

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(79) 295 final.

Brussels, 7 June 1979

Recommendation for a

COUNCIL DECISION

concerning the signature and the deposit
of a declaration of provisional application of the Protocols
for the fifth extension of
the Wheat Trade Convention
and the Food Aid Convention
constituting the International Wheat Agreement, 1971

(submitted to the Council by the Commission)

Communication from the Commission
to the Council

Proposal for a Council decision concerning the signature and deposit of a declaration of provisional application of the Protocols for the Fifth Extension of the Wheat Trade Convention and the Food Aid Convention comprising the International Wheat Agreement, 1971

Introduction

1. The Council decided on 19 March 1979 (5544/59 PROBA 30) to authorize the Commission to negotiate, on behalf of the Community, the texts of the Protocols for the Fifth Extension of the International Wheat Agreement, 1971.
2. In the course of meetings held in London from 19 to 22 March 1979 the texts of the Protocols were established, for an extension of the Agreement for a further two years from 1 July 1979. These texts are annexed at Annex 2.
3. It is now necessary to provide for signature and deposit of declarations of provisional application of the Protocols by the Community.

Procedure

4. The procedural requirements are as follows :
 - (a) deposit of declarations of provisional application of the Protocols should be made not later than 22 June by the Community and all its Member States acting concurrently, under the provisions of Article 8 of the Protocol for the fifth extension of the Wheat Trade Convention and Article VIII of the Protocol for the fifth extension of the Food Aid Convention.
 - (b) deposit of instruments of accession, under the provisions of Articles 7 and VII respectively of the Protocols, should be made as soon as possible by each Member State of the Community, in accordance with its own institutional procedures. Conclusion of the Protocols by the Community as such will be effected as soon as the accession of all its Member States is completed.

Financial considerations

5. The extension of the Wheat Trade Convention implies the continuation of the Community contributions to the administrative budget of the International Wheat Council for a further two years from 1 July 1979, on the same scale as at present.
6. The extension of the Food Aid Convention implies the continuation, for the same period, of the Community's existing obligation to supply a minimum of 1,287,000 tonnes of food aid per year in the form of cereals, subdivided in accordance with the relevant E.E.C. Council decisions between the Community as such and its Member States.

Recommendation

7. The Council is invited to decide on the signature and deposit with the Depositary Authority by 22 June 1979 of the necessary juridical documents, draft texts of which are annexed at Annex 1.

COUNCIL DECISION

concerning the signature and the deposit
of a declaration of provisional application of the Protocols
for the fifth extension of
the Wheat Trade Convention
and the Food Aid Convention
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 fifth extension of the Wheat Trade Convention and the Food Aid Convention constituting the International Wheat Agreement, 1971, annexed hereto and to deposit it with the Government of the United States of America.

Done at Brussels,

For the Council
The President

Declaration of provisional application of the Protocols for the fifth extension of the Wheat Trade Convention and the Food Aid Convention constituting the International Wheat Agreement, 1971, the texts of which Protocols were drawn up by the Conference held for that purpose in London on 21 March 1979

It will not be possible for the European Economic Community to complete by 22 June 1979 the institutional procedures of accession provided for in Article 7 of the Protocol for the fifth extension of the Wheat Trade Convention, 1971 and in Article VII of the Protocol for the fifth extension of the Food Aid Convention, 1971.

Therefore, in accordance with Articles 8 and VIII of the said Protocols, the Community makes this declaration of provisional application of the Protocols. By lodging such a declaration, the Community considers 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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1979 PROTOCOL FOR THE FIFTH EXTENSION
OF THE FOOD AID CONVENTION, 1971

The parties to this Protocol,

Considering that the Food Aid Convention, 1971 (hereinafter referred to as "the Convention") of the International Wheat Agreement, 1971, which was further extended by Protocol in 1978, expires on 30 June 1979,

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 1981 provided that, if a new agreement covering food aid enters into force before 30 June 1981, 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 provisions of paragraphs (1), (2) and (3) of Article II, of paragraph (1) of Article III, and of Articles VI to XIV, inclusive, of the Convention shall be deemed to be inoperative with effect from 1 July 1979.

