



**INTERNATIONAL
COFFEE
ORGANIZATION**

DN 1/22/ICA 2022

20 June 2022

Depositary Notification

E

**INTERNATIONAL COFFEE AGREEMENT 2022
CONCLUDED IN LONDON, 9 JUNE 2022**

OPENING FOR SIGNATURE

The Executive Director of the International Coffee Organization (ICO), as the chief administrative officer of the Depositary for the International Coffee Agreement (ICA) 2022, communicates the following:


The above Agreement was adopted on 9 June 2022 in London during the 133rd Session of the International Coffee Council by Resolution 476. It is the successor agreement to the International Coffee Agreement 2007, as extended, which will expire on 1 February 2024. The Council subsequently adopted Resolution 477 on 9 June 2022 designating the ICO as the Depositary for the ICA 2022.

In accordance with Article 44, the Agreement can be signed by Contracting Parties to the International Coffee Agreement 2007 and Governments invited to the 133rd Council Session of the Council at which it was adopted. The ICA 2022 will be open for signature on **6 October** in Bogota (Colombia), on the occasion of the 134rd Session of the International Coffee Council, and **until 30 April 2023**. Certified true copies of the Agreement, of which the English, French, Portuguese and Spanish texts are equally authentic, will be transmitted separately to the Contracting Parties and Governments concerned.

The Executive Director takes this opportunity to recall that, under established international practice, only Heads of State, Heads of Government or Ministers for Foreign Affairs are empowered, by virtue of their functions, to sign a treaty without having to

produce Full Powers to that effect. Other representatives wishing to sign a treaty must be in possession of Full Powers, which expressly authorize signature of a specified treaty by a named representative issued and signed by one of these authorities.

The Executive Director requests Governments wishing to sign the Agreement to notify her and to provide copies of the required Full Powers in advance to the Depositary Office at the ICO headquarters in London. Further information about Full Powers and procedures for membership is contained in document [ED-2409/22](#), a copy of which is attached together with Resolution 477.

A handwritten signature in blue ink, appearing to read 'Amufoquena', with a large, stylized flourish above it.

Attention: Treaty Services of Ministries of Foreign Affairs

International Coffee Organization
222 Gray's Inn Road
London WC1X 8HB
United Kingdom
Tel: +44 (0) 20 7612 0600
Website: www.ico.org
Email: info@ico.org



**Procedures for membership of the
International Coffee Agreement 2022**

1. The Executive Director wishes to inform Members and Governments invited to the 133rd Session of the International Coffee Council about the procedures for membership of the International Coffee Agreement (ICA) 2022 which was adopted by Council Resolution 476 on 9 June 2022.
2. ICO Members and non-member Governments are invited to contact the Treaty Sections or Legal Offices of their Ministries of Foreign Affairs or other competent authorities and request them to initiate the necessary formalities for membership, which are outlined in Articles 44 to 47 of the 2022 Agreement and include the following:
 - (a) Signature during the period **6 October 2022 to 30 April 2023**.
 - (b) During the period **6 October 2022 to 31 July 2023**, deposit of:
 - Instruments of ratification, acceptance or approval; or
 - Notification of provisional application, followed by ratification, acceptance or approval.
 - (c) Accession (this option is only available after the deadline for signature has passed and once the Council has established conditions for accession).

Depositary contact details

3. The International Coffee Organization is the Depositary for the ICA 2022 (as designated by Council Resolution 477 of 9 June 2022). The contact details for the ICO are as follows:

International Coffee Organization
222 Gray's Inn Road
London WC1X 8HB
United Kingdom
Tel: +44 (0) 20 7612 0600 (switchboard)
Email: depositary@ico.org
Website: www.ico.org

Certified true copies

4. The ICO will provide the original of the Agreement in the four official languages which will be open for signature as of 6 October 2022, and will distribute two certified true copies of the ICA 2022 to Governments or any intergovernmental organization eligible to become a Member (i.e. Contracting Parties to the ICA 2007 and Governments invited to attend the 133rd Session at which the 2022 Agreement was negotiated – see Annex III). In the case of the European Union (EU), this information will be sent to the representative of the EU.

Signature

5. Signature indicates the intention of a Government to apply the Agreement. Article 44 of the ICA 2022 provides that it will be open for signature at the Depositary Headquarters from **6 October 2022 to 30 April 2023**. It should be noted that a Government only becomes a Contracting Party to the ICA 2022 after depositing an instrument of ratification, acceptance or approval or a notification of provisional application.

