



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

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International Coffee Council  
103<sup>rd</sup> Session  
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**International Coffee Agreements 2001  
and 2007**

**Draft Resolutions**

## **Background**

1. If the 2007 Agreement has not entered into force at the time of the 103<sup>rd</sup> Council Session, the Council will consider the following draft Resolutions relating to the 2001 and 2007 Agreements:

- Annex I Further extension of the International Coffee Agreement 2001
- Annex II Extension of time for the deposit of instruments of accession to the ICA 2001
- Annex III Extension of time for signature of the International Coffee Agreement 2007
- Annex IV Extension of the time limit for ratification, acceptance or approval of the International Coffee Agreement 2007

2. Procedures for accession to the International Coffee Agreement 2007 will be considered by the Council once it has entered into force.

3. Members are invited to send any comments on these draft Resolutions to the Executive Director in writing by **16 September 2009**.

## **Action**

The Council is requested to consider this document.

# **INTERNATIONAL COFFEE AGREEMENTS 2001 AND 2007**

## **DRAFT RESOLUTIONS**

### **Introduction**

#### **1. International Coffee Agreement 2001**

##### **1.1 Extension (Annex I)**

Under the provisions of paragraph (2) of Article 52 of the ICA 2001 (Duration and termination), the Council may, by a vote of a majority of the Members having not less than a distributed two-thirds majority of the total votes, decide to extend the 2001 Agreement beyond 30 September 2007 for one or more successive periods not to exceed six years in total. The Council decided to extend the 2001 Agreement in September 2007 and 2008 for a period of one year by Resolutions 432 and 438 respectively.

A number of Governments have indicated that they require more time to complete the procedures for the 2007 Agreement. Members may therefore wish to consider extending the ICA 2001 for a further year until 30 September 2010.

##### **1.2 Extension of time for the deposit of instruments of accession (Annex II)**

The Government of the Republic of Yemen has approved an internal Resolution relating to membership of the 2001 Agreement. As a Government invited to the Session of the Council at which the Agreement was negotiated, it is eligible to deposit an instrument of accession with the Secretary-General of the United Nations in New York, as the Depositary for the 2001 Agreement. The deadline for instruments of accession was not extended in September 2008, as it was expected that the 2007 Agreement would enter into force during coffee year 2008/09. However, as Governments require more time to complete the procedures for the 2007 Agreement, Members may wish to also consider extending the time for deposit of instruments of accession relating to the ICA 2001 by Yemen and other potential Members until 30 September 2010.

#### **2. International Coffee Agreement 2007**

##### **2.1 Extension of time for signature (Annex III)**

In September 2008, the Council decided to approve Resolution 439 extending the deadline for signature of the ICA 2007 for a further year until 25 September 2009. As a number of Governments have indicated that they require more time to complete the procedures for the 2007 Agreement, Members may wish to consider extending the time for signature for a further year until 25 September 2010.

## **2.2 Extension of the time limit for ratification, acceptance or approval (Annex IV)**

In September 2008, the Council decided to approve Resolution 440 extending the deadline for ratification, acceptance or approval of the ICA 2007 for a further year until 25 September 2009. As a number of Governments have indicated that they require more time to complete the procedures for the 2007 Agreement, Members may wish to consider extending the time for the deposit of instruments of ratification, acceptance or approval for a further year until 25 September 2010.

**Further extension of the  
International Coffee Agreement 2001**

WHEREAS:

The International Coffee Agreement 2001, as extended by Resolutions 432 and 438, is due to expire on 30 September 2009; and

In order to allow sufficient time for Governments to complete the procedures for the entry into force of the International Coffee Agreement 2007, it is necessary that the International Coffee Agreement 2001 be further extended.

THE INTERNATIONAL COFFEE COUNCIL

RESOLVES:

1. To further extend the International Coffee Agreement 2001 for one year from 1 October 2009. However, the International Coffee Agreement 2007 shall enter into force as soon as the conditions for its provisional or definitive entry into force are met, thus terminating the period of extension of the International Coffee Agreement 2001.
2. To request the Executive Director to convey this Resolution to the Secretary-General of the United Nations.

**International Coffee Agreement 2001**

**Extension of time for the  
deposit of instruments of accession**

WHEREAS:

Article 46 of the Agreement provides that the Government of any State member of the United Nations or of any of its specialized agencies may accede to the International Coffee Agreement 2001 upon conditions which shall be established by the Council;

Under the terms of paragraph 1 of Resolution 404 any country eligible to sign the International Coffee Agreement 2001 may accede to the Agreement up to and including 31 May 2002 or such later time as the Council may decide on the same conditions under which it could have ratified, accepted or approved the Agreement, or undertaken to apply it provisionally, in accordance with its laws and regulations;

Under the terms of paragraph 2 of Resolution 434, the period for the deposit of instruments of accession on the conditions established by Resolution 404 was further extended to 30 September 2008; and

A number of Governments have indicated that they require additional time to complete the necessary internal procedures required by their constitutions to allow them to deposit the required instruments,

THE INTERNATIONAL COFFEE COUNCIL

RESOLVES:

1. To extend the time for the deposit of instruments of accession to the Agreement under the provisions of Article 46 of the Agreement, paragraph 1 of Resolution 404, and paragraph 2 of Resolutions 410, 412, 414, 418, 421, 423, 426 and 434 to 30 September 2010.
2. To request the Executive Director to convey this Resolution to the Secretary-General of the United Nations.

**Extension of time for signature  
of the International Coffee Agreement 2007**

WHEREAS:

The International Coffee Council ('the Council') approved the International Coffee Agreement 2007 ('the Agreement') by Resolution 431 on 28 September 2007;

Article 40 of the Agreement stipulates that, except as otherwise provided, the Agreement shall be open for signature at the Depositary headquarters from 1 February 2008 until and including 31 August 2008;

Paragraph 1 of Resolution 439 provides that Governments eligible to sign the Agreement may sign it on or before 25 September 2009; and

A number of Governments eligible to sign the Agreement pursuant to the provisions of paragraph (1) of Article 40 of the Agreement and Resolution 439 did not do so by 25 September 2009 but have indicated that they wish to become signatory Governments to the Agreement; and

The Council deems it desirable to enable the Governments concerned to sign the Agreement in order to enhance the prospects for definitive or provisional entry into force of the Agreement within the next twelve months,

THE INTERNATIONAL COFFEE COUNCIL

RESOLVES:

That under the provisions of paragraph (1) of Article 40 of the Agreement and Resolution 439, Governments eligible to sign the International Coffee Agreement 2007, may sign the Agreement on or before 25 September 2010.

**Extension of the time limit for  
ratification, acceptance or approval of the  
International Coffee Agreement 2007**

WHEREAS:

The percentage of votes held by the signatory Governments that have deposited the instruments specified in Article 40 of the International Coffee Agreement 2007 is not sufficient for the entry into force of the Agreement under the provisions of Article 42;

Paragraph (3) of Article 40 of the Agreement stipulates that the Council may decide to grant extensions of time to signatory Governments that are unable to deposit their instruments by 30 September 2008;

Under the terms of paragraph 1 of Resolution 440 the period for the deposit of instruments of ratification, acceptance or approval of the International Coffee Agreement 2007 is extended to 25 September 2009; and

A number of Governments have indicated that they require more time to complete the deposit of the instruments mentioned in paragraph (3) of Article 40,

THE INTERNATIONAL COFFEE COUNCIL

RESOLVES:

To extend the period for the deposit of instruments of ratification, acceptance or approval of the International Coffee Agreement 2007 with the Depositary under the provisions of Article 40 of the Agreement from 25 September 2009 to 25 September 2010.