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International food aid

(1) The parties to this Protocol agree to contribute as food aid to the developing countries, wheat, coarse grains or products derived therefrom, suitable for human consumption and of an acceptable type and quality, or the cash equivalent thereof, in the minimum annual amounts specified in paragraph (2) below:

(2) The minimum annual contribution of each party to this Protocol is fixed as follows:

	<u>Metric tons</u>
Argentina	23,000
Australia	225,000
Canada	495,000
European Economic Community	1,287,000
Finland	14,000
Japan	225,000
Sweden	35,000
Switzerland	32,000
United States of America	1,890,000

(3) For the purpose of the operation of this Protocol, any party which has signed this Protocol pursuant to paragraph (2) of Article V thereof, or which has acceded to this Protocol pursuant to paragraph (2) or (3) of Article VII thereof, shall be deemed to be listed in paragraph (2) of Article III of this Protocol together with the minimum contribution of such party as determined in accordance with the relevant provisions of Article V or Article VII of this Protocol.

ARTICLE IV

Food Aid Committee

There shall be established a Food Aid Committee whose membership shall consist of the parties listed in paragraph (2) of Article III of this Protocol and of those others that become parties to this Protocol. The Committee shall appoint a Chairman and a Vice-Chairman.

ARTICLE V

Signature

(1) This Protocol shall be open for signature in Washington from 25 April 1979 until and including 16 May 1979 by the Governments of Argentina, Australia, Canada, Finland, Japan, Sweden, Switzerland and the United States of America, and by the European Economic Community and its member States, provided that they sign both this Protocol and the 1979 Protocol for the fifth extension of the Wheat Trade Convention, 1971.

(2) This Protocol shall also be open for signature, on the same conditions, to any party to the Food Aid Convention, 1967 which is not enumerated in paragraph (1) of this Article, provided that its contribution is at least equal to that which it agreed to make in the Food Aid Convention, 1967.

ARTICLE VI

Ratification, acceptance, approval or conclusion

This Protocol shall be subject to ratification, acceptance, approval or conclusion by each signatory in accordance with its constitutional or institutional procedures, provided that it also ratifies, accepts, approves or concludes the 1979 Protocol for the fifth extension of the Wheat Trade Convention, 1971. Instruments of ratification, acceptance, approval or conclusion shall be deposited with the Government of the United States of America not later than 22 June 1979, except that the Food Aid Committee may grant one or more extensions of time to any signatory that has not deposited its instrument of ratification, acceptance, approval or conclusion by that date.

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ARTICLE VII

Accession

(1) This Protocol shall be open for accession by any party referred to in Article V of this Protocol, provided it also accedes to the 1979 Protocol for the fifth extension of the Wheat Trade Convention, 1971 and provided further that in the case of any party referred to in paragraph (2) of Article V its contribution is at least equal to that which it agreed to make in the Food Aid Convention, 1967. Instruments of accession under this paragraph shall be deposited not later than 22 June 1979, except that the Food Aid Committee may grant one or more extensions of time to any party that has not deposited its instrument of accession by that date.

(2) The Food Aid Committee may approve accession to this Protocol, as a donor, by the Government of any member of the United Nations, of its specialized agencies or of the International Atomic Energy Agency, on such conditions as the Food Aid Committee considers appropriate, provided that the Government also accedes at the same time to the 1979 Protocol for the fifth extension of the Wheat Trade Convention, 1971, if not already a party to it.

(3) Accession shall be effected by the deposit of an instrument of accession with the Government of the United States of America.

