

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(81) 201 final

Brussels, 28 April 1981

Recommendation for a

COUNCIL DECISION

concerning the signing and the deposit of a declaration of provisional application of the Protocols for the Sixth extension of the Wheat Trade Convention, 1971, and for the first extension of the Food Aid Convention, 1980, constituting the International Wheat Agreement, 1971

(submitted to the Council by the Commission)

COM(81) 201 final

EXPLANATORY MEMORANDUM.INTRODUCTION.

1. At meetings of the International Wheat Council and of the Food Aid Committee, held in London from 3 to 6 March 1981, the texts of Protocols for the extension of the conventions constituting the International Wheat Agreement for a further two-year period beginning on 1 July 1981 were drawn up. These texts are to be found in Annex 2.
2. It is now necessary to proceed to the signature and the deposit of declarations of provisional application of the protocols by the Community.
3. As far as the Hellenic republic is concerned, she obtained an extension until 30 June 1981 for the signature of the Food Aid Convention. She must also, at the same time, deposit a declaration of provisional application of the latter.

PROCEDURE.

4. The necessary procedure is as follows :
 - a) The Community and all Member States, acting simultaneously, must deposit the declarations of provisional application of the protocols by 15 May at the latest in accordance with Article 8 of the protocol for the Sixth extension of the Wheat Trade Convention and in accordance with Article VII of the protocol for the first extension of the Food Aid Convention.
 - b) As far as the Food Aid Convention is concerned, the Hellenic Republic must at the same time :
 - sign and deposit a declaration of provisional application of the said Convention ;
 - sign and deposit a declaration of provisional application of the protocol for the first extension of the said Convention.

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- c) Each Member State of the Community which will also have had previously to accede to both Conventions, must deposit as soon as possible the instruments of accession, in conformity, respectively with articles 7 and VIII of the protocols, according to its institutional procedures. The conclusion of the protocols by the Community as such will take place as soon as all Member States have acceded.

FINANCIAL PROVISIONS.

5. The extension of the Wheat Trade Convention implies the continuance of the Community's present contributions to the administrative budget of the International Wheat Council for a further period of two years beginning on 1 July 1981.
6. The extension of the Food Aid Convention implies the maintenance, for the same period, of the Community's obligation to supply, as food aid, a minimum of 1.650.000 tonnes per annum of cereals, distributed between the Community as such and the Member States, in accordance with the appropriate decisions of the Council of the EEC.

RECOMMENDATION.

7. The Council is invited to take a decision concerning the signature and the deposit with the depository authority before 15 May 1981 of the appropriate legal instruments, the draft texts of which are attached.

COUNCIL DECISION

concerning the signing and the deposit
of a declaration of provisional application of the Protocols
for the sixth extension of the
Wheat Trade Convention, 1971,
and for the first extension of the Food Aid Convention, 1980,
constituting the International Wheat Agreement, 1971

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic
Community, and in particular Article 113 thereof,

Having regard to the recommendation from the Commission,

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HAS DECIDED AS FOLLOWS :

Sole Article

The President of the Council is hereby authorized to designate the person empowered to sign the declaration of provisional application of the Protocols for the sixth extension of the Wheat Trade Convention, 1971, and for the first extension of the Food Aid Convention, 1980, constituting the International Wheat Agreement, 1971, and to deposit this declaration with the Government of the United States of America.

The texts of the Declaration and of the Protocols are annexed to this Decision.

Done at

For the Council
The President

DECLARATION OF PROVISIONAL APPLICATION

of the Protocols for the

sixth extension of the Wheat Trade Convention, 1971,
and for the first extension of the Food Aid Convention, 1980,

constituting the International Wheat Agreement, 1971,

the texts of which were drawn up by the Conference held for that purpose in
London on 6 March 1981

It will not be possible for the European Economic Community to complete before 30 June 1981 the institutional accession procedures laid down in Article 7 of the Protocol for the sixth extension of the Wheat Trade Convention, 1971 and in Article VIII of the Protocol for the first extension of the Food Aid Convention, 1980.

In accordance with Articles 8 and VII of the said Protocols, the Community therefore makes this declaration of provisional application of these Protocols. By depositing such a declaration, the Community regards itself to be provisionally a party to the Protocols, with all the rights and obligations which result therefrom, until such time as the Council of the European Communities shall have taken a final decision on the matter.

