



**COUNCIL OF
THE EUROPEAN UNION**

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CONUN 104
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CONOP 67**

NOTE

from:	General Secretariat of the Council
to:	Delegations
Subject:	EU Statements in multilateral organisations - General Arrangements

At its meeting on 22 October 2011, the Council endorsed the General Arrangements for EU Statements in multilateral organisations as set out in the Annex.

EU Statements in multilateral organisations
General Arrangements

1. This document offers a number of general arrangements with regard to the delivery of EU Statements in multilateral organisations.
2. The Treaty of Lisbon enables the EU to achieve coherent, comprehensive and unified external representation. The EU Treaties provide for close and sincere cooperation between the Member States and the Union. Given the sensitivity of representation and potential expectations of third parties, it is essential that, in conformity with current practice, the preparation of statements relating to the sensitive area of competences of the EU and its Member States should remain internal and consensual.
3. The following arrangements apply
 - The EU can only make a statement in those cases where it is competent and there is a position which has been agreed in accordance with the relevant Treaty provisions.
 - External representation and internal coordination does not affect the distribution of competences under the Treaties nor can it be invoked to claim new forms of competences.
 - Member States and EU actors¹ will coordinate their action in international organisations to the fullest extent possible as set out in the Treaties.
 - The EU actors and the Member States will ensure the fullest possible transparency by ensuring that there is adequate and timely prior consultation on statements reflecting EU positions to be made in multilateral organisations.

¹ The term EU actor is used to denote those actors competent to represent the Union as provided in the Treaties, i.e. the President of the European Council, the Commission, the High Representative and EU Delegations.

- Member States agree on a case by case basis whether and how to co-ordinate and be represented externally. The Member States may request EU actors or a Member State, notably the Member State holding the rotating Presidency of the Council, to do so on their behalf.
- Member States will seek to ensure and promote possibilities for the EU actors to deliver statements on behalf of the EU.
- Member States may complement statements made on behalf of the EU whilst respecting the principle of sincere cooperation.
- EU representation will be exercised from behind an EU nameplate unless prevented by the rules of procedure of the forum in question.
- EU actors will conduct local coordination and deliver statements on behalf of the EU unless prevented by the rules of procedure of the forum concerned (default setting). Where practical arrangements such as those at the World Trade Organisation, at the Food and Agricultural Organisation and in burden sharing exist for coordination and/or representation, such arrangements will be implemented for the preparation and delivery of the statement on behalf of the EU from behind the EU nameplate.

4. Practical guidelines:

Statements will reflect EU positions agreed in conformity with the decision making procedures as foreseen in the Treaties.

- Should the statement refer exclusively to actions undertaken by or responsibilities of the EU in the subject matter concerned including in the CFSP, it will be prefaced by “on behalf of the European Union”.
- Should the statement express a position common to the European Union and its Member States, pursuant to the principle of unity of representation, it will be prefaced by "on behalf some of the EU and its Member States". The introduction "on behalf of the EU and its Member States" does not preclude references to “the EU” or to "the Member States of the EU" later in the text, where such reference accurately reflects the factual situation.

Should the Member States agree to collective representation by an EU actor of issues relating to the exercise of national competences, the statement will be prefaced by "on behalf of the Member States". The introduction "on behalf of the Member States" does not preclude references to the "EU" later in the text, where such reference accurately reflects the factual situation.

5. Disclaimer

The Member States and the Council, the Commission and the EEAS accept the following disclaimer¹:

"The adoption and presentation of statements does not affect the distribution of competences or the allocation of powers between the institutions under the Treaties. Moreover, it does not affect the decision-making procedures for the adoption of EU positions by the Council as provided in the Treaties".

6. Should a problem arise in the application of these arrangements that cannot be solved through local coordination, the Head of the EU delegation will refer the matter to the EEAS which will, in close consultation with the Commission, submit when appropriate the matter to Coreper for decision.

7. These arrangements, agreed at Coreper level, are forwarded to the Council for its endorsement. The EEAS and the Commission services will present a report on their implementation at the latest by the end of 2012. In light of this Report, the arrangements could, if so decided by Coreper, be reviewed.

¹ This disclaimer will be reflected in the minutes of Coreper.