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**COMMUNICATION TO THE COMMISSION  
FROM THE PRESIDENT IN AGREEMENT WITH VICE-PRESIDENT ASHTON**

**Strategy for the progressive improvement of the EU status in international organisations  
and other fora in line with the objectives of the Treaty of Lisbon**

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##### **I. INTRODUCTION**

A united Europe on the international stage is one of the key objectives of the Treaty of Lisbon. With its entry into force the Treaty enhances the European Union's role in the external representation sphere and provides the Union with the means to act effectively and coherently in this regard. In many areas, the EU is already showing clear leadership and has been able to assume to a large extent its external representation functions. Often, however, the ability of the EU to promote and defend its values and its interests is impaired by its limited status in organisations and fora where important decisions are taken. Organisations created by and for States decades ago have evolved differently with the appearance of other important actors such as regional integration organisations.

EU participation in international organisations is too often not aligned with the provisions and objectives of the EU Treaties. The variation in the status of the EU in international organisations and multilateral agreements is a complicating factor in applying the provisions of the Treaties on external representation consistently. In many cases, status limitations restrict EU's ability to effectively represent and participate.

Following the tasking by the College<sup>1</sup> in February 2012 to strategically map the EU participation in multilateral organisations with a view to aligning it with the objectives of the EU Treaties, the Secretariat General in close cooperation with the EEAS carried out this exercise, with inputs from the Commission services and the EU Delegations at multilateral fora, analysing the EU participation in a substantial number of organisations of interest to the EU.

On the basis of this analysis, this Communication puts forward a number of recommendations for implementation by the Commission services and the EEAS on how to address this interest in the organisations for which they are responsible. It also identifies several organisations for which concrete steps towards the improvement of the EU status and its alignment with the objectives of the EU Treaties should be launched as a matter of priority. Part III of this Communication suggests measures to implement the Communication.

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<sup>1</sup> SEC(2012)118

Against the backdrop of significant variation in the participation and status of the EU in international organisations, five typical situations in the alignment process can be identified:

- a) efforts to align the EU status are underway and progress is being made;
- b) efforts have been interrupted because of political or institutional obstacles;
- c) efforts where there is potential for success but no initiative has been launched yet;
- d) progress toward alignment can be achieved only after major political, legal or financial obstacles are overcome;
- e) situations in which an organisation has just been or is in the process of being established and the EU status therein still under discussion or is part of the negotiating process.

## **II. RECOMMENDATIONS**

The concrete steps to be taken towards the successful improvement of the EU status in an organisation require an evaluation of the timing, the legal and political possibilities and risks in each individual international organisation. Before changes to the EU's status are pursued or re-launched, the Council should be consulted or informed, as appropriate. Timely engagement with key partners should be pursued.

The following recommendations stem from an initial analysis and prioritisation made by the Commission's services and the EEAS<sup>2</sup>. They target the situations identified above and single out some specific cases requiring more detailed guidance.

1. For those organisations where efforts to upgrade the EU status or improve the position of the EU within the existing arrangements are underway and progress is being made, services are instructed to sustain their efforts with a view to a positive outcome. Examples include the Food and Agriculture Organisation of the United Nations (FAO), where a revision of the 1991-95 internal arrangements between the Commission and the Council is underway, Eurocontrol, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the European Convention on Human Rights of the Council of Europe (ECHR) and the Universal Postal Union (UPU).

2. In those situations where such efforts have been interrupted because of political or institutional obstacles, or where there is a good prospect for success but no initiative has been launched yet, services should resume these efforts at their earliest convenience and report on their progress in six months. In cases where there is a good prospect for success and a new initiative is needed, services are instructed to submit, within the next six months, based on

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<sup>2</sup> International Financial Institutions have explicitly not been included in this exercise, as efforts to achieve a stronger and unified representation of the Union, as foreseen in Article 138 (2) TFEU, are on-going, notably in the context of the Blueprint for a deep and genuine economic and monetary union - COM(2012) 777 final/2.

their priorities already identified within the current exercise, a feasibility analysis for each organisation where a status upgrade is sought. There is a clear case for action in a number of organisations due to the strategic and economic interest that they have for EU and/or their impact on policy areas where the EU has important competences. At the same time an upgrade of the EU status in these organisations appears realistic in the short to medium term. This concerns in particular the following organisations:

- Arctic Council
- Commission on the Protection of the Black Sea against Pollution
- International Organisation of Vine and Wine
- European Mediterranean Plant Protection Organisation
- International Maritime Organisation (IMO)
- International Atomic Energy Agency (IAEA)
- International Civil Aviation Organisation (ICAO)
- United Nations High Commissioner for Refugees (UNHCR)

3. For other important organisations where major obstacles have to be overcome before any substantial improvement in the EU's status can be achieved, the responsible services should continue monitoring closely the situation and report any significant developments likely to affect the position of the EU in the organisation or to open opportunities for its upgrade. Examples include the International Telecommunication Union (ITU) and the International Energy Agency (IEA). The Organisation for Security and Co-operation in Europe (OSCE) is a particular case of its own since the specific status of the EU has never been formally defined in the rules of procedure of OSCE and EU's participation in proceedings is based on established practices.

