

19 March 2019

**RULES OF PROCEDURE  
AND IMPLEMENTATION FOR THE FOOD  
ASSISTANCE CONVENTION**

**RULE 1: Eligible Activities**

Eligible Activities for the fulfilment of a Party's minimum annual commitment are any of the following:

- (i) the provision and distribution of Eligible Products;
- (ii) cash transfers to protect and ensure food consumption;
- (iii) commodity-based or cash-based voucher transfers to protect and ensure food consumption;
- (iv) nutritional interventions to enhance food consumption, in particular therapeutic and supplementary feeding, enrichment and fortification, and the provision of micronutrients.

**RULE 2: Associated Costs**

Associated Costs, as provided in Article 4(5) of the Convention, are the following:

- (i) costs directly linked to procurement, transportation, storage, distribution, processing, handling and warehousing, including those incurred through twinning arrangements;
- (ii) costs directly linked to program design, including food and nutrition needs assessments, situation and response analysis, and monitoring and evaluation;
- (iii) other relevant associated and operational costs incurred by implementing partners, including security costs.

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<sup>1</sup> a) At the 8th Session of the Food Assistance Committee held on 9 June 2017, the Committee agreed to add a new rule to the Rules of Procedure with effect from 1 January 2018:

*Rule 14: Committee Chairperson and Vice-Chairperson*

b) Rule 14 Committee Chairperson and Vice-Chairperson was revised following the accession of the Republic of Korea on 31 Jan 2018.

c) Rule 12 Draft Agenda and Sessions (paragraphs (b) and (g)) was amended following email ballot on 28 February 2018.

d) At the 10th FAC session held on 7 December 2018 the Committee agreed to amend Rules 12 and 13 as per document FAC10/3(Rev.)

e) Rules 4 and 9 were amended by postal ballot, with effect from 9 March 2019, as per document FAC(2019)1.

### **RULE 3: Eligible Products**

- (a) Eligible Products include products for human consumption that comply with relevant national policies and legislation of the country of operation, including, as appropriate, applicable international food safety and quality standards. They are the following, until the Committee modifies this list of products:
- (i) grains, rice, and soybeans, including products of primary or secondary processing;
  - (ii) pulses;
  - (iii) edible oil;
  - (iv) root crops;
  - (v) dairy products;
  - (vi) sugar;
  - (vii) supplementary and therapeutic feeding products;
  - (viii) micronutrients;
  - (ix) fortified blended food;
  - (x) ready to use food;
  - (xi) fruits and vegetables;
  - (xii) salt; and
  - (xiii) other products that are a component of the traditional diet of Eligible Vulnerable Populations or included in a food basket recognised by a relevant international or non-governmental organisation.

- (b) Eligible Products include products that contribute to meeting food needs and protecting livelihoods in emergency and early recovery situations. They are the following, until the Committee modifies this list of products:
  - (i) seeds, seedlings, and plant cuttings, related to applicable Eligible Products listed under (a) above;
  - (ii) basic, hand-held agricultural and fishing tools;
  - (iii) basic food preparation equipment; and
  - (iv) livestock for milk and consumption purposes.

#### **RULE 4: Grain Equivalence of Contributions to Quantity Commitments**

For Parties with quantity commitments:

- (a) Physical quantity contributions of Eligible Products listed in Rule 3(a) are counted in grain equivalent, as follows:
  - (i) each tonne of grain (excluding rice) for human consumption is equal to one tonne of grain equivalent;
  - (ii) the equivalence of rice and processed products of rice is calculated as provided in Rule 6;
  - (iii) the equivalence of milled grains is determined on the basis of their respective grain content; and
  - (iv) the equivalence of other Eligible Products is calculated by dividing the costs of acquisition of the products by the prevailing price of grain as determined under Rule 5.
- (b) If useful to determine whether a Party has fulfilled its quantity commitment, under Article 5(10) and 5(14) of the Convention, its cash contributions may be converted into grain equivalent for the portion not used to fulfil any value commitment the Party has made. The grain equivalence is calculated as follows:
  - (i) the cash contributions for the provision of Eligible Products listed in Rule 3(a) are converted into grain equivalent by dividing the costs of acquisition by the prevailing price of grain as determined under Rule 5;

- (ii) the contributions in the form of cash transfers and vouchers are converted into grain equivalent by dividing their value by the prevailing price of grain as determined under Rule 5.
- (c) The method for calculating the grain equivalence is subject to review and modification by the Committee to reflect any improvements in methodology.
- (d) The Secretariat is to verify the calculation of the grain equivalence of contributions and assist as required.
- (e) A Party desiring to express its commitment in terms of quantity of grains provided, as per Article 5(2) of the Convention, may ask for a quantity reporting template from the Secretariat.

