

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(78) 291 final

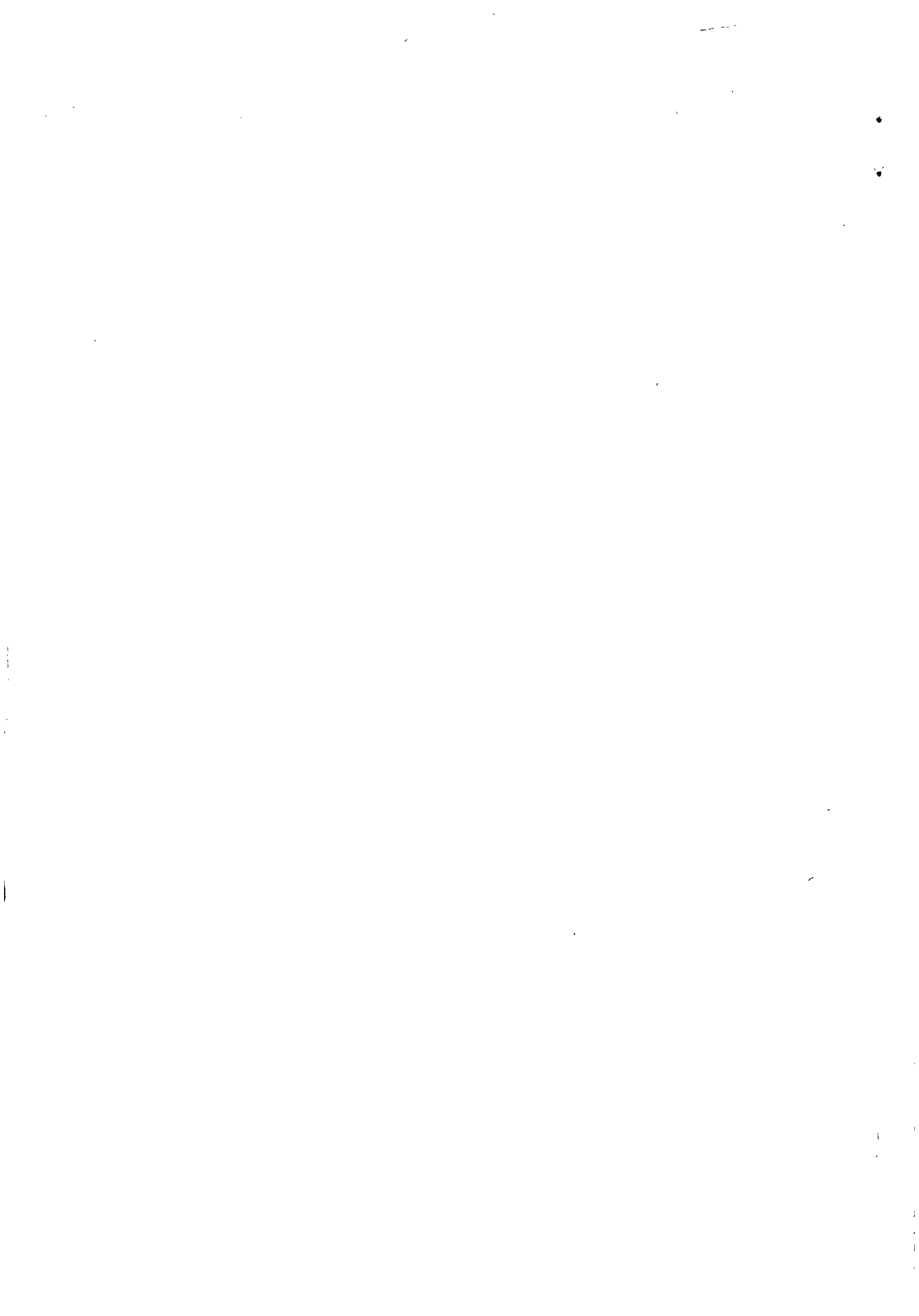
Brussels, 29 June 1978

Recommendations for COUNCIL DECISIONS

concerning the signature and deposit of a declaration
of provisional application of the Protocol of 7 April 1978
for the further extension of the International Olive Oil
Agreement, 1963, as amended and extended.

(submitted to the Council by the Commission)

COM(78) 291 final



Explanatory memorandum

The International Olive Oil Agreement, 1963, to which the Community has been a party since 1 January 1978, was last amended and extended by a Protocol of 23 March 1973 and expires on 31 December 1978. A United Nations Conference was held in Geneva from 5 to 7 April 1978 on the extension of the Agreement for one year, i.e. until 31 December 1979.

The Commission was authorized by a Council Decision of 4 April 1978 to conduct on behalf of the European Economic Community the negotiations for the extension of the International Olive Oil Agreement for one year.

