



INTERNATIONAL COFFEE ORGANIZATION
ORGANIZACIÓN INTERNACIONAL DEL CAFÉ
ORGANIZAÇÃO INTERNACIONAL DO CAFÉ
ORGANISATION INTERNATIONALE DU CAFÉ

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**Status of membership of the
Organization under the
International Coffee Agreement 2007
as at 12 February 2010**

Background

1. The attached document contains a report on the status of signatures and deposit of instruments of ratification, acceptance or approval of the International Coffee Agreement (ICA) 2007.
2. In December 2009 the Executive Director circulated document DN-75/09/ICA 2007 notifying Members of the opportunity to sign the 2007 Agreement and deposit instruments during the 104th Session of the Council in Guatemala City.
3. The Executive Director urges all Governments that have yet to complete membership formalities for the 2007 Agreement to make every effort to accelerate the procedures required.
4. The following Annexes are included in this document:

Annex I	Membership of the ICO under the ICA 2007
Annex II	Percentage of votes necessary for the entry into force of the ICA 2007
Annex III	Article 42 of the ICA 2007 (Entry into force)

Action

The Council is requested to consider this report.

**STATUS OF MEMBERSHIP OF THE ORGANIZATION UNDER THE
INTERNATIONAL COFFEE AGREEMENT (ICA) 2007
AS AT 12 FEBRUARY 2010**

Background

1. The ICA 2007 was adopted by the International Coffee Council on 28 September 2007 through Resolution 431. On 25 January 2008, the Council designated the International Coffee Organization (ICO) as the Depository for the Agreement and it opened for signature at the ICO headquarters in London on 1 February 2008 until 31 August 2008, and for deposit of instruments of ratification, acceptance or approval until 30 September 2008. The period for signature and deposit of instruments was subsequently extended until 25 September 2009 by Council Resolutions 439 and 440.

2. At its 103rd Session in September 2009, the Council noted that the requirements for entry into force of the 2007 Agreement had not yet been met in the case of exporting Members. It approved Resolution 443 extending the 2001 Agreement until 30 September 2010 to enable Governments to complete membership procedures for the ICA 2007. The Council further approved Resolutions 441 and 442 which respectively extended the time for signature and deposit of instruments until **25 September 2010**. Procedures for membership are set out in document ED-2033/08 Rev. 3.

Status of 2007 Agreement

3. Paragraph (1) of Article 42 of the ICA 2007 provides that the Agreement shall enter into force definitively when signatory Governments holding at least two-thirds of the votes of the exporting Members and signatory Governments holding at least two-thirds of the votes of the importing Members, calculated as at 28 September 2007¹, without reference to possible suspension under the terms of Article 21, have deposited instruments of ratification, acceptance or approval.

4. As at 12 February 2010, 40 exporting Members and five importing Members have signed the Agreement, and 21 exporting Members and three importing Members have ratified, accepted, or approved the Agreement or deposited notifications of provisional application (see Annex I). Annex II shows the status of the percentage of the votes necessary for the entry into force of the 2007 Agreement. Governments are listed in four categories, as shown below:

Section A: Governments which have completed all the required procedures

Section B: Governments which have signed the Agreement but not completed the required procedures

¹ See document EB-3934/07.

Section C: Governments which have not signed the Agreement

Section D: Governments invited as observers to attend the 98th Session of the Council at which the ICA 2007 was adopted.

5. In the case of importing Members, signatory Governments holding at least two-thirds of the votes of importing Members need to deposit instruments of ratification, acceptance or approval or notifications of provisional application. Three importing Members holding 91.6% of the votes of importing Members have completed the necessary procedures and the requirement for votes has therefore been met by this category of Members.

6. In the case of exporting Members, signatory Governments holding at least two-thirds of the votes of exporting Members need to deposit instruments of ratification, acceptance or approval, or notifications of provisional application. Twenty-one exporting Members holding 48.8% of the votes of exporting Members have completed the necessary procedures. An additional 19 exporting Members holding a potential 46.9% of the votes of exporting Members have signed the ICA 2007 but have not yet deposited instruments or notifications of provisional application. The requirement for votes has therefore not yet been met by this category of Members.

Next steps

7. Under the provisions of paragraph (1) of Resolution 443, the 2007 Agreement shall enter into force as soon as the conditions for its provisional or definitive entry into force are met, thus terminating the period of extension of the 2001 Agreement. As noted above, the requirements for entry into force of the ICA 2007 described in Article 42 (Entry into force) have not yet been met in the case of exporting Members. Annex III contains the text of Article 42.

8. The Secretariat will monitor the position of votes required for the entry into force of the Agreement as signatory Governments deposit instruments, and notify Members when the requirement has been met.

