

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(92)116 final

Brussels, 1 April 1992

Proposal for a

COUNCIL DECISION

concerning notification of the acceptance by the Community of
the International Coffee Agreement 1983,
as extended to 30 September 1993

(presented by the Commission)

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EXPLANATORY MEMORANDUM

With Council Decision 87/485/EEC of 28 September 1987,¹ the Community approved the International Coffee Agreement 1983 which came into force on 1 October 1983 for a period of six years expiring on 30 September 1989.

Article 68 of the Agreement specifies that the Agreement may be extended, with or without amendments, or renegotiated.

With resolution No 347 of 4 July 1989, the International Coffee Council decided to extend the International Coffee Agreement 1983 for a period of two years, until 30 September 1991, while suspending a number of provisions, including most of Chapter VII. The Community notified the UN Secretary-General of its acceptance of the Agreement as extended on 29 September 1989.

With resolution No 352 of 28 September 1990, the International Coffee Council decided to extend the International Coffee Agreement 1983 for a further period of one year, until 30 September 1992. The Community notified the UN Secretary-General of its acceptance of the Agreement as extended on 19 September 1991.

With resolution No 355 of 27 September 1991, the International Coffee Council decided to extend the International Coffee Agreement 1983 for a further period of one year, until 30 September 1993.

The Commission believes that the Community and its Member States should complete the necessary formalities to take part in the Agreement as extended as quickly as possible, and in any case before 25 September 1992.

It is important that the Community and its Member States should, on the basis of a jointly agreed position, notify simultaneously the UN Secretary-General of their acceptance of the Agreement as extended, since any individual moves on the part of the Member States would be contrary to the EEC Treaty.

¹ OJ L 276, 29.9.1987.

PROPOSAL FOR A
COUNCIL DECISION

concerning notification of the acceptance by the Community of
the International Coffee Agreement 1983,
as extended to 30 September 1993

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,
and in particular Articles 113 and 116 thereof,

Having regard to the proposal from the Commission,

Whereas the Council approved, by Decision 87/485/EEC¹, the International
Coffee Agreement 1983, which came into force on 1 October 1983 for a period
of six years expiring on 30 September 1989;

Whereas, by resolution No 347 of 4 July 1989, the International Coffee
Council decided to extend the Agreement for a period of two years until
30 September 1991; whereas, by resolution No 352 of 28 September 1990, the
International Coffee Council decided to extend the Agreement for a further
period of one year until 30 September 1992; whereas, by resolution No 355
of 27 September 1991, the International Coffee Council decided to extend
the Agreement for a further period of one year until 30 September 1993;

Whereas the Community and its Member States should simultaneously notify
the United Nations Secretary-General of their acceptance of the Agreement
as extended until 30 September 1993,

1 OJ L 276, 29.9.1987, p.61.

HAS DECIDED AS FOLLOWS:

Article 1

1. In accordance with resolution No 355 of 27 September 1991 of the International Coffee Council, the International Coffee Agreement 1983, as extended until 30 September 1993, is hereby approved on behalf of the European Economic Community.

The text of the resolution is attached to this Decision.

2. The Community and its Member States, once they have completed the necessary internal procedures, shall simultaneously notify the United Nations Secretary-General of their acceptance of the Agreement as extended until 30 September 1993.

Article 2

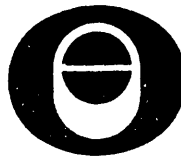
The President of the Council is hereby authorized to designate the person empowered to deposit, on behalf of the European Economic Community, the notification referred to in Article 1(2).