The United Nations Conference in Geneva ended on 7 April with the adoption of a Protocol extending the Agreement, and the Commission therefore requests the Council to designate the person authorized to sign the said Protocol on behalf of the Community.

Under the Community procedure in force, the Community will sign the Protocol following signature by the governments of all the Community Member States.

The Protocol is open for signature in Madrid with the Government of Spain, the Depositary of the Agreement, until 31 October 1978.

The instrument of ratification or acceptance or approval should be deposited at the latest by 31 December 1978 and if this is not possible a declaration of provisional application should be deposited before that date.

Recommendation

The Council is requested to take a decision as regards the signature of the Protocol before 31 October 1978 and, for practical reasons, the deposit of a declaration of provisional application at the same time as the signature.

The draft legal texts are set out at Annex I.

The Protocol of 7 April 1978 is set out at Annex II.

Recommendation for a Council Decision on the signature of the Protocol of 7 April 1978 for the further extension of the International Olive Oil Agreement, 1963, as amended and extended.

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 :

Sole Article

The President of the Council is hereby authorized to designate the person empowered to sign the Protocol of 7 April 1978 for the further extension until 31 December 1979, of the International Olive Oil Agreement, 1963, as amended and extended.

Done at Brussels,

For the Council

Recommendation for a Council Decision
concerning the signature and deposit of a declaration of provisional
application of the Protocol of 7 April 1978 for the further extension
of the International Olive Oil Agreement, 1963, as amended and
extended.

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 :

Sole Article

The President of the Council is hereby authorized to designate the person
empowered to sign the declaration of provisional application annexed hereto
and to deposit it with the Government of Spain.

By the Council

Declaration of provisional application of the Protocol of 7 April 1978
for the further extension of the Olive Oil Agreement, 1963, as
amended and extended.

It is unlikely that the European Economic Community can complete by 31 December 1978 the institutional procedures provided for in Article 5 of the Protocol of 7 April 1978 for the further extension of the International Agreement on Olive Oil, 1963, as amended and extended.

Therefore, in accordance with Article 7 of the said Protocol, the Community makes this declaration of provisional application of this Protocol. By depositing such a declaration, the Community considers itself to be provisionally a Party to the Protocol, 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 in the matter.

By the Council.

PROTOCOL OF 7 APRIL 1978 FURTHER EXTENDING THE
INTERNATIONAL OLIVE OIL AGREEMENT, 1963,
AS AMENDED AND EXTENDED

The Parties to this Protocol,

Whereas the International Olive Oil Agreement, 1963 - replacing the 1956 Agreement amended by the Protocol of 3 April 1958 - as extended and amended by the successive Protocols adopted in Geneva on 30 March 1967, 7 March 1969 and 23 March 1973, including the amendments which came into force on 1 November 1971 under the provisions of article 38 of the Agreement (all of which instruments are hereinafter referred to as "the Agreement"), is, in principle, due to expire on 31 December 1978,

Deeming that a one-year extension of the Agreement is required in order to continue preparatory work for the negotiation of a new International Olive Oil Agreement under UNCTAD resolution 93 (IV) concerning the Integrated Programme for Commodities, the commodity coverage of which includes olive oil,

Have agreed on the following:

Article 1

The Agreement as extended by this Protocol shall, as between the Parties to this Protocol, continue in force until 31 December 1979.

Article 2

1. Any Government which becomes a Party to this Protocol shall be a Party to the Agreement as extended thereby.
2. So far as the Parties to this Protocol are concerned, the Agreement and this Protocol shall be read and interpreted as one single instrument and shall be known as the International Olive Oil Agreement, 1963, as amended, and as extended, 1978.

Article 3

1. Any Government which is a member of the United Nations Conference on Trade and Development may become a Party to this Protocol in accordance with its constitutional or institutional procedures;

- (a) By signing it; or
- (b) By ratifying, accepting or approving it after having signed it subject to ratification, acceptance or approval; or
- (c) By acceding to it.

2. Each signatory Government shall, on signing this Protocol, state whether, according to its constitutional or institutional procedures, its signature is, or is not, subject to ratification, acceptance or approval.

Article 4

This Protocol shall be open for signature in Madrid with the Government of Spain (hereinafter referred to as "the depositary") until 31 October 1978 inclusive.

Article 5

In cases where ratification, acceptance or approval is required, the appropriate instrument shall be deposited with the depositary not later than 31 December 1978, on the understanding that the Council may grant an extension or extensions of this time to any signatory Government which has not deposited the said instrument by this date.

Article 6

Any non-signatory Government entitled to accede to this Protocol under article 9, may notify the depositary that it is undertaking to satisfy the constitutional or institutional procedures required to accede to this Protocol as rapidly as possible.

Article 7

1. Any signatory Government which has not been able to deposit its instrument of ratification, acceptance or approval by 31 December 1978 and has been granted an extension of time under article 5 of this Protocol and any non-signatory Government which has made a notification pursuant to article 6 of this Protocol may notify the depositary that it will provisionally apply the Agreement as extended by this Protocol.

