

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(83) 96 final

Brussels, 1 March 1983

Recommendation for a

COUNCIL DECISION

on the signing of the Protocols, 1983, for the further extension
of the Wheat Trade Convention, 1971, and the Food Aid Convention,
1980, constituting the International Wheat Agreement, 1971, and
the deposit of a declaration of provisional application of the
said Protocols

(submitted to the Council by the Commission)

COM(83) 96 final

INTRODUCTION

1. At meetings of the International Wheat Council and of the Food Aid Committee, held in London from 29 November to 2 December 1982, the texts of Protocols for the extension of the conventions constituting the International Wheat Agreement for a further three year period beginning on 1 July 1983 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.

PROCEDURE

3. 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 between 4 April and 10 May 1983 inclusive in accordance with Articles 5 and 8 of the protocol for the further extension of the Wheat Trade Convention and in accordance with Article IV and VII of the protocol for the further extension of the Food Aid Convention.
 - b) 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

4. 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 three years beginning on 1 July 1983.
5. 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

6. The Council is invited to take a decision concerning the signature and the deposit with the depository authority by 10 May 1983 of the appropriate legal instruments, the draft texts of which are attached.

COUNCIL DECISION

on the signing of the Protocols, 1983, for the further extension of the Wheat Trade Convention, 1971, and the Food Aid Convention, 1980, constituting the International Wheat Agreement, 1971, and the deposit of a declaration of provisional application of the said Protocols.

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,

HAS DECIDED AS FOLLOWS :

Article 1

The President of the Council is hereby authorized to designate the person empowered to sign, subject to their being concluded subsequently, the Protocols, 1983, for the further extension of the Wheat Trade Convention, 1971, and the Food Aid Convention, 1980, constituting the International Wheat Agreement, 1971.

Article 2

The President of the Council is hereby also authorized to designate the person empowered to sign the declaration of provisional application of the Protocols referred to in Article 1 and to deposit the said declaration with the Government of the United States of America.

The texts of the Protocols and of the declaration of provisional application are attached to this Decision.

Done at Brussels,

For the Council,

DECLARATION OF PROVISIONAL APPLICATION

of the Protocols, 1983, for the further extension of the Wheat Trade Convention, 1971, and the Food Aid Convention, 1980, constituting the International Wheat Agreement, 1971.

It will not be possible for the European Economic Community to complete before 30 June 1983 the institutional accession procedures laid down in Article 6 of the Protocol for the further extension of the Wheat Trade Convention, 1971, and in Article VI of the Protocol for the further 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. By depositing such a declaration, the Community regards itself to be provisionally a party to the Protocols concerned, with all the rights and obligations which result therefrom, until such time as the Council of the European Communities has taken a final decision on the matter.

On behalf of the
European Economic Community

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1983 PROTOCOLS FOR THE FURTHER EXTENSION OF THE
WHEAT TRADE CONVENTION, 1971 AND
THE FOOD AID CONVENTION, 1980,
CONSTITUTING THE INTERNATIONAL WHEAT AGREEMENT, 1971

PREAMBLE

The Conference to establish the texts of the 1983 Protocols for the further extension of the Wheat Trade Convention, 1971 and the Food Aid Convention, 1980, constituting the International Wheat Agreement, 1971

Considering that the International Wheat Agreement was revised, renewed or extended on several occasions since 1949,

Considering that the International Wheat Agreement, 1971, consisting of two separate legal instruments - the Wheat Trade Convention, 1971 and the Food Aid Convention, 1980, which were extended by Protocol in 1981 - will expire on 30 June 1983,

Has established the texts of the 1983 Protocols for the further extension of the Wheat Trade Convention, 1971 and the Food Aid Convention, 1980.

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1983 PROTOCOL FOR THE FURTHER EXTENSION OF

THE WHEAT TRADE CONVENTION, 1971

The Governments party to this Protocol,

Considering that the Wheat Trade Convention, 1971 (hereinafter referred to as "the Convention") of the International Wheat Agreement, 1971, which was further extended by Protocol in 1981, expires on 30 June 1983,

Have agreed as follows:

ARTICLE 1

Extension, expiry and termination of the Convention

Subject to the provisions of Article 2 of this Protocol, the Convention shall continue in force between the parties to this Protocol until 30 June 1986 provided that, if a new international agreement covering wheat enters into force before 30 June 1986, this Protocol shall remain in force only until the date of entry into force of the new agreement.

ARTICLE 2

Inoperative provisions of the Convention

The following provisions of the Convention shall be deemed to be inoperative with effect from 1 July 1983:

- (a) paragraph (4) of Article 19;
- (b) Articles 22 to 26 inclusive;
- (c) paragraph (1) of Article 27;
- (d) Articles 29 to 31 inclusive.

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 4 April 1983 until and including 10 May 1983 by Governments of countries party to the Convention as further extended by the 1981 Protocol, or which are provisionally regarded as party to the Convention as further extended by the 1981 Protocol, on 1 December 1982, 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 1983, 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 1983 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 1983 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.

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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 1983 if, by 30 June 1983, 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 1983 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.

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ARTICLE 12

Relationship of Preamble to Protocol

This Protocol includes the Preamble to the 1983 Protocols for the further extension of the Wheat Trade Convention, 1971 and 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.

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1983 PROTOCOL FOR THE FURTHER 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, which was extended by Protocol in 1981, expires on 30 June 1983,

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 1986 provided that, if a new agreement covering food aid enters into force before 30 June 1986, 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 1983:

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

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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 4 April 1983 until and including 10 May 1983 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 1983, 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.

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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 1983, 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 1983, if by 30 June 1983 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 1983 Protocol for the further 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 1983 Protocol for the further 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 1986, provided that the 1983 Protocol for the further extension of the Wheat Trade Convention, 1971, or a new Wheat Trade Convention replacing it, remains in force until and including that date.

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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 1983 Protocols for the further extension of the Wheat Trade Convention, 1971 and 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.

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