



International Coffee Organization
Organización Internacional del Café
Organização Internacional do Café
Organisation Internationale du Café

ICC 96-6

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Agreement

International Coffee Council
Ninety-sixth Session
25 – 29 September 2006
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**Article 36 of the
International Coffee Agreement 2001
Mixtures and substitutes**

REPORT BY THE EXECUTIVE DIRECTOR

Background

1. Article 36 of the International Coffee Agreement 2001 provides that Members shall not maintain any regulations requiring the mixing, processing or using of other products with coffee for commercial resale as coffee and that Members shall endeavour to prohibit the sale and advertisement of products under the name of coffee if such products contain less than the equivalent of 95% green coffee as the basic raw material.
2. In June 2006 the Executive Director requested all Members of the Organization to inform him of measures taken in their countries to comply with the provisions of this Article and any difficulties encountered in enforcing such measures, together with the reasons for such difficulties and proposed ways of overcoming them (see document ED-1993/06). A summary of the replies¹ received to date is attached as Annex I.
3. Members who have not yet replied are requested to do so as soon as possible.

Action

The Council is requested to consider this report.

¹ *Originals are available for consultation from the Secretariat.*

Member	Action taken to enforce Article 36 of the ICA 2001
Burundi	Member fully supports the Coffee Quality-Improvement Programme by strictly implementing this article and Resolution number 420.
Costa Rica	Draft regulations for different sectors of the coffee community are being prepared for roast and ground coffee and for green coffee. These regulations will be implemented by official decree after discussions of all sectors have agreed with the guidelines proposed. Progress reports on this issue will be sent to the Executive Director for information.
Germany	The German Ordinance relating to coffee, coffee extracts and chicory extracts has been implemented since 15 November 2001. Full details are available on request, but the regulation is in agreement with Article 36.
Honduras	By January 2007, legislation prohibiting the sale and advertising of products using “coffee” on their brand names and which contain less than 95% of green coffee will be in place.
Japan	In November 1991, The Fair Trade Commission of the Japanese Government authorized The Fair Competition Code for Description of Regular Coffee and Instant Coffee Products of the All Japan Coffee Fair Trade Council, which stipulates those coffee products, must use coffee green beans only as raw material. Any products containing other additives than coffee or its substitutes cannot be sold under the name of coffee in the Japanese market. Flavoured coffee, however, can be sold as mixture of coffee and flavour.

NB: Previous submissions from the following Members: Belgium, Brazil, Colombia, Czech Republic, Dominican Republic, El Salvador, India, Ireland, Papua New Guinea and Sweden on this matter are contained in document ICC-90-6