ARTICLE VIII

Provisional application

Any party referred to in Article V of this Protocol may deposit with the Government of the United States of America a declaration of provisional application of this Protocol, provided it also deposits a declaration of provisional application of the 1979 Protocol for the fifth extension of the Wheat Trade Convention, 1971. Any other party whose application for accession is approved may also deposit with the Government of the United States of America a declaration of provisional application, provided that the party also deposits a declaration of provisional application of the 1979 Protocol for the fifth extension of the Wheat Trade Convention, 1971, unless it is already a party to that Protocol or has already deposited a declaration of provisional application of that Protocol. Any such party depositing such a declaration 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 for those parties that have deposited instruments of ratification, acceptance, approval, conclusion or accession

(a) on 23 June 1979 with respect to all provisions other than Article II of the Convention and Article III of the Protocol, and

(b) on 1 July 1979 with respect to Article II of the Convention and Article III of the Protocol

provided that all parties listed in paragraph (1) of Article V of this Protocol have deposited such instruments or a declaration of provisional application by 22 June 1979 and that the 1979 Protocol for the fifth extension of the Wheat Trade Convention, 1971 is in force. For any other party that deposits an instrument of ratification, acceptance, approval, conclusion or accession after the entry into force of the Protocol, this Protocol shall enter into force on the date of such deposit.

(2) If this Protocol does not enter into force in accordance with the provisions of paragraph (1) of this Article, the parties which by 23 June 1979 have deposited instruments of ratification, acceptance, approval, conclusion or accession, or declarations of provisional application, may decide by mutual consent that it shall enter into force among those parties that have deposited instruments of ratification, acceptance, approval, conclusion or accession, or declarations of provisional application, provided that the 1979 Protocol for the fifth extension of the Wheat Trade Convention, 1971 is in force, or they may take whatever other action they consider the situation requires.

ARTICLE X

Notification by depositary Government

The Government of the United States of America as the depositary Government shall notify all signatory and acceding parties of each signature, ratification, acceptance, approval, conclusion, provisional application of, and accession to this Protocol.

ARTICLE XI

Certified copy of the Protocol

As soon as possible after the definitive 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 XII

Relationship of Preamble to Protocol

This Protocol includes the Preamble to the 1979 Protocols for the fifth 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.

The texts of this Protocol in the English, French, Russian and Spanish languages shall all 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.

RESOLUTION

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FOR THE FIFTH EXTENSION OF THE WHEAT TRADE CONVENTION AND
THE FOOD AID CONVENTION CONSTITUTING
THE INTERNATIONAL WHEAT AGREEMENT, 1971

THE CONFERENCE TO ESTABLISH THE TEXTS OF THE 1979 PROTOCOLS FOR
THE FIFTH EXTENSION OF THE WHEAT TRADE CONVENTION AND THE FOOD
AID CONVENTION CONSTITUTING THE INTERNATIONAL WHEAT AGREEMENT, 1971

Having met in London on 21 March 1979

Considering that the two separate legal instruments, the Wheat
Trade Convention, 1971 and the Food Aid Convention, 1971,
which together constitute the International Wheat
Agreement, 1971 were each extended by Protocol until
30 June 1975, were further extended by Protocol until
30 June 1976, by the 1976 Protocols for the third time until
30 June 1978 and by the 1978 Protocols for the fourth time
until 30 June 1979;

Considering that it is desirable to make arrangements for
maintaining international cooperation in wheat matters and
continuing a food aid programme with the help of contributions
for the benefit of developing countries during the period
between the expiry of the 1978 Protocols further extending
the said Conventions and the coming into effect of a new
agreement covering wheat and food aid; and

Considering that the United Nations Conference to Negotiate an
International Arrangement to Replace the International Wheat
Agreement, 1971, as Extended, has recommended the extension
of the Wheat Trade Convention, 1971 and of the Food Aid
Convention, 1971 in the light of the work accomplished at
the Conference;

Having established the texts of the 1979 Protocol for the fifth extension of the Wheat Trade Convention, 1971 and the 1979 Protocol for the fifth extension of the Food Aid Convention, 1971;

Decides that the English, French, Russian and Spanish texts of the Protocols shall be equally authentic;

Requests the Executive Secretary of the International Wheat Council to forward copies of the texts of the 1979 Protocols for the fifth extension of the Wheat Trade Convention, 1971 and the Food Aid Convention, 1971 to all Governments party or provisionally regarded as party to these Conventions as further extended by the 1978 Protocols, 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 of the Wheat Trade Convention, 1971;

