community's other policies.

II.(h) Consumer protection Article 129a of the EC Treaty

The Community shall contribute to the attainment of a high level of consumer protection through measures adopted in the context of completion of the internal market and by specific action which supports and supplements the policy pursued by the Member States to protect the health, safety and economic interests of consumers and to provide adequate information to consumers.

4. The wording of paragraph II.(f) of the initial declaration of competence shall be replaced by the following:

II.(i) Other Community policies

Other Community policies such as transport policy, economic and monetary policy, social policy, industrial policy and measures in the field of education may marginally concern the activities of the FAO.

It is possible that these policies may be deemed areas of Community competence within the FAO. This may in particular be the case with economic and monetary policy and movements of capital (Articles 102a to 109m and Articles 73a to 73h of the EC Treaty), transport policy (Articles 74 to 84 of the EC Treaty, industrial policy (Article 130 of the EC Treaty) and social and education policy (working conditions in agriculture, equality between men and women, etc. - Articles 117 to 126 of the EC Treaty).

5. The term "EEC" shall be replaced by "EC" in all the other paragraphs of the general declaration of competence.