



INTERNATIONAL COFFEE ORGANIZATION
ORGANIZACIÓN INTERNACIONAL DEL CAFÉ
ORGANIZAÇÃO INTERNACIONAL DO CAFÉ
ORGANISATION INTERNATIONALE DU CAFÉ

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**Status of the
International Coffee Agreement 2007
As at 13 March 2009**

Background

1. The attached document contains a report on the status of signatures and deposit of instruments of ratification, acceptance or approval of the International Coffee Agreement (ICA) 2007.
2. The Executive Director circulated document DN-49/09/ICA 2007 notifying Members of the opportunity to sign the 2007 Agreement and deposit instruments during the 102nd Session of the Council.
3. The Executive Director urges all Governments that have yet to complete membership formalities for the 2007 Agreement to make every effort to accelerate the procedures required.

Action

The Council is requested to consider this report.

STATUS OF THE INTERNATIONAL COFFEE AGREEMENT (ICA) 2007 AS AT 13 MARCH 2009

Background

1. The ICA 2007 was adopted by the International Coffee Council on 28 September 2007 through Resolution 431. On 25 January 2008, the Council designated the International Coffee Organization (ICO) as the Depository for the Agreement and it opened for signature at the ICO headquarters in London on 1 February 2008 until 31 August 2008, and for deposit of instruments of ratification, acceptance or approval until 30 September 2008. At its 101st Session in September 2008, the Council approved Resolutions 439 and 440 which respectively extend the time-limits for signature and deposit of instruments until **25 September 2009**.

2. The 2001 Agreement has been extended by Resolution 438 until 30 September 2009 to enable Governments to complete membership formalities for the ICA 2007. Procedures for membership are set out in document ED-2033/08 Rev. 1.

Status of 2007 Agreement

3. As at 13 March 2009, 30 exporting Members and four importing Members have signed the Agreement, and 12 exporting Members and two importing Members have ratified, accepted, or approved the Agreement or deposited notifications of provisional application (see Annex I).

4. Annex II shows the status of the percentage of the votes necessary for the entry into force of the 2007 Agreement. Governments are listed in four categories, as shown below:

Section A: Governments which have completed all the required procedures

Section B: Governments which have signed the Agreement but not completed the required procedures

Section C: Governments which have not signed the Agreement

Section D: Governments invited to the 98th Session of the Council at which the ICA 2007 was adopted.

5. In the case of importing Members, signatory Governments holding at least two-thirds of the votes of importing Members need to deposit instruments of ratification, acceptance or approval or notifications of provisional application. Two importing Members holding 89.8% of the votes of importing Members have completed the necessary procedures and the requirement for votes has therefore been met by this category of Members.

6. In the case of exporting Members, signatory Governments holding at least two-thirds of the votes of exporting Members need to deposit instruments of ratification, acceptance or approval, or notifications of provisional application. Twelve exporting Members holding 40.2% of the votes of exporting Members have completed the necessary procedures. A further 18 exporting Members holding a potential 44% of the votes of exporting Members have signed the ICA 2007 but have not yet deposited instruments or notifications of provisional application. The requirement for votes has therefore not yet been met by this category of Members.

Next steps

7. As noted above, the requirements for provisional or definitive entry into force of the ICA 2007 described in paragraphs (1) and (2) of Article 42 (Entry into force) have not yet been met in the case of exporting Members. Annex III contains the text of Article 42.

8. Under the provisions of paragraph (2) of Article 42, if the Agreement has not entered into force definitively by 25 September 2008, it may enter into force provisionally at any time within the next twelve months if signatory Governments holding at least two-thirds of the votes in each category of Members have deposited instruments of ratification, acceptance or approval or have notified the Depositary that they will apply the Agreement provisionally. Under the provisions of paragraph (1) of Article 42, it can enter into force definitively at any time if it is provisionally in force and the percentage requirements are satisfied by the deposit of instruments of ratification, acceptance or approval.

9. The Secretariat will monitor the position of votes required for the entry into force of the Agreement as signatory Governments deposit instruments, and notify Members when the requirement has been met.