On behalf of
the Council of the European Communities

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1981 PROTOCOLS FOR THE SIXTH EXTENSION OF THE
WHEAT TRADE CONVENTION, 1971 AND THE FIRST EXTENSION OF
THE FOOD AID CONVENTION, 1980,
CONSTITUTING THE INTERNATIONAL WHEAT AGREEMENT, 1971

PREAMBLE

The Conference to establish the texts of the 1981 Protocols for the sixth extension of the Wheat Trade Convention, 1971 and the first extension of the Food Aid Convention, 1980 constituting the International Wheat Agreement, 1971

Considering that the International Wheat Agreement of 1949 was revised, renewed or extended in 1953, 1956, 1959, 1962, 1965, 1966, 1967, 1968, 1971, 1974, 1975, 1976, 1978 and 1979,

Considering that the International Wheat Agreement, 1971, consisting of two separate legal instruments - the Wheat Trade Convention, 1971, which was further extended by Protocol in 1979; and the Food Aid Convention, 1980 - will expire on 30 June 1981,

Has established the texts of the 1981 Protocols for the sixth extension of the Wheat Trade Convention, 1971 and for the first extension of the Food Aid Convention, 1980.

ARTICLE 3

Definition

Any reference in this Protocol to a "Government" or "Governments" shall be construed as including a reference to the European Economic Community (hereinafter referred to as "the Community"). Accordingly, any reference in this Protocol to "signature" or to the "deposit of instruments of ratification, acceptance or approval" or "an instrument of accession" or "a declaration of provisional application" by a Government shall, in the case of the Community, be construed as including signature or declaration of provisional application on behalf of the Community by its competent authority and the deposit of the instrument required by the institutional procedures of the Community to be deposited for the conclusion of an international agreement.

ARTICLE 4

Finance

The initial contribution of any exporting or importing member acceding to this Protocol under paragraph (1)(b) of Article 7 thereof, shall be assessed by the Council on the basis of the votes to be distributed to it and the period remaining in the current crop year, but the assessments made upon other exporting and importing members for the current crop year shall not be altered.

ARTICLE 5

Signature

This Protocol shall be open for signature in Washington from 24 March 1981 until and including 15 May 1981 by Governments of countries party to the Convention as further extended by the 1979 Protocol, or which are provisionally regarded as party to the Convention as further extended by the 1979 Protocol, on 6 March 1981, or which are members of the United Nations, of its specialized agencies or of the International Atomic Energy Agency, and are listed in Annex A or Annex B to the Convention.

ARTICLE 6

Ratification, acceptance or approval

This Protocol shall be subject to ratification, acceptance or approval by each signatory Government in accordance with its respective constitutional procedures. Instruments of ratification, acceptance or approval shall be deposited with the Government of the United States of America not later than 30 June 1981, except that the Council may grant one or more extensions of time to any signatory Government that has not deposited its instrument of ratification, acceptance or approval by that date.

ARTICLE 7

Accession

- (1) This Protocol shall be open for accession
 - (a) until 30 June 1981 by the Government of any member listed in Annex A or B to the Convention as of that date, except that the Council may grant one or more extensions of time to any Government that has not deposited its instrument by that date, and
 - (b) after 30 June 1981 by the Government of any member of the United Nations, of its specialized agencies or of the International Atomic Energy Agency, upon such conditions as the Council considers appropriate by not less than two thirds of the votes cast by exporting members and two thirds of the votes cast by importing members.
- (2) Accession shall be effected by the deposit of an instrument of accession with the Government of the United States of America.
- (3) Where, for the purposes of the operation of the Convention and this Protocol, reference is made to members listed in Annex A or B to the Convention, any member the Government of which has acceded to the Convention on conditions prescribed by the Council, or to this Protocol in accordance with paragraph (1)(b) of this Article, shall be deemed to be listed in the appropriate Annex.

ARTICLE 8

Provisional application

Any signatory Government may deposit with the Government of the United States of America a declaration of provisional application of this Protocol. Any other Government eligible to sign this Protocol, or whose application for accession is approved by the Council may also deposit with the Government of the United States of America a declaration of provisional application. Any Government depositing such a declaration shall provisionally apply this Protocol and be provisionally regarded as a party thereto.

ARTICLE 9

Entry into force

(1) This Protocol shall enter into force on 1 July 1981 if, by 30 June 1981, Governments representing exporting members which held at least 60 per cent of the votes set out in Annex A and representing importing members which held at least 50 per cent of the votes set out in Annex B, or would have held such votes on 30 June 1981 if they had been parties to the Convention on that date, have deposited instruments of ratification, acceptance, approval or accession, or declarations of provisional application, in accordance with Articles 6, 7 and 8 of this Protocol.