**RULE 5: Prevailing Price of Grain**

- (a) The prevailing price of grain is determined using the average of the annual average export prices of the following grains, expressed in United States dollars per tonne, as computed by the International Grains Council (IGC):

Commodity	No. of Quotations	Country	Variety	Shipment location
<b>Wheat</b>	9	Argentina	Trigo Pan	FOB Up River
		Australia	ASW	FOB Eastern States
		Canada	No. CWRS, 13.5%	FOB St. Lawrence
		Canada	No. CWRS, 13.5%	FOB Vancouver
		EU (France)	Standard Grade 1	FOB Rouen
		USA	No. 2 HRW (Ordinary)	FOB Gulf
		USA	No. 2 SRW	FOB Gulf
		USA	No. 2 DNS, 14%	FOB PNW
		USA	No. 2 SW	FOB PNW
<b>Maize</b>	2	Argentina		FOB Rosario (Up River)
		USA	No. 3 Yellow	FOB Gulf
<b>Barley</b>	2	EU (France)		FOB Rouen
		EU (Germany)		FOB Hamburg
<b>Sorghum</b>	1	USA	No. 2 Yellow	FOB Gulf
<b>Rice</b>	4	Vietnam	5% Broken	FOB Ho Chi Minh
		Thailand	5% Broken	FOB Bangkok
		Thailand	100 % B	FOB Bangkok
		USA	No. 2, 4%	FOB Gulf

- (b) By 15 January of each year, the Secretariat is to communicate the prevailing price of grain to the Parties.

## **RULE 6: Grain Equivalence of Quantity Contributions of Rice**

- (a) Quantity contributions of white rice are converted into grain equivalent by multiplying the provided quantity with the prevailing rice ratio as determined under paragraph (d).
- (b) Quantity contributions of rice other than white rice are converted into grain equivalent by dividing the costs of acquisition by the prevailing price of grain as determined under Rule 5 or by multiplying the provided quantity with the prevailing rice ratio as determined under paragraph (d), whichever is lower.
- (c) The grain equivalent of contributions of processed rice products is determined on the basis of their respective rice content.
- (d) By 15 January of each year, the Secretariat is to communicate to the Parties the prevailing rice ratio, which is the prevailing price of rice as determined under paragraph (e) divided by the prevailing price of grains as determined under Rule 5.
- (e) The prevailing price of rice is the average of the annual average export prices of the following rice grades, expressed in United States dollars per tonne, as computed by the IGC:

Thai white rice, 100% second grade, fob Bangkok,  
Thai white rice, 5% broken, fob Bangkok  
Vietnam 5% broken, fob Ho Chi Minh  
USA no. 2, 4%, fob Gulf

## **RULE 7: Secretariat**

- (a) The Committee is to decide on the designation of a Secretariat, its location, and other related issues.
- (b) The Committee is to request of the IGC to have its Secretariat act as the initial Secretariat of the Committee. If that Secretariat is not available to act as such, or if the Committee chooses to do so, the Committee is to designate another entity to carry out these functions.

## **RULE 8: Information Sharing**

- (a) The Secretariat is to maintain a website only accessible to the Parties, where the following information is to be posted:
  - (i) documents and information provided by the Parties on food assistance policies and practices;
  - (ii) the annual report of each Party;
  - (iii) information regarding changes to the Parties' minimum annual commitments; and
  - (iv) information related to formal sessions and informal meetings of the Committee, including agendas, notices, relevant documents, and minutes.
  
- (b) The Secretariat is to maintain a publicly accessible website to facilitate information sharing with stakeholders. The following is to be posted on this website:
  - (i) a list of all the current Parties' minimum annual commitments;
  - (ii) the annual report of the Committee once adopted by the Committee;
  - (iii) the dates and locations of the Committee's formal sessions and informal meetings;
  - (iv) summary records of the Committee's formal sessions approved by all Parties; and
  - (v) other relevant documents, such as press notices, as approved by the Committee.