10. Under the provisions of paragraph (3) of Article 42, if the Agreement has entered into force provisionally but has not entered into force definitively by 25 September 2009, it shall cease to be in force provisionally unless signatory Governments which have deposited instruments decide that it shall continue in force provisionally for a period of time. Paragraph (4) of the same Article provides that if the ICA 2007 has not entered into force either definitively or provisionally by 25 September 2009, signatory Governments that have deposited instruments may, by mutual consent, decide that it shall enter into force definitively among themselves. A meeting of signatory Governments would be held on 25 September 2009, at which time signatory Governments would decide whether the Agreement should either continue in force provisionally (if the requirements for provisional entry into force have been met by that date) or enter into force definitively among themselves, in accordance with the provisions of paragraphs (3) and (4) of Article 42.

ANNEX I

**MEMBERSHIP OF THE INTERNATIONAL COFFEE ORGANIZATION
UNDER THE INTERNATIONAL COFFEE AGREEMENT 2007**

The position of signatures, notification of provisional application and instruments of ratification, acceptance and approval as at **13 March 2009** is as follows:

	DATE OF SIGNATURE	NOTIFICATION OF PROVISIONAL APPLICATION	TYPE OF INSTRUMENT DEPOSITED	DATE OF DEPOSIT OF INSTRUMENT
Exporting Members (30)				
Angola	19 May 2008			
Brazil	19 May 2008			
Cameroon	23 May 2008			
Central African Republic	22 May 2008			
Colombia	20 May 2008	2 December 2008		
Costa Rica	29 May 2008			
Côte d'Ivoire	18 July 2008		Approval	15 October 2008
Cuba	29 August 2008		Ratification	4 December 2008
Ecuador	30 September 2008		Ratification	30 September 2008
El Salvador	25 June 2008		Ratification	4 December 2008
Ethiopia	28 August 2008			
Gabon	22 July 2008		Acceptance	25 February 2009
Ghana	11 July 2008			
Guatemala	29 August 2008			
Guinea	2 July 2008			
Honduras	27 June 2008			
India	28 August 2008		Ratification	22 September 2008
Indonesia	25 June 2008		Ratification	5 February 2009
Kenya	22 May 2008		Ratification	22 May 2008
Liberia	26 August 2008			
Malawi	28 August 2008			
Nigeria	21 July 2008			
Panama	1 July 2008		Ratification	12 March 2009
Papua New Guinea	7 November 2008			
Rwanda	18 July 2008			
Tanzania	23 July 2008			
Timor-Leste	19 August 2008		Ratification	5 January 2009
Togo	23 May 2008			
Vietnam	28 August 2008		Approval	28 August 2008
Yemen	27 February 2008			
Importing Members (4)				
European Community	17 June 2008		Approval	17 June 2008
Switzerland	22 May 2008			
Turkey	28 August 2008			
United States of America	28 August 2008		Acceptance	28 August 2008

**PERCENTAGE OF VOTES NECESSARY FOR THE
ENTRY INTO FORCE OF THE 2007 AGREEMENT
(AS AT 13 MARCH 2009)**

EXPORTING MEMBERS		IMPORTING MEMBERS	
A. Exporting Governments which have completed all the required procedures		A. Importing Governments which have completed all the required procedures	
	Percentage of votes for the purposes of entry into force		Percentage of votes for the purposes of entry into force
Colombia *	10.0	European Community	68.0
Côte d'Ivoire	2.6	United States of America	21.8
Cuba	0.5		
Ecuador	1.3		
El Salvador	1.7		
Gabon	0.5		
India	3.6		
Indonesia	5.5		
Kenya	1.2		
Panama	0.6		
Timor-Leste	n.a.		
Vietnam	12.7		
Total (12)	40.2	Total (2)	89.8
B. Exporting Governments which have signed the Agreement but not completed the required procedures		B. Importing Governments which have signed the Agreement but not completed the required procedures	
	Percentage of votes for the purposes of entry into force		Percentage of votes for the purposes of entry into force
Angola	0.5	Switzerland	1.8
Brazil	24.4	Turkey	n.a.
Cameroon	1.2		
Central African Republic	0.5		
Costa Rica	1.8		
Ethiopia	2.8		
Ghana	0.5		
Guatemala	3.6		
Guinea	0.8		
Honduras	2.9		
Liberia	n.a.		
Malawi	0.5		
Nigeria	0.5		
Papua New Guinea	1.5		
Rwanda	0.8		
Tanzania	1.1		
Togo	0.6		
Yemen	n.a.		
Total (18)	44.0	Total (2)	1.8