Steps for signature of the ICA 2022 are summarized as follows:

- (a) Prepare an instrument of Full Powers for the proposed signatory in accordance with the section on Full Powers below and Annex IV.
- (b) Deliver instrument of Full Powers by hand, mail or scanned copy by email to the ICO headquarters in London for advance review.
- (c) Make an appointment with the Depositary Office of the ICO to sign the Agreement (during the period that the Agreement is open for signature).
- (d) Attend the appointment and present the original instrument of Full Powers (if sent as a scanned copy by email previously).
- (e) Signature ceremony for the ICA 2022.
- (f) The ICO, in its capacity as Depositary, will notify Members and non-member Governments about this action.

Full Powers

6. In international law, a Head of State, Head of Government or Foreign Minister may sign a treaty in his or her own right. Anyone else needs to produce “Full Powers” signed by one of those three representatives. Full Powers can take time to produce so they should be prepared well in advance of the proposed date of signature of the Agreement. The UN Treaty Section advises that Full Powers must include the following (see model in Annex IV):

- It must be signed by either the Head of State, Head of Government, or Minister for Foreign Affairs.
- The signature must be legible.
- It should indicate the title of the treaty.
- Full Powers must state the full name and title of the representative authorized to sign.
- Date and place of signature must be indicated.
- Official seal (optional, but cannot replace the signature of one of the three authorized authorities).

Ratification, acceptance or approval

7. The ICA 2022 requires ratification, acceptance or approval by Governments which have signed it and intend to apply it. Under the provisions of Article 44, Members should deposit their instruments of ratification, acceptance or approval with the Depository **by 31 July 2023**. Instruments of ratification, acceptance or approval must be signed by the Head of State or Government, or by the Minister for Foreign Affairs, and deposited with the Depository. A model instrument, which may be adapted as appropriate, is attached as Annex V. The UN Treaty Section notes that instruments must include:

- Title, date and place of conclusion of treaty.
- Full name and title of the person signing the instrument (i.e. the Head of State, Head of Government or Minister for Foreign Affairs).
- An unambiguous expression of the intent of the Government to consider itself bound by the treaty and to undertake faithfully to observe and implement its provisions.
- Date and place where the instrument was issued.
- Signature of the Head of State, Head of Government or Minister for Foreign Affairs (the official seal is not sufficient).

Steps for ratification, acceptance or approval to the Agreement are as follows:

- (a) Following signature of the ICA 2022, prepare instrument of ratification, acceptance or approval (as applicable) in accordance with model in Annex V.
- (b) Instrument is signed by Head of State or Government, or Minister for Foreign Affairs.
- (c) Deliver the instrument by hand, mail, or scanned copy sent by email to the ICO.
- (d) If the instrument is sent as a scanned copy to the ICO, deliver the original instrument to the Organization as soon as possible thereafter.
- (e) The ICO will examine the instrument to ensure it is in due and proper form.
- (f) The ICO will notify Members and non-member Governments about this action.

Notification of provisional application

8. Similar wording to that of the model instrument in Annex V, adapted as appropriate, may be used for notifications of provisional application.

Accession

9. Accession is generally used by States wishing to express their consent to be bound by a treaty where the deadline for signature has passed. Upon the entry into force (both definitive and provisional) of the ICA 2022, the Council shall decide to establish procedures for accession, in accordance with Article 47.

Depositary notifications

10. The ICO will advise all interested Parties, by means of Depositary Notifications, about actions relating to the ICA 2022. Parties eligible to sign the new Agreement will be invited to confirm the contact details for communications relating to the ICA 2022, such as the Treaty Sections or Legal Offices of their Ministries of Foreign Affairs. Where specific contact details have not been provided, information will be sent to the designated contacts for the countries concerned, for transmission to Ministries of Foreign Affairs. Where contact details have been provided, copies of correspondence will be sent to the designated country contact.

Further information

11. The United Nations Treaty Handbook provides further information on depositary practice, as well as a glossary of terms such as accession, ratification, etc. This can be consulted on the UN Treaty Section website (<http://untreaty.un.org>) as well as on the ICO website. Further information about membership procedures is also provided in the following Annexes:

Annex I	Summary of steps for membership of the ICA 2022
Annex II	Outline schedule of actions for the ICA 2022
Annex III	Countries eligible to sign the ICA 2022
Annex IV	Model instrument of Full Powers
Annex V	Model of an instrument of ratification, acceptance or approval to the International Coffee Agreement 2022

Relevant ICO documents

- Resolution 476 (9 June 2022) – Adoption of text of ICA 2022
- Resolution 477 (9 June 2022): Depositary for the ICA 2022
- International Coffee Agreement 2022: certified true copy