## **RULE 9: Reports by the Parties**

- (a) The annual report to be produced by each Party under Article 6 of the Convention is to list contributions provided in a given year that count towards the minimum annual commitment of that same year. A standard reporting template is to be developed by the Committee and is to be used by all Parties. The list of contributions should contain the following elements, to the extent possible:
- i. the name of the Party, the currency used for reporting, and the exchange rate to USD, which will be provided by the Secretariat;
  - ii. the total value of the contributions;
  - iii. the total quantity of the contributions, calculated under Rule 4, and its percentages calculated under 4(a) and 4(b);
  - iv. all contributions not made in fully grant form;
  - v. any Eligible Country that benefited;
  - vi. the name and type of the partner that received the contribution;
  - vii. the level of earmarking of the assistance provided by the donor, as defined in the instructions of the standard reporting template mentioned above and in the Reporting Definitions document maintained by the Food Assistance Committee;
  - viii. in light of Article 5(9) of the Convention, all Associated Costs as defined under Rule 2, and their percentage of the total contributions;
  - ix. the modality of assistance requested by the donor (cash, voucher, or in-kind distribution);
  - x. the type of activity requested by the donor (food assistance, nutrition, or livelihoods assistance);
  - xi. overhead rate charged by the partner;
  - xii. identification of multi-year projects;
  - xiii. any other information relevant to the principles and objectives of the Convention, which could include information on Eligible Vulnerable Populations assisted.

A Party desiring to express its commitment in terms of quantity of grains provided, as per Article 5(2) of the Convention, may ask for a quantity reporting template from the Secretariat.

The Secretariat may provide assistance in calculating the grain equivalence where applicable.

- (b) The narrative component of each Party's annual report may include the following information:
- (i) a description of how the Party's food assistance policies, programs, and operations contribute to the objectives and principles of the Convention;
  - (ii) innovative approaches to food assistance that may be of interest to other Parties;
  - (iii) best practices and lessons learned; and
  - (iv) any other information that may be relevant.

## **RULE 10: Committee Reporting**

- (a) For each year, the Secretariat is to prepare a report for the Committee to be adopted at the first formal session of the following year. This report is to reflect information provided in the Parties' annual reports as discussed in Rule 9 and is to contain:
  - (i) The Parties' minimum annual commitments for the year of reporting and any changes from the previous reporting year;
  - (ii) a summary of all Parties' annual reports for that year;
  - (iii) a summary of the activities of the Committee for that year; and
  - (iv) any other elements the Committee may decide to add to the report.
- (b) The report is to be published by June 30 of each year, following its adoption by the Committee, on the website maintained by the Secretariat, in accordance with Rule 8.

### **RULE 11: Records of the Committee**

- (a) The records of the Committee are to be in the English language and whenever possible in French.
- (b) The publication of the records, and of any summary of the records, is to be done in accordance with Rule 8.

### **RULE 12: Draft Agenda and Sessions**

- (a) The draft agenda for each formal session and informal meeting is to be prepared by the Secretariat and approved by the Chairperson after informal consultations with the Parties. Possible agenda items for discussion at formal sessions (or informal meetings) include:
  - (i) hunger and under-nutrition and possible responses;
  - (ii) Party commitments and responses related to food needs, including the calculation of total commitments in a common measure; and
  - (iii) lessons learned, best practices, and applied research.

Possible additional items for formal sessions include:

- (iv) program of work;
  - (v) adoption of the Committee's report;
  - (vi) appointment of the Chairperson and Vice-Chairperson;
  - (vii) all applications for accession to the Convention submitted to the Committee pursuant to Article 13(2) of the Convention; and
  - (viii) administrative and financial matters.
- (b) Every fifth year after the Convention enters into force, the Committee is to undertake an assessment of its relevance.
  - (c) The Committee is to hold at least one formal session and one informal meeting a year. The Secretariat is to send a written notification of the date of each formal session or informal meeting, accompanied by the draft agenda, to the Parties and organisations invited to attend the formal session or informal meeting. Notification of a formal session or informal meeting should be sent not less than twenty-one days and, whenever possible, thirty

days in advance. When, in the opinion of the Chairperson, there are reasons of urgency that make it necessary to begin the formal session or informal meeting before the expiry of twenty-one days, a shorter period of notice may be given, as long as the Parties decide that the time provided is adequate to prepare for the session or meeting. The Parties are to make their decision known to the Chairperson by any form of correspondence within 72 hours of receiving notice.

- (d) After receiving notification of a formal session or an informal meeting, Parties should, as soon as possible, notify the Secretariat in writing of the names of their representatives, alternates, and advisers.
- (e) Unless the Committee decides otherwise, attendance at the Committee's formal sessions and informal meetings is to be limited to Party representatives, observers whose invitations have been approved by the Committee, and relevant stakeholders invited by the Committee. Proceedings of formal sessions and informal meetings are to remain confidential.
- (f) Formal sessions are to be conducted in English and French. The Secretariat is to make any arrangements for interpretation that may be necessary.
- (g) During the discussion of any matter, any delegate may raise a point of order to be ruled on immediately by the Chairperson. Such a ruling is to stand unless the Committee decides otherwise.
- (h) Unless the Committee decides otherwise, the formal sessions and informal meetings are to be held at the seat of the Secretariat. The Committee may decide, alternatively, to hold a formal session or an informal meeting by video- or teleconference, or any form of correspondence, provided that the Secretariat keeps minutes and records any decision taken in a formal session. The decision by the Committee regarding how to hold a formal session or an informal meeting is itself to be made in formal session, whether that formal session is at the seat of the Secretariat, by video- or teleconference or any form of correspondence provided that the Secretariat keeps minutes and records the decision.