**MEMBERSHIP OF THE INTERNATIONAL COFFEE ORGANIZATION
UNDER THE INTERNATIONAL COFFEE AGREEMENT 2007**

The position of signatures, notification of provisional application and instruments of ratification, acceptance and approval as at **12 February 2010** is as follows:

	DATE OF SIGNATURE	NOTIFICATION OF PROVISIONAL APPLICATION	TYPE OF INSTRUMENT DEPOSITED	DATE OF DEPOSIT OF INSTRUMENT	PERCENTAGE OF VOTES FOR THE PURPOSES OF ENTRY INTO FORCE
Exporting Members (40)					
Angola	19 May 2008		Approval	22 September 2009	0.5
Benin	23 September 2009				
Brazil	19 May 2008				
Burundi	21 September 2009		Acceptance	21 September 2009	0.8
Cameroon	23 May 2008				
Central African Republic	22 May 2008				
Colombia	20 May 2008	2 December 2008			10.0
Congo, Dem. Rep. of	23 September 2009				
Costa Rica	29 May 2008		Ratification	11 December 2009	1.8
Côte d'Ivoire	18 July 2008		Approval	15 October 2008	2.6
Cuba	29 August 2008		Ratification	4 December 2008	0.5
Ecuador	30 September 2008		Ratification	30 September 2008	1.3
El Salvador	25 June 2008		Ratification	4 December 2008	1.7
Ethiopia	28 August 2008				
Gabon	22 July 2008		Acceptance	25 February 2009	0.5
Ghana	11 July 2008		Ratification	17 August 2009	0.5
Guatemala	29 August 2008				
Guinea	2 July 2008				
Honduras	27 June 2008				
India	28 August 2008		Ratification	22 September 2008	3.6
Indonesia	25 June 2008		Ratification	5 February 2009	5.5
Kenya	22 May 2008		Ratification	22 May 2008	1.2
Liberia	26 August 2008		Ratification	6 October 2009	n.a.
Madagascar	25 September 2009				
Malawi	28 August 2008				
Mexico	23 June 2009				
Nicaragua	19 March 2009		Ratification	12 August 2009	1.6
Nigeria	21 July 2008				
Panama	1 July 2008		Ratification	12 March 2009	0.6
Papua New Guinea	7 November 2008	6 November 2009			1.5
Rwanda	18 July 2008				
Tanzania	23 July 2008	22 September 2009			1.1
Thailand	4 August 2009		Ratification	4 August 2009	0.8
Timor-Leste	19 August 2008		Ratification	5 January 2009	n.a.
Togo	23 May 2008				
Uganda	21 September 2009				
Vietnam	28 August 2008		Approval	28 August 2008	12.7
Yemen	27 February 2008				n.a.
Zambia	11 September 2009				
Zimbabwe	20 August 2009				
Total					48.8

	DATE OF SIGNATURE	NOTIFICATION OF PROVISIONAL APPLICATION	TYPE OF INSTRUMENT DEPOSITED	DATE OF DEPOSIT OF INSTRUMENT	PERCENTAGE OF VOTES FOR THE PURPOSES OF ENTRY INTO FORCE
Importing Members (5)					
European Union	17 June 2008		Approval	17 June 2008	68.0
<i>Austria</i>					
<i>Belgium</i>					
<i>Bulgaria</i>					
<i>Cyprus</i>					
<i>Czech Republic</i>					
<i>Denmark</i>					
<i>Estonia</i>					
<i>Finland</i>					
<i>France</i>					
<i>Germany</i>					
<i>Greece</i>					
<i>Hungary</i>					
<i>Ireland</i>					
<i>Italy</i>					
<i>Latvia</i>					
<i>Lithuania</i>					
<i>Luxembourg</i>					
<i>Malta</i>					
<i>Netherlands</i>					
<i>Poland</i>					
<i>Portugal</i>					
<i>Romania</i>					
<i>Slovakia</i>					
<i>Slovenia</i>					
<i>Spain</i>					
<i>Sweden</i>					
<i>United Kingdom</i>					
Switzerland	22 May 2008		Ratification	11 September 2009	1.8
Tunisia	5 October 2009				
Turkey	28 August 2008				n.a.
United States of America	28 August 2008		Acceptance	28 August 2008	21.8
Total					91.6