SUMMARY OF STEPS FOR MEMBERSHIP OF THE ICA 2022

ICO sends certified true copies to countries eligible to become Members and notifies them that the ICA 2022 will be open for signature on 6 October 2022



Governments initiate steps for membership of the ICA 2022



SIGNATURE
(6 October – 30 April 2023)

Prepare instrument of Full Powers for the proposed signatory
(in accordance with Annex IV)



Deliver instrument of Full Powers by hand, mail or scanned copy sent by email to the ICO headquarters for advance verification



Make an appointment for signature with the ICO Depository Office
(Tel: +44 (0) 20 7612 0600, Email: depository@ico.org)



Attend the appointment:

- Present original Full Powers (if sent as a scanned copy previously)
- Sign the ICA 2022



RATIFICATION, ACCEPTANCE, APPROVAL or NOTIFICATION OF PROVISIONAL APPLICATION
(6 October – 31 July 2023)

Prepare instrument of ratification, acceptance, approval or notification of provisional application (in accordance with Annex V)



Deliver instrument by hand, mail, or scanned copy to be sent to the ICO headquarters (222 Gray's Inn Road, London WC1X 8HB, Email: depository@ico.org)



If the instrument is sent as a scanned copy to the ICO, deliver the original instrument to the ICO as soon as possible thereafter



ICO confirms receipt, reviews the instrument and notifies Members of this action

OUTLINE SCHEDULE OF ACTIONS FOR THE ICA 2022

Date	Action
9 June 2022	<ul style="list-style-type: none"> • International Coffee Council designates the ICO as the Depository for the 2022 Agreement (Resolution 477).
10 June – 5 October 2022	<ul style="list-style-type: none"> • Original text of ICA 2022 prepared and deposited with the ICO. • Two certified true copies sent to all States entitled to become Members of the ICA 2022. • Governments initiate steps for signature of ICA 2022 and preparation and deposit of instruments.
6 – 7 October 2022	<ul style="list-style-type: none"> • Opportunity for signatures and deposit of instruments at time of 134th Session of the Council in Bogotá.
6 October 2022 – 30 April 2023	<ul style="list-style-type: none"> • ICA 2022 is open for signature from 6 October 2022 until 31 April 2023. • ICO circulates depository notifications about relevant actions.
30 April 2023	<ul style="list-style-type: none"> • End of period for signature of ICA 2022
6 October 2022 - 31 July 2023	<ul style="list-style-type: none"> • Period for the deposit of instruments of ratification, acceptance, approval or notification of provisional application
1 August 2023	<ul style="list-style-type: none"> • ICA 2022 may enter into force provisionally on this date or on any date within next 12 months if it has not already entered into force definitively, if signatory Governments holding votes as described in paragraph (1) of Article 46 have deposited instruments of ratification, acceptance or approval, or sent notifications of provisional application. • Council Resolution on entry into force (if appropriate). • ICO notifies Members about entry into force (if appropriate).
31 July 2024	<ul style="list-style-type: none"> • If Agreement has not entered into force definitively or provisionally by this date, signatory Governments which have deposited instruments of ratification, etc. may by mutual consent decide that it shall enter into force amongst themselves.

COUNTRIES ELIGIBLE TO SIGN THE ICA 2022

Article 44 of the ICA 2022 provides that Contracting Parties to the ICA 2007 and Governments invited to the Council session at which the ICA 2022 was adopted may sign the ICA 2022. They are listed as follows:

Contracting Parties to the ICA 2007

Exporting Members			Importing Members
Angola	Gabon	Peru	European Union ¹
Bolivia, Plurinational State of	Ghana	Philippines	Japan
Brazil	Honduras	Rwanda	Norway
Burundi	India	Sierra Leona	Russian Federation
Cameroon	Indonesia	Tanzania	Switzerland
Central African Republic	Kenya	Thailand	Tunisia
Colombia	Liberia	Timor-Leste	United Kingdom
Congo, Dem. Rep. of	Madagascar	Togo	
Costa Rica	Malawi	Venezuela	
Côte d'Ivoire	Mexico	(Bolivarian Republic of)	
Cuba	Nepal	Nicaragua	
Ecuador	Nicaragua	Vietnam	
El Salvador	Nigeria	Yemen	
Ethiopia	Panama	Zambia	
	Papua New Guinea	Zimbabwe	

Governments invited as observers to attend the 133rd Session of the Council at which the ICA 2022 was negotiated

Algeria	Guatemala	Saudi Arabia
Argentina	Guinea	Sierra Leone
Australia	Iceland	Singapore
Benin	Israel	Sri Lanka
Belize	Jamaica	South Africa
Cambodia	Korea, Republic of	Trinidad and Tobago
Canada	Lao People's Dem. Rep.	Turkey
Cape Verde	Malaysia	Uganda
Chile	Morocco	United States of America
China	Mozambique	United Arab Emirates
Congo (Republic)	Myanmar	Uruguay
Dominican Republic	New Zealand	
Egypt	Paraguay	

¹ Paragraph (4) of Article 44 of the 2022 Agreement provides that the EU shall deposit a declaration with the Depositary confirming its exclusive competence over matters governed by the Agreement. The member States of the EU shall not be eligible to become Contracting Parties to the Agreement.