(2) If this Protocol does not enter into force in accordance with paragraph (1) of this Article, the Governments which have deposited instruments of ratification, acceptance, approval or accession, or declarations of provisional application, may decide by mutual consent that it shall enter into force among those Governments that have deposited instruments of ratification, acceptance, approval or accession, or declarations of provisional application.

ARTICLE 10

Notification by depositary Government

The Government of the United States of America as the depositary Government shall notify all signatory and acceding Governments of each signature, ratification, acceptance, approval, provisional application of, and accession to, this Protocol as well as of each notification and notice received under Article 27 of the Convention and each declaration and notification received under Article 28 of the Convention.

ARTICLE 11

Certified copy of the Protocol

As soon as possible after the entry into force of this Protocol, the depositary Government shall send a certified copy of this Protocol in the English, French, Russian and Spanish languages to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations. Any amendments to this Protocol shall likewise be communicated.

ARTICLE 12

Relationship of Preamble to Protocol

This Protocol includes the Preamble to the 1981 Protocols for the sixth extension of the Wheat Trade Convention, 1971 and for the first extension of the Food Aid Convention, 1980, constituting the International Wheat Agreement, 1971.

IN WITNESS WHEREOF the undersigned, having been duly authorized to this effect by their respective Governments or authorities, have signed this Protocol on the dates appearing opposite their signatures.

The texts of this Protocol in the English, French, Russian and Spanish languages shall be equally authentic. The originals shall be deposited with the Government of the United States of America, which shall transmit certified copies thereof to each signatory and acceding party and to the Executive Secretary of the Council.

1981 PROTOCOL FOR THE FIRST EXTENSION OF

THE FOOD AID CONVENTION, 1980

The parties to this Protocol,

Considering that the Food Aid Convention, 1980 (hereinafter referred to as "the Convention") of the International Wheat Agreement, 1971 expires on 30 June 1981,

Have agreed as follows:

ARTICLE I

Extension, expiry and termination of the Convention

Subject to the provisions of Article II of this Protocol, the Convention shall continue in force between the parties to this Protocol until 30 June 1983 provided that, if a new agreement covering food aid enters into force before 30 June 1983, this Protocol shall remain in force only until the date of entry into force of the new agreement.

ARTICLE II

Inoperative provisions of the Convention

The following provisions of the Convention shall be deemed to be inoperative with effect from 1 July 1981:

- (a) Article XII
- (b) Article XVII
- (c) paragraph (1) of Article XVIII.

ARTICLE III

International food aid

For the purposes of the operation of the Convention as extended by this Protocol, any member which has acceded to this Protocol pursuant to paragraph (2) of Article VIII of this Protocol shall be deemed to be listed in paragraph (3) of Article III of the Convention, together with its minimum contribution as determined under the relevant provisions of Article VIII of this Protocol.

ARTICLE IV

Signature

This Protocol shall be open for signature in Washington from 24 March 1981 until and including 15 May 1981 by the Governments referred to in paragraph (3) of Article III of the Convention.

ARTICLE V

Depositary

The Government of the United States of America shall be the depositary of this Protocol.

ARTICLE VI

Ratification, acceptance or approval

This Protocol shall be subject to ratification, acceptance or approval by each signatory Government in accordance with its constitutional procedures. Instruments of ratification, acceptance or approval shall be deposited with the depositary not later than 30 June 1981, except that the Food Aid Committee under the Convention (hereinafter referred to as "the Committee") may grant one or more extensions of time to any signatory Government that has not deposited its instrument of ratification, acceptance or approval by that date.

ARTICLE VII

Provisional application

Any signatory Government may deposit with the depositary a declaration of provisional application of this Protocol. Any such Government shall provisionally apply this Protocol and be provisionally regarded as a party thereto.

ARTICLE VIII

Accession

(1) This Protocol shall be open for accession by any Government referred to in paragraph (3) of Article III of the Convention that has not signed this Protocol. Instruments of accession shall be deposited with the depositary not later than 30 June 1981, except that the Committee may grant one or more extensions of time to any Government that has not deposited its instrument of accession by that date.