n.a. = not applicable

**PERCENTAGE OF VOTES NECESSARY FOR THE
ENTRY INTO FORCE OF THE 2007 AGREEMENT
(AS AT 12 FEBRUARY 2010)**

EXPORTING MEMBERS		IMPORTING MEMBERS	
A. Exporting Governments which have completed all the required procedures		A. Importing Governments which have completed all the required procedures	
	Percentage of votes for the purposes of entry into force		Percentage of votes for the purposes of entry into force
Angola	0.5	European Union	68.0
Burundi	0.8	Switzerland	1.8
Colombia *	10.0	United States of America	21.8
Costa Rica	1.8		
Côte d'Ivoire	2.6		
Cuba	0.5		
Ecuador	1.3		
El Salvador	1.7		
Gabon	0.5		
Ghana	0.5		
India	3.6		
Indonesia	5.5		
Kenya	1.2		
Liberia	n.a.		
Nicaragua	1.6		
Panama	0.6		
Papua New Guinea	1.5		
Tanzania *	1.1		
Thailand	0.8		
Timor-Leste	n.a.		
Vietnam	12.7		
Total (21)	48.8	Total (3)	91.6
B. Exporting Governments which have signed the Agreement but not completed the required procedures		B. Importing Governments which have signed the Agreement but not completed the required procedures	
	Percentage of votes for the purposes of entry into force		Percentage of votes for the purposes of entry into force
Benin	0.5	Tunisia	n.a.
Brazil	24.4	Turkey	n.a.
Cameroon	1.2		
Central African Republic	0.5		
Congo, Dem. Rep	0.7		
Ethiopia	2.8		
Guatemala	3.6		
Guinea	0.8		
Honduras	2.9		
Madagascar	0.6		
Malawi	0.5		
Mexico	2.6		
Nigeria	0.5		
Rwanda	0.8		
Togo	0.6		
Uganda	2.7		
Yemen	n.a.		
Zambia	0.6		
Zimbabwe	0.6		
Total (19)	46.9	Total (2)	n.a.

n.a. = not applicable

* provisional application

C. Exporting Governments which have not signed the Agreement		C. Importing Governments which have not signed the Agreement	
	Percentage of votes for the purposes of entry into force		Percentage of votes for the purposes of entry into force
Bolivia	0.6	Japan ***	7.2
Congo, Rep.	0.5	Norway	1.2
Dominican Republic	0.6		
Haiti	0.5		
Jamaica	0.5		
Paraguay	0.5		
Philippines **	0.5		
Venezuela Bolivarian Rep. of	0.6		
Total (8)	4.3	Total (2)	8.4
D. Governments invited as observers to attend the 98 th Session of the Council at which the ICA 2007 was adopted			
Algeria	Equatorial Guinea	Morocco	South Africa
Argentina	Fiji	Mozambique	Sri Lanka
Armenia	Iceland	Myanmar	Sudan
Australia	Iran, Islamic Republic of	Nepal	Syrian Arab Republic
Belarus	Israel	New Zealand	The former Yugoslav Republic of Macedonia
Belize	Jordan	Oman	Trinidad and Tobago
Botswana	Korea, Republic of	Pakistan	Ukraine
Cambodia	Kuwait	Peru	United Arab Emirates
Canada	Lao People's Dem. Rep.	Russian Federation	Uruguay
Chile	Lebanon	Saudi Arabia	
China	Libyan Arab Jamahiriya	Serbia	
Croatia	Malaysia	Sierra Leone	
Egypt	Mauritius	Singapore	

** The Philippines will accede to the ICA 2007 once it enters into force.

*** See document ED-2060/09.

ENTRY INTO FORCE OF THE 2007 AGREEMENT

Article 42 (Entry into force) of the ICA 2007 provides that the Agreement shall enter into force as follows:

(1) This Agreement shall enter into force definitively when signatory Governments holding at least two-thirds of the votes of the exporting Members and signatory Governments holding at least two-thirds of the votes of the importing Members, calculated as at 28 September 2007, without reference to possible suspension under the terms of Article 21, have deposited instruments of ratification, acceptance or approval. Alternatively, it shall enter into force definitively at any time if it is provisionally in force in accordance with the provisions of paragraph (2) of this Article and these percentage requirements are satisfied by the deposit of instruments of ratification, acceptance or approval.

(2) If this Agreement has not entered into force definitively by 25 September 2008, it shall enter into force provisionally on that date, or on any date within twelve months thereafter, if signatory Governments holding votes as described in paragraph (1) of this Article, have deposited instruments of ratification, acceptance or approval, or have notified the Depositary in accordance with the provisions of Article 41.

(3) If this Agreement has entered into force provisionally but has not entered into force definitively by 25 September 2009, it shall cease to be in force provisionally unless those signatory Governments which have deposited instruments of ratification, acceptance or approval, or have notified the Depositary in accordance with the provisions of Article 41, decide, by mutual consent, that it shall continue in force provisionally for a specific period of time. Such signatory Governments may also decide, by mutual consent, that this Agreement shall enter into force definitively among themselves.

(4) If this Agreement has not entered into force definitively or provisionally by 25 September 2009 under the provisions of paragraph (1) or (2) of this Article, those signatory Governments which have deposited instruments of ratification, acceptance or approval, in accordance with their laws and regulations, may, by mutual consent, decide that it shall enter into force definitively among themselves.