Requests that such texts, authenticated by the signature of the Executive Secretary of the Council, be forwarded to the Government of the United States of America, which is designated as depositary of the Protocols;

Requests the Government of the United States of America upon receipt of the authenticated texts to arrange for the Protocols to be open for signature in Washington during the period laid down in Article 5 of the 1979 Protocol for the fifth extension of the Wheat Trade Convention, 1971 and in Article V of the 1979 Protocol for the fifth extension of the Food Aid Convention, 1971 and to register them, upon their coming into force, with the Secretariat of the United Nations, in accordance with Article 102 of the Charter of the United Nations;

Draws the attention of Governments to the procedures provided for in Article 6 of the 1979 Protocol for the fifth extension of the Wheat Trade Convention, 1971 and in Article VI of the 1979 Protocol for the fifth extension of the Food Aid Convention, 1971, and invites Governments to deposit instruments of ratification, acceptance, approval or conclusion on or before 22 June 1979, or, if they cannot complete their constitutional and institutional procedures in time, to deposit a declaration of provisional application in accordance with Article 8 of the 1979 Protocol for the fifth extension of the Wheat Trade Convention, 1971 and Article VIII of the 1979 Protocol for the fifth extension of the Food Aid Convention, 1971.

1979 PROTOCOLS FOR THE FIFTH EXTENSION OF THE
WHEAT TRADE CONVENTION AND FOOD AID CONVENTION CONSTITUTING
THE INTERNATIONAL WHEAT AGREEMENT, 1971

PREAMBLE

The Conference to establish the texts of the 1979 Protocols for the fifth extension of the Conventions 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, and 1978,

Considering that the International Wheat Agreement, 1971, consisting of two separate legal instruments, the Wheat Trade Convention, 1971 and the Food Aid Convention, 1971, both of which were further extended by Protocol in 1978, will expire on 30 June 1979,

Has established the texts of the 1979 Protocols for the fifth extension of the Wheat Trade Convention, 1971 and for the fifth extension of the Food Aid Convention, 1971.

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1979 PROTOCOL FOR THE FIFTH 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 1978, expires on 30 June 1979,

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 1981 provided that, if a new international agreement covering wheat enters into force before 30 June 1981 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 1979:

- (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, approval or conclusion" 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 25 April 1979 until and including 16 May 1979 by Governments of countries party to the Convention as further extended by the 1978 Protocol, or which are provisionally regarded as party to the Convention as further extended by the 1978 Protocol, on 21 March 1979, 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, approval or conclusion

This Protocol shall be subject to ratification, acceptance, approval or conclusion by each signatory Government in accordance with its respective constitutional or institutional procedures. Instruments of ratification, acceptance, approval or conclusion shall be deposited with the Government of the United States of America not later than 22 June 1979, 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, approval or conclusion by that date.

ARTICLE 7

Accession

(1) This Protocol shall be open for accession

(a) until 22 June 1979 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 22 June 1979 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 among those Governments which have deposited instruments of ratification, acceptance, approval, conclusion or accession, or declarations of provisional application, in accordance with Articles 6, 7 and 8 of this Protocol by 22 June 1979 as follows:

- (a) on 23 June 1979 with respect to all provisions of the Convention other than Articles 3 to 9 inclusive and Article 21, and
- (b) on 1 July 1979 with respect to Articles 3 to 9 inclusive, and Article 21 of the Convention,

if such instruments of ratification, acceptance, approval, conclusion or accession, or declarations of provisional application have been deposited not later than 22 June 1979 on behalf of 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 respectively if they had been parties to the Convention on that date.

(2) This Protocol shall enter into force for any Government that deposits an instrument of ratification, acceptance, approval, conclusion or accession after 22 June 1979 in accordance with the relevant provisions of this Protocol, on the date of such deposit except that no part of it shall enter into force for such a Government until that part enters into force for other Governments under paragraph (1) or (3) of this Article.

(3) 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, conclusion 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, conclusion 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, conclusion, 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 definitive 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 1979 Protocols for the fifth 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.

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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