(2) Once this Protocol has entered into force in accordance with Article IX of this Protocol, it shall be open for accession by any Government other than those referred to in paragraph (3) of Article III of the Convention, upon such conditions as the Committee considers appropriate. Instruments of accession shall be deposited with the depositary.

(3) Any Government acceding to this Protocol under paragraph (1) or paragraph (2) of this Article may deposit with the depositary a declaration of provisional application of this Protocol pending the deposit of its instrument of accession. Any such Government shall provisionally apply this Protocol and be provisionally regarded as a party thereto.

ARTICLE IX

Entry into force

(1) This Protocol shall enter into force on 1 July 1981, if by 30 June 1981 the Governments referred to in paragraph (3) of Article III of the Convention have deposited instruments of ratification, acceptance, approval or accession, or declarations of provisional application, and provided that the 1981 Protocol for the sixth extension of the Wheat Trade Convention, 1971, or a new Wheat Trade Convention replacing it, is in force.

(2) If this Protocol does not enter into force in accordance with paragraph (1) of this Article, the Governments which have deposited instruments of ratification, acceptance, approval or accession, or declarations of provisional application, may decide by unanimous consent that it shall enter into force among themselves provided that the 1981 Protocol for the sixth extension of the Wheat Trade Convention, 1971, or a new Wheat Trade Convention replacing it, is in force, or may take whatever other action they consider the situation requires.

ARTICLE X

Duration

This Protocol shall remain in force until and including 30 June 1983, provided that the 1981 Protocol for the sixth extension of the Wheat Trade Convention, 1971, or a new Wheat Trade Convention replacing it, remains in force until and including that date.

ARTICLE XI

Authentic texts

The texts of this Protocol in the English, French, Russian and Spanish languages shall all be equally authentic. The originals shall be deposited in the archives of the depositary, which shall transmit certified copies thereof to each signatory and acceding Government.

ARTICLE XII

Relationship of Preamble to Protocol

This Protocol includes the Preamble to the 1981 Protocols for the sixth extension of the International Wheat Agreement, 1971.

IN WITNESS WHEREOF the undersigned, having been duly authorized to this effect by their respective Governments or authorities, have signed this Protocol on the dates appearing opposite their signatures.

URGENT

The Secretary of State presents his compliments to Their Excellencies, Messieurs and Mesdames the Chiefs of Mission of the Governments concerned with the Protocols for the Sixth Extension of the Wheat Trade Convention, 1971, and the First Extension of the Food Aid Convention, 1980, constituting the International Wheat Agreement, 1971, which together with a common Preamble, were established by a Conference of Governments convened at London on March 6, 1981, for the extension of these two Conventions.

In performance of the depositary duties of the Government of the United States of America, the Secretary of State has the honor to inform the Chiefs of Mission that the Protocol for the Sixth Extension of the Wheat Trade Convention, 1971, and the Protocol for the First Extension of the Food Aid Convention, 1980, will be opened for signature at the Department of State on March 24, 1981, remaining open for signature until and including May 15, 1981.

According to Article 5 of the Protocol for the Sixth Extension of the Wheat Trade Convention, 1971, the Protocol shall be open to signature by Governments of countries party to the Convention as further

extended by the 1979 Protocol, or which are provisionally regarded as party to the Convention, as further extended by the 1979 Protocol, on March 6, 1981; or which are members of the United Nations, of its specialized agencies or of the International Atomic Energy Agency, and are listed in Annex A or Annex B to the Wheat Trade Convention.

Article IV of the Protocol for the First Extension of the Food Aid Convention, 1980, provides that the Protocol shall be open for signature by the Governments listed or deemed to be listed in paragraph (3) of Article III of the Convention, namely, Argentina, Australia, Austria, Canada, Finland, Japan, Spain, Sweden, Switzerland and the United States of America, and by the European Economic Community and its member States.

The Protocols will be open for signature at the Department of State. Appointments to sign may be made with the Office of the Assistant Legal Adviser for Treaty Affairs, by telephoning the Treaty Depository Officer, Mrs. Genevieve Bell, on 632-3021. Full Powers will be necessary for signature and should specify whether one or both of the Protocols are to be signed. Telegraphic signing authorization will be accepted in place of Full Powers, if assurance is given that the Full Powers are being sent or will be sent later. The Full Powers or telegraphic signing authorization may be presented at the time of signature.

The Secretary of State would be grateful if the Chiefs of Mission would forward this information to their respective Governments at their earliest convenience.

Department of State,

Washington, March 10, 1981.

AWR