2. During the entire period when the Agreement as extended by this Protocol is in force, either definitively or provisionally, a signatory or non-signatory Government which has made a notification under paragraph 1 of this article shall be a provisional Member with all the rights and duties of a Member until that Government becomes a Contracting Party.

Article 8

1. This Protocol shall enter into force definitively on 1 January 1979, or on any date within the twelve months thereafter, between the Governments which have signed it and, in cases where their constitutional or institutional procedures so require, have ratified, accepted or approved it, or have acceded to it if these Governments include those of six mainly producing countries, together accounting for at least 60 per cent of worldwide olive oil production during the reference period stipulated in article 3 of the Agreement, as well as those of three mainly importing countries. If this Protocol has not definitively entered into force in accordance with the preceding sentence, it shall do so at any time after it is provisionally in force when the numerical and production percentage requirements of this paragraph are satisfied by the deposit of instruments of ratification, acceptance, approval or accession.

2. This Protocol shall enter into force provisionally on 1 January 1979, or on any date within the twelve months thereafter, between the Governments which have signed it and, in cases where their constitutional or institutional procedures so require, have ratified, accepted or approved it, or have acceded to it, or have indicated that they will apply it provisionally, if these Governments include those of six mainly producing countries together accounting for at least 60 per cent of worldwide olive oil production during the reference period stipulated in article 3 of the Agreement, as well as those of three mainly importing countries.

3. If by 1 January 1979 this Protocol has not entered into force either provisionally or definitively in the manner described in paragraphs 1 and 2 of this article, but has received a sufficient number of signatures to enable it to enter into force after ratification, acceptance or approval in conformity with the relevant provisions of this Protocol, then the Agreement shall, in accordance with paragraph 4 of article 37, continue in force beyond 1 January 1979 until the date of the provisional or definitive entry into force of this Protocol, provided that the period of such extension shall not exceed twelve months.

4. If by 31 October 1978 this Protocol has not received the number of signatures required for it to enter into force after ratification, acceptance or approval, the Governments which have signed it and, where their constitutional or institutional procedures so require, have ratified, accepted, approved or acceded to this Protocol or have stated that they will apply it provisionally, may decide by common agreement that this Protocol shall enter into force among themselves, or may take whatever other action they consider is required by the circumstances.

Article 9

1. This Protocol shall be open for accession by any non-signatory Government which is a member of the United Nations Conference on Trade and Development.
2. Accession to this Protocol shall be deemed to be accession to the Agreement, as extended thereby.
3. Accession shall be effected by the deposit of an instrument of accession with the depositary and shall take effect from the date of deposit of such instrument or on the date of entry into force of this Protocol, whichever date is the later.

Article 10

If by 31 December 1979 a new agreement has been negotiated and has received the required number of signatures to enable it to enter into force after ratification, acceptance or approval, and if that new agreement has not entered into force, either provisionally or definitively, the present Protocol shall continue in force beyond 31 December 1979 until the entry into force of the new agreement, provided that the period of such extension shall not exceed twelve months.

Article 11

1. Any Government may, upon signature, or upon deposit of its instrument of ratification, acceptance or approval of this Protocol, or upon accession thereto, declare by notice addressed to the depositary that the Agreement as extended by this Protocol shall extend to any of the territories for whose international relations that Government is for the time being ultimately responsible. The Agreement shall extend to the territories named in the notification from the date of such notification or from the date on which the present Protocol enters into force for that Government, whichever is the later.

2. Any Contracting Party which has made a declaration pursuant to paragraph 1 of this article may at any later time, by notification to the depositary, declare that the Agreement as extended by this Protocol shall cease to extend to the territory named in the notification and the Agreement shall cease to extend to such territory from the date of such notification.

3. When a territory to which the Agreement as extended by this Protocol has been extended under paragraph 1 of this article subsequently attains independence, its Government may, within 90 days after the attainment of independence, declare by notification to the depositary that it has assumed the rights and obligations of a Party to the Agreement as extended by this Protocol. It shall become a Party to the Agreement from the date of such notification.

Article 12

The depositary of the Agreement shall without delay inform the signatory and acceding Governments of any signature, ratification, acceptance or approval of, or accession to, this Protocol; of any notification made under article 6 and 7 of this Protocol; and of the date of entry into force of this Protocol.

Article 13

Any reference in this Protocol to a Government shall be construed as including a reference to the European Economic Community, or any intergovernmental organization having responsibilities in respect of the negotiation, conclusion and application of international agreements, in particular commodity agreements.

Article 14

The texts of this Protocol in the Arabic, English, French, Italian and Spanish languages shall all be equally authentic, the originals being deposited with the Government of Spain.

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

DONE at Geneva, on 7 April 1978

