



**INTERNATIONAL  
COFFEE  
ORGANIZATION**

**WP** Council 324/22

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

**Draft dates to be included in the  
International Coffee Agreement 2022**

### **Background information**

1. The Working Group on the Future of the Agreement was established by the International Coffee Council at its 124<sup>th</sup> Session (March 2019) and met twenty-eight times until its dissolution in April 2022. While most of the text of the new International Coffee Agreement has been agreed upon by Members within the abovementioned meetings, a decision on the dates to be included in the new ICA has been deferred.
2. Using the standard practice adopted for the approval of previous Agreements as a reference, the Secretariat has identified draft dates regarding the timeframe for signature, ratification, acceptance and approval to be included in the text to be approved of the International Coffee Agreement 2022.
3. The present document used the text and numbering of the draft of the new International Coffee Agreement contained in document [WGFA 101/22](#) as a reference.

### **Action**

Members are invited to consider the attached articles containing the new dates to be included in the ICA 2022.

## DRAFT DATES TO BE INCLUDED IN THE INTERNATIONAL COFFEE AGREEMENT 2022

- **Art. 2 “Definitions”**

### Paragraph 10

(10) *Depositary* means the intergovernmental organization or Contracting Party to the International Coffee Agreement 2007 designated by decision of the Council under the International Coffee Agreement 2007, to be taken by consensus before **1 August 2022**. Such decision shall form an integral part of this Agreement.

#### Notes:

Based on the draft dates proposed, the ICA 2022 will be open for signature from **1 August 2022 to 30 April 2023**. This would require a Council decision designating the ICO as the Depositary of the new Agreement to be approved at the 133<sup>rd</sup> Session of the Council and before 1 August 2022.

- **Art. 44 “Signature and ratification, acceptance or approval”**

### Paragraph 1

(1) Except as otherwise provided, this Agreement shall be open for signature at the Depositary headquarters from **1 August 2022** until and including **30 April 2023** by Contracting Parties to the International Coffee Agreement 2007 and Governments invited to the session of the Council at which this Agreement was adopted.

#### Notes:

The six-month signature period foreseen in the ICA 2007 has been replaced by a nine-month period based on the actual time needed for the signature of the ICA 2007 back in 2008. The above will give ICO Members and other Governments more time for the signature and avoid further extensions of the given timeframe.

### Paragraph 3

(3) Except as provided for in Article 46, instruments of ratification, acceptance or approval shall be deposited with the Depositary not later than **31 July 2023**. However, the Council may decide to grant extensions of time to signatory Governments which are unable to deposit their instruments by that date. Such decisions shall be transmitted by the Council to the Depositary.

**Notes:**

The period for ratification/acceptance/approval of the Agreement foreseen in the ICA 2007 has been established from 1 August 2022 until 31 July 2023 to allow ICO Members and other Governments adequate time to comply with their internal procedures and avoid further extensions of the given timeframe.

- **Art. 46 “Entry into force”**

**Paragraph 1**

(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 **8 June 2022**, without reference to possible suspension under the terms of Article 22, 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.

**Notes:**

The Secretariat will issue a revised initial distribution of votes for coffee year 2021/22 as of 8 June 2022 since the one circulated on 23 September 2021 ([ICC 130-1 Rev.1](#)) no longer reflects the current Membership of the Organization.

**Paragraph 2**

(2) If this Agreement has not entered into force definitively by **31 July 2023**, 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 45.

**Notes:**

31 July 2023 is the given deadline for ratification/acceptance/approval of the Agreement.

### **Paragraph 3**

(3) If this Agreement has entered into force provisionally but has not entered into force definitively by **31 July 2024**, 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 45, 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.

#### **Notes:**

As per the provisions contained in the ICA 2007, this date (31 July 2024) has been determined by adding one year to the given deadline for ratification/acceptance/approval of the Agreement (31 July 2023).

### **Paragraph 4**

(4) If this Agreement has not entered into force definitively or provisionally by **31 July 2024** 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.

#### **Notes:**

As per the provisions contained in the ICA 2007, this date (31 July 2024) has been determined by adding one year to the given deadline for ratification/acceptance/approval of the Agreement (31 July 2023).

Below is a summary of the proposed dates and relevant actions to be undertaken with reference to the signature and ratification/acceptance/approval of the Agreement, which are based on the assumption the ICA 2022 will possibly be approved at the 133<sup>rd</sup> Special Session of the International Coffee Council on 8 and 9 June 2022.

<b>DATES</b>	<b>ACTIONS</b>
<b>8-9 June 2022</b>	Possible approval of the ICA 2022 by the ICC
<b>10 June – 31 July 2022</b>	The Secretariat to include amendments approved by the ICC at its 133 <sup>rd</sup> Special Session in the Agreement and to prepare the definitive text of the International Coffee Agreement 2022 in the four official languages of the Organization. The ED to authenticate each text for transmission to the Depository.
<b>1 August 2022 – 31 July 2023</b>	The ICA 2022 is open for signature and ratification/acceptance/approval by Contracting Parties to the International Coffee Agreement 2007 and Governments invited to the 133 <sup>rd</sup> Session of the Council at which the Agreement has been adopted.
<b>1 August 2023 – 30 July 2024</b>	Possible provisional entry into force of the ICA 2022 if the Agreement has not entered into force definitively by 31 July 2023.