Food Assistance Convention (2012)

2012/0183(NLE) - 13/11/2012 - Final act

PURPOSE: to conclude the Food Assistance Convention on behalf of the European Union.

NON-LEGISLATIVE ACT: Council Decision 2012/738/EU on the conclusion, on behalf of the European Union, of the Food Assistance Convention.

BACKGROUND: the Union is a Party to the Food Aid Convention 1999, which expires on 1 July 2012. In accordance with Council Decision 2012/511/EU, the Food Assistance Convention was signed on 23 July 2012, subject to its conclusion.

It is in the interest of the Union to be a Party to the Convention as the latter would help to achieve the humanitarian aid objectives referred to in Article 214(1) of the Treaty on the Functioning of the European Union.

CONTENT: this Decision approves the Food Assistance Convention on behalf of the Union.

1999 FAC: the Food Aid Convention (FAC 1999) is a multilateral agreement which originally came into effect in the 1960s as an instrument for a coordinated and acceptable disposal of agricultural surpluses from developed countries to developing countries in need. The FAC 1999 was initially to remain in force until 30 June 2002 and has been extended five times, with the latest extension running until 30 June 2012.

On 14 December 2010, the Parties to the FAC 1999 - the USA, Canada, Japan, Switzerland, Australia and the EU - agreed to negotiate a **new convention** that would aim at **providing appropriate and effective food assistance to vulnerable populations, based on identified needs.**

New Convention of 2012: the objectives of the 2012 Convention are to **save lives, reduce hunger, improve food security, and improve the nutritional status of the most vulnerable populations** by:

- addressing the food and nutritional needs of the most vulnerable populations through commitments made by the Parties to provide food assistance that improves access to, and consumption of, adequate, safe and nutritious food;

- ensuring that food assistance provided to the most vulnerable populations is appropriate, timely, effective, efficient, and based on needs and shared principles; and

- facilitating information-sharing, cooperation, and coordination, and providing a forum for discussion in order to improve the effective, efficient, and coherent use of the Parties' resources to respond to needs.

The Convention reflects a modernised approach to food assistance. It aims at responding to food and nutrition needs of vulnerable populations in an effective and efficient manner, **going beyond the mere provision of food aid**, in keeping with the EU's Humanitarian Food Assistance Policy. It aims to improve access to and consumption of adequate, safe and nutritious food on the basis of proper needs analysis, an approach based on humanitarian principles and full respect for WTO obligations.

Eligible countries: eligible countries are those on the OECD's Development Assistance Committee (DAC) list of Official Development Assistance Recipients, or any other country identified in the Rules of Procedure and Implementation. "Eligible Vulnerable Populations" means vulnerable populations in any eligible country.

Commitments by the Parties: the Convention will be implemented by means of **annual commitments in kind or in cash** to be made by the Parties. Each Party must agree to make an annual commitment of food assistance, expressed in terms of value or quantity, which should be made in fully grant form whenever possible.

The Parties shall ensure that the provision of food assistance is not tied directly or indirectly, formally or informally, explicitly or implicitly, to commercial exports of agricultural products or other goods and services to recipient countries.

The Parties' contributions may be provided bilaterally, through intergovernmental or other international organisations, or through other food aid partners.

Reports: there are provisions stating that each Party shall provide an annual report detailing how it met its minimum annual commitment under the Convention. Each year, a party has to **report *ex-post* on the fulfilment of its annual commitment and the food assistance activities undertaken or supported**. The Convention's secretariat draws up a report on the basis of the individual reporting by parties, and this report is subsequently made public. The EU will undertake the reporting on the fulfilment of the EU minimum annual commitments and EU Member States will do a similar individual reporting on the fulfilment of their commitment.

Miscellaneous provisions: the Decision contains customary provisions on dispute resolution between the Parties, the implementation of the Convention, the signature and ratification, acceptance, or approval of the Convention and its entry into force.

ENTRY INTO FORCE: the 2012 Convention shall enter into force on **1 January 2013** if, by 30 November 2012, five Signatories have deposited instruments of ratification, acceptance, or approval. The date of entry into force of the Convention will be published in the Official Journal of the European Union by the General Secretariat of the Council.

The Decision enters into force on 13.11.2012.