ANNEX IV

MODEL INSTRUMENT OF FULL POWERS

FULL POWERS

I, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs],

HEREBY AUTHORIZE [name and title] to sign the International Coffee Agreement 2022 on behalf of the Government of [name of State].

Done at [place] on [date].

[Signature] *

Official seal (optional)

*** To be signed by the Head of State or Government, or Minister for Foreign Affairs**

**MODEL OF AN INSTRUMENT OF RATIFICATION, ACCEPTANCE
OR APPROVAL TO THE INTERNATIONAL COFFEE AGREEMENT 2022**

WHEREAS the INTERNATIONAL COFFEE AGREEMENT, (“the Agreement”), 2022 was opened for signature at the International Coffee Organization Headquarters on 6 October 2022,

NOW THEREFORE I, [NAME AND TITLE of the Head of State, Head of Government or Minister for Foreign Affairs], declare that the Government of [name of State], having considered the obligations and conditions of participation in the above-mentioned Agreement, [has ratified] [accepts] [has approved] the same and undertakes faithfully to perform and carry out the obligations therein contained.

IN WITNESS WHEREOF, I have signed this instrument of [ratification] [acceptance] [approval] at [place] on [date].

[Signature]*

*** To be signed by the Head of State or Government, or Minister for Foreign Affairs**

Contact address for the Depositary:

Depositary Office
International Coffee Organization
222 Gray’s Inn Road
London WC1X 8HB
United Kingdom
Tel: +44 (0) 20 7612 0600 (switchboard)
Email: depositary@ico.org



**INTERNATIONAL
COFFEE
ORGANIZATION**

ICC Resolution 477

9 June 2022
Original: English

E

International Coffee Council
133rd Session (Special)
Virtual Session
8 and 9 June 2022
London, United Kingdom

Resolution Number 477

APPROVED AT THE SECOND PLENARY MEETING,
9 JUNE 2022

**Depositary for the
International Coffee Agreement 2022**

WHEREAS:

The International Coffee Council has approved Resolution 476 adopting the text of the International Coffee Agreement 2022 at its 133rd Session on 9 June 2022;

Paragraph (1) of Article 76 (Depositaries of Treaties) of the 1969 Vienna Convention on the Law of Treaties provides that the designation of the depositary of a treaty may be made by the negotiating States, and that the depositary may be one or more States, an international organization or the chief administrative officer of the organization; and

Paragraph (10) of Article 2 of the International Coffee Agreement 2022 provides that the Council shall designate the Depositary by a consensus decision before 6 October 2022 and that such a decision shall form an integral part of the 2022 Agreement,

THE INTERNATIONAL COFFEE COUNCIL

RESOLVES:

1. To designate the International Coffee Organization as the Depositary for the International Coffee Agreement 2022.

2. To request the Executive Director, in her capacity as chief administrative officer of the International Coffee Organization, to take the necessary steps to ensure that the Organization performs the functions of the Depositary for the 2022 Agreement, in a manner consistent with the 1969 Vienna Convention on the Law of Treaties, including but not limited to:

- (a) Keeping custody of the original text of the Agreement and of any Full Powers delivered to the Depositary.
- (b) Preparing and circulating certified true copies of the original Agreement.
- (c) Receiving any signatures to the Agreement, and receiving and keeping custody of any instruments, notifications and communications relating to it.
- (d) Examining whether the signature or any instrument, notification or communication relating to the Agreement is in due and proper form.
- (e) Circulating acts, notifications and communications relating to the Agreement.
- (f) Advising when the number of instruments of ratification, acceptance or approval, or notifications of provisional application, required for the entry or provisional entry into force of the Agreement as set out in Article 46 thereof, have been deposited.
- (g) Registering the Agreement with the Secretary-General of the United Nations.
- (h) In the event of any questions about the performance of the Depositary's functions, bringing the matter to the attention of the signatories and Contracting Parties, or, where appropriate, to the International Coffee Council.