Done at

For the Council
The President

Certified true copy
For the Secretary-General

Director-General



INTERNATIONAL COFFEE ORGANIZATION
ORGANIZACION INTERNACIONAL DEL CAFE
ORGANIZAÇÃO INTERNACIONAL DO CAFÉ
ORGANISATION INTERNATIONALE DU CAFE

International Coffee Council
Fifty-seventh Session
23 - 27 September 1991
London, England

ICC Resolution No. 355 (E)
30 September 1991
Original: English

RESOLUTION NUMBER 355

(APPROVED AT THE SIXTH PLENARY MEETING, 27 SEPTEMBER 1991)

INTERNATIONAL COOPERATION ON COFFEE

WHEREAS:

Noting that 29 years of existence of international coffee agreements have demonstrated that they have been useful and positive instruments for international cooperation;

Noting that a number of new proposals and ideas have been put forward both by Producers and Consumers with respect to dealing both with the immediate market situation and with the development of measures for the future organization of the market;

Noting that the political will and constructive spirit exist to examine all possible bases for a new International Coffee Agreement to be negotiated in the near future; and

Noting that the International Coffee Agreement 1983 as extended by Resolutions numbers 347 and 352 is due to expire on 30 September 1992 and that in order to give

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sufficient time both to study and implement such new proposals and ideas and to ensure that the forum of the International Coffee Organization be maintained, it is necessary that the International Coffee Agreement 1983 be further extended,

THE INTERNATIONAL COFFEE COUNCIL

RECOGNIZES:

That the continuation of the present market situation, with real prices of coffee at their lowest levels since the 1930s, is having a highly damaging impact on the economies of the coffee producing countries and is jeopardizing future prospects for maintaining production and quality, and

RESOLVES:

1. That the International Coffee Agreement 1983 as Extended shall be further extended for one additional year from 1 October 1992 to 30 September 1993.
2. To establish a Working Group, open to all Members, to carry out a wide-ranging review of all proposals and ideas on future international cooperation on coffee matters and to report to the first ordinary session of the Council in coffee year 1991/92 and in any case not later than the first week of April 1992. On the basis of this report the Council shall decide on the negotiation of a new International Coffee Agreement with a view to completing it not later than 31 December 1992.
3. That the International Coffee Agreement 1983 as Extended shall continue in force as from 1 October 1992 in accordance with the provisions of paragraph 1 of this Resolution among those Contracting Parties which have notified their acceptance, in accordance with their laws and regulations, of such further extension to the Secretary-General of the United Nations by 25 September 1992, if on that date such Contracting Parties represent at least 20 exporting Members holding a majority of the votes of the exporting Members, and at least 10 importing Members holding a majority of the votes

of importing Members. The votes for this purpose shall be calculated as at 1 July 1992. Such notifications shall be signed by the Head of State or Government, or Minister for Foreign Affairs, or made under full powers signed by one of the foregoing. In the case of an international organization, the notification shall be signed by a representative duly authorized in accordance with the rules of the Organization, or made under full powers signed by such a representative.

4. That a notification by a Contracting Party containing an undertaking to continue to apply provisionally, in accordance with its laws and regulations, the Agreement as Extended, which is received by the Secretary-General of the United Nations not later than 25 September 1992, shall be regarded as equal in effect to a notification of acceptance of the further extension of the International Coffee Agreement 1983 as Extended. Such Contracting Party shall enjoy all the rights and assume all the obligations of a Member. However, if formal notification of acceptance of the further one-year extension of the International Coffee Agreement 1983 as Extended is not received by the Secretary-General of the United Nations by 31 March 1993 or such later date as the Council may determine, such Contracting Party shall as of that date cease to participate in the Agreement.

5. That any Contracting Party to the International Coffee Agreement 1983 as Extended which has not made the notifications of acceptance provided for in paragraphs 3 and 4 of this Resolution, may accede to the Agreement by 31 March 1993 or such later date as the Council may determine on condition that on depositing its instrument of accession such Contracting Party undertakes to fulfil all its previous obligations under the Agreement with retroactive effect from 1 October 1992.

6. That if the requirements for the continuation in force for a further period of one year of the International Coffee Agreement 1983 as Extended have not been met in

accordance with the provisions of paragraphs 3 and 4 of this Resolution, those Governments which have notified acceptance or provisional application of such further extension shall meet to decide:

- (a) whether the Agreement should continue in force among themselves, and, if so, to establish the conditions for the continued operation of the Organization; or
- (b) whether to make arrangements for the liquidation of the Organization in accordance with the provisions of paragraph (4) of Article 68 of the Agreement.

7. To request the Executive Director to convey this Resolution to the Secretary-General of the United Nations.

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DOCUMENTS

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