n.a. = not applicable

* provisional application

C. Exporting Governments which have not signed the Agreement		C. Importing Governments which have not signed the Agreement	
	Percentage of votes for the purposes of entry into force		Percentage of votes for the purposes of entry into force
Benin	0.5	Japan	7.2
Bolivia	0.6	Norway	1.2
Burundi	0.8		
Congo, Dem. Rep	0.7		
Congo, Rep.	0.5		
Dominican Republic	0.6		
Haiti	0.5		
Jamaica	0.5		
Madagascar	0.6		
Mexico	2.6		
Nicaragua	1.6		
Paraguay	0.5		
Philippines	0.5		
Thailand	0.8		
Uganda	2.7		
Venezuela	0.6		
Zambia	0.6		
Zimbabwe	0.6		
Total (18)	15.8	Total (2)	8.4
D. Governments invited as observers to attend the 98th Session of the Council at which the ICA 2007 was adopted			
Algeria	Equatorial Guinea	Morocco	South Africa
Argentina	Fiji	Mozambique	Sri Lanka
Armenia	Iceland	Myanmar	Sudan
Australia	Iran, Islamic Republic of	Nepal	Syrian Arab Republic
Belarus	Israel	New Zealand	The former Yugoslav
Belize	Jordan	Oman	Republic of Macedonia
Botswana	Korea, Republic of	Pakistan	Trinidad and Tobago
Cambodia	Kuwait	Peru	Tunisia
Canada	Lao People's Dem. Rep.	Russian Federation	Ukraine
Chile	Lebanon	Saudi Arabia	United Arab Emirates
China	Libyan Arab Jamahiriya	Serbia	Uruguay
Croatia	Malaysia	Sierra Leone	
Egypt	Mauritius	Singapore	

ENTRY INTO FORCE OF THE 2007 AGREEMENT

Article 42 (Entry into force) of the ICA 2007 provides that the Agreement shall enter into force as follows:

(1) This Agreement shall enter into force definitively when signatory Governments holding at least two-thirds of the votes of the exporting Members and signatory Governments holding at least two-thirds of the votes of the importing Members, calculated as at 28 September 2007, without reference to possible suspension under the terms of Article 21, have deposited instruments of ratification, acceptance or approval. Alternatively, it shall enter into force definitively at any time if it is provisionally in force in accordance with the provisions of paragraph (2) of this Article and these percentage requirements are satisfied by the deposit of instruments of ratification, acceptance or approval.

(2) If this Agreement has not entered into force definitively by 25 September 2008, it shall enter into force provisionally on that date, or on any date within twelve months thereafter, if signatory Governments holding votes as described in paragraph (1) of this Article, have deposited instruments of ratification, acceptance or approval, or have notified the Depositary in accordance with the provisions of Article 41.

(3) If this Agreement has entered into force provisionally but has not entered into force definitively by 25 September 2009, it shall cease to be in force provisionally unless those signatory Governments which have deposited instruments of ratification, acceptance or approval, or have notified the Depositary in accordance with the provisions of Article 41, decide, by mutual consent, that it shall continue in force provisionally for a specific period of time. Such signatory Governments may also decide, by mutual consent, that this Agreement shall enter into force definitively among themselves.

(4) If this Agreement has not entered into force definitively or provisionally by 25 September 2009 under the provisions of paragraph (1) or (2) of this Article, those signatory Governments which have deposited instruments of ratification, acceptance or approval, in accordance with their laws and regulations, may, by mutual consent, decide that it shall enter into force definitively among themselves.