4. Finally, organisations or bodies may just have been created as a result of international negotiations, such as the Green Climate Fund and the Intergovernmental Platform on Biodiversity and Ecosystem Services (IPBES): the status of the EU in these bodies is still not satisfactory and should be addressed as a matter of priority. Concrete steps to remedy this situation should be proposed. Where treaties such as the Arms Trade Treaty, the International Treaty on the Protection of Audiovisual Performances and a Legally Binding Agreement on Forests in the Pan-European Region are being negotiated, Commission services and the EEAS need to ensure that, whenever feasible, the EU will be able to become a party to these treaties and assume appropriate participation rights. In this respect Commission services are instructed to seek guidance from Secretariat General and the Legal Service, and where appropriate the EEAS, and to follow existing guidance documents (e.g. the Vademecum on the External Action of the EU).

In addition to the above, the following recommendations are made:

- In the case of the United Nations, efforts need to continue to ensure the full implementation of UN General Assembly Resolution 65/276 on the "Participation of the European Union in the work of the UN" and examine prospects for the extension of its application to UNGA subsidiary bodies (without reopening the resolution, under which these are not explicitly covered)<sup>3</sup>. There should also be an effort to examine the political (and legal) feasibility to achieve enhanced rights along the lines of those in UNGA resolution 65/276 in certain UN programmes and funds and specialised agencies, where the EU usually enjoys observer status. In the case of UN principal organs, the focus should be on the Economic and Social Council (ECOSOC) and at a later stage possibly also its subsidiary bodies (e.g. UNECE). In the case of UN programmes and funds and specialised agencies, in line with this exercise, the focus should be on the International Labour Organisation (ILO), the World Health Organisation (WHO) and the United Nations Environment Programme (UNEP), where further to the Rio+20 Summit its strengthening and upgrading was decided and is currently under negotiation in the UN.
- The Organisation for Economic Co-operation and Development (OECD) has recently revised its policy on the participation of non-Members to its processes. The EU has a specific status that gives it the same prerogatives as OECD members with the exception of the right to vote and it does not have to make a statutory contribution to the budget. The revision of the rules governing the participation of non-members may give some of these, under certain conditions, prerogatives going beyond those attributed to the EU. The OECD has now embarked into a complex debate on whether to engage in a new phase of enlargement, which makes more salient the issue of a possible common position on this issue, including on the support to the candidacies of several EU Member States. While enhancement of the EU's status in the OECD is likely to be more difficult than in the organisations listed above, it is important that the EU continues to be represented adequately. DG TRADE should therefore continue to follow these developments, assess their potential impact on the EU position therein and report within 6 months with recommendations on possible actions to take.
- Finally, and as a horizontal instruction, wherever the Commission is representing the EU in an international organisation, services should systematically request the conversion of the Commission's status to that of the EU, where this does not entail additional financial costs for the Commission or is not impeded by obstacles of different nature. In many cases, this is simply a relic of the past, which nevertheless creates confusion about our participation in certain organisations. The Nuclear Suppliers Group is a case in point.

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<sup>3</sup> Priorities among UNGA subsidiary bodies should be the Human Rights Council and the Disarmament Commission.

### **III. IMPLEMENTATION**

The relevant Commission services and the EEAS will take the necessary steps for the implementation of these recommendations, and ensure that the Member States and the Council are informed and involved in a timely fashion as appropriate. The European Parliament will also be informed. They will refer to the Secretariat General and the Legal Service, as well as the EEAS, possible issues of horizontal nature that may be raised in these discussions.

The relevant Commission services and the EU Delegations are also requested to anticipate possible obstacles in the implementation of these recommendations resulting from the position of our international partners. Such positions should be notified to Secretariat General and the EEAS as a matter of urgency, in view of addressing them at the earliest possible and at political level.

In cases where, depending on the area, the Commission services will be in the lead in efforts to improve EU's status, the EEAS will be actively involved and associated in any status change activities, and vice-versa.

The College will be informed within one year on the state of progress on the recommendations made in the present Communication.

### **IV. CONCLUSION**

The Commission is invited to endorse this Communication and to instruct all responsible services to follow up in the implementation of the recommendations set out above.

Updates and requests for clarification can be addressed to the Secretariat-General ([SG-EXTERNAL-REPRESENTATION@ec.europa.eu](mailto:SG-EXTERNAL-REPRESENTATION@ec.europa.eu)) and the EEAS, Multilateral Division ([EEAS-MULTILATERAL-DIVISION@eeas.europa.eu](mailto:EEAS-MULTILATERAL-DIVISION@eeas.europa.eu)).

Annex: background on current EU status in the selected organisations