**RULE 13: Accession**

- (a) In accordance with Article 13(2) of the Convention, the Committee is to determine the eligibility of all applications for accession to the Convention submitted by (i) a State other than those referred to in Article 12 of the Convention or (ii) a Separate Customs Territory possessing full autonomy in the conduct of its external commercial relations.
- (b) In considering an application for accession to the Convention under Article 13 (2) of the Convention, the Committee is to take into account all relevant factors, in particular the minimum annual commitment that the applicant is prepared to make in accordance with Article 5 (1) of the Convention.
- (c) The Committee is to reach a decision on any such application for accession to the Convention during a formal session, and document it in the minutes of that formal session.
- (d) The Committee may not permit any non-party to participate in the Committee, or in any activity undertaken pursuant to the Convention, except in its capacity as an observer or stakeholder.

## **RULE 14: Committee Chairperson and Vice-Chairperson**

In accordance with Article 8 of the Convention, at the last formal session held by the Committee in each year, the Committee is to decide on a Vice-Chairperson and a Chairperson for the following year in accordance with the following:

- (a) Upon decision of the Committee, each Party is to serve a term consisting of two consecutive one-year periods (a “Term”). The Party is to serve as Vice-Chairperson during the first year of the Term and as Chairperson during the second year of the Term.
- (b) Commencing in 2017, the Committee is to decide on a Chairperson and a Vice-Chairperson for the following year, according to the following schedule (the “Rotation Schedule”):
  - (i) Japan is to serve as Chairperson in 2018;
  - (ii) Switzerland is to serve as Vice-Chairperson in 2018 and as Chairperson in 2019;
  - (iii) Denmark is to serve as Vice-Chairperson in 2019 and as Chairperson in 2020;
  - (iv) Canada is to serve as Vice-Chairperson in 2020 and as Chairperson in 2021;
  - (v) European Union is to serve as Vice-Chairperson in 2021 and as Chairperson in 2022;
  - (vi) Finland is to serve as Vice-Chairperson in 2022 and as Chairperson in 2023;
  - (vii) Austria is to serve as Vice-Chairperson in 2023 and as Chairperson in 2024;
  - (viii) Russian Federation is to serve as Vice-Chairperson in 2024 and as Chairperson in 2025;
  - (ix) Luxembourg is to serve as Vice-Chairperson in 2025 and as Chairperson in 2026;
  - (x) Slovenia is to serve as Vice-Chairperson in 2026 and as Chairperson in 2027;
  - (xi) Sweden is to serve as Vice-Chairperson in 2027 and as Chairperson in 2028;
  - (xii) Australia is to serve as Vice-Chairperson in 2028 and as Chairperson in 2029;
  - (xiii) Spain is to serve as Vice-Chairperson in 2029 and as Chairperson in 2030,
  - (xiv) France is to serve as Vice-Chairperson in 2030 and Chairperson in 2031,
  - (xv) Republic of Korea is to serve as Vice-Chairperson in 2031 and Chairperson in 2032.

The rotation will continue in this order in subsequent years, unless it is modified by the Committee, with the exception that the U.S. will serve its Term after Japan and before Switzerland in subsequent rotations.

- (c) In the event that new Parties accede to the Convention, at the last formal session held by the Committee in each year, the Committee is to revise the Rotation Schedule to incorporate the new Parties. The new Parties are to be added to the end of the rotation in the order in which they acceded to the Convention.

- (d) A Party that is to serve its Term as Vice-Chairperson and Chairperson according to the Rotation Schedule cannot seek to modify the Rotation Schedule unless it meets all of the following conditions:
  - (i) the Party determines in its sole discretion that it cannot serve its Term due to unforeseen and exceptional circumstances;
  - (ii) the Party reaches an understanding with another Party to exchange Terms;
  - (iii) the exchange of Terms is limited to a single occurrence and does not impact the Rotation Schedule on an ongoing basis;
  - (iv) the Party notifies the Committee of the proposed change to the Rotation Schedule during the last formal session held by the Committee in the year preceding the first year of its Term, as identified in the Rotation Schedule; and
  - (v) all Parties concur on the proposed change to the Rotation Schedule.