

No. 5013

**ARGENTINA, AUSTRALIA, AUSTRIA,
CANADA, CUBA, etc.**

**International Wheat Agreement, 1959. Opened for signature
at Washington from 6 April 1959 until and including
24 April 1959**

Official texts: English, French and Spanish.

Registered by the United States of America on 8 February 1960.

**ARGENTINE, AUSTRALIE, AUTRICHE,
CANADA, CUBA, etc.**

**Accord international sur le blé, 1959. Ouvert à la signature
à Washington du 6 avril 1959 jusqu'au 24 avril 1959
inclusivement**

Textes officiels anglais, français et espagnol.

Enregistré par les États-Unis d'Amérique le 8 février 1960.

No. 5013. INTERNATIONAL WHEAT AGREEMENT, 1959.¹
 OPENED FOR SIGNATURE AT WASHINGTON FROM
 6 APRIL 1959 UNTIL AND INCLUDING 24 APRIL 1959

The Governments signatory to this Agreement,

Considering that the International Wheat Agreement 1949² was revised and renewed in 1953³ and 1956,⁴ and

Considering that the International Wheat Agreement 1956 expires on 31 July 1959 and that it is desirable to conclude a new Agreement for a further period;

Have agreed as follows :

¹ In accordance with article 35, Part I and Parts III to VIII of the Agreement came into force on 16 July 1959, and Part II of the Agreement came into force on 1 August 1959 between the Governments of the following States which by 16 July 1959 accepted or acceded to the Agreement by the deposit with the Government of the United States of America of instruments of acceptance or accession on the dates indicated below (notifications given to the Government of the United States of America on or before 16 July 1959 of an intention to accept or accede to the Agreement, followed by the deposit of an instrument of acceptance or accession not later than 1 December 1959 in fulfilment of that intention, are deemed to constitute acceptance or accession on 16 July 1959) :

	<i>Date of receipt of notification of intention to accept or accede (a)</i>	<i>Date of deposit of instrument of acceptance or accession (a)</i>
Argentina	16 July 1959	1 December 1959
Australia	15 July 1959	1 December 1959
Austria		9 July 1959
Canada		16 July 1959
Cuba	16 July 1959	3 August 1959
Dominican Republic	14 July 1959	23 July 1959
Federation of Rhodesia and Nyasaland		9 July 1959 (a)
France		9 July 1959
India		30 June 1959
Indonesia	16 July 1959	22 September 1959
Ireland	14 July 1959	1 December 1959
Israel	6 July 1959	21 August 1959
Japan	23 June 1959	1 December 1959
New Zealand		26 June 1959
Norway		13 July 1959
Peru	16 July 1959	3 August 1959
Philippines	14 July 1959	24 August 1959
Saudi Arabia	9 July 1959 (a)	23 October 1959 (a)
Spain	15 July 1959	30 November 1959

(Footnote 1 continued on p. 170)

² United Nations, *Treaty Series*, Vol. 203, p. 179.

³ United Nations, *Treaty Series*, Vol. 203, p. 179, and Vol. 256, p. 364.

⁴ United Nations, *Treaty Series*, Vol. 270, p. 103, and Vol. 320, p. 348.

PART I
GENERAL

Article 1

OBJECTIVES

The objectives of this Agreement are :

- (a) to assure supplies of wheat and wheat-flour to importing countries and markets for wheat and wheat-flour to exporting countries at equitable and stable prices;
- (b) to promote the expansion of the international trade in wheat and wheat-flour and to secure the freest possible flow of this trade in the interests of both exporting and importing countries;
- (c) to overcome the serious hardship caused to producers and consumers by burdensome surpluses and critical shortages of wheat;
- (d) to encourage the use and consumption of wheat and wheat-flour generally, and in particular, so as to improve health and nutrition, in countries where the possibility of increased consumption exists ; and
- (e) in general to further international co-operation in connexion with world wheat problems, recognizing the relationship of the trade in wheat to the economic stability of markets for other agricultural products.

(Continued from p. 168)

	<i>Date of receipt of notification of intention to accept or accede (a)</i>	<i>Date of deposit of instrument of acceptance of accession (a)</i>
Sweden	22 April 1959	30 November 1959
Switzerland	29 May 1959	8 July 1959
Union of South Africa . .		1 July 1959
United Arab Republic . .		9 July 1959
United Kingdom of Great Britain and Northern Ire- land (with a notification*)		14 July 1959
United States of America . .		16 July 1959
Vatican City		9 July 1959

The Agreement came into force in respect of the following States by the deposit of instruments of accession on the dates indicated :

Iceland	1 December 1959
El Salvador	15 December 1959

* Notification of extension to the non-metropolitan territories listed below was received by the Government of the United States of America on 25 November 1959 :

Antigua, Bahamas, Barbados, Bermuda, British Guiana, British Honduras, British Solomon Islands, British Virgin Islands, Brunei, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Jamaica, Kenya, Mauritius, Monserrat, The Federation of Nigeria, North Borneo, St. Helena, St. Kitts-Nevis, St. Lucia, St. Vincent, Sarawak, Sierra Leone, Tanganyika, Tonga, Trinidad and Tobago, Uganda and Zanzibar.

Article 2

DEFINITIONS

For the purposes of this Agreement :

(1) " Advisory Committee on Price Equivalents " means the Committee established under Article 30.

" Balance of Commitment " means the amount of wheat which an exporting country is obliged to make available at not greater than the maximum price under Article 5, that is, the amount by which its datum quantity with respect to importing countries exceeds the actual commercial purchases from it by those countries in the crop year at the relevant time.

" Balance of Entitlement " means the amount of wheat which an importing country is entitled to purchase at not greater than the maximum price under Article 5, that is, the amount by which its datum quantity with respect to the exporting country or countries concerned, as the context requires, exceeds its actual commercial purchases from those countries in the crop year at the relevant time.

" Bushel " means sixty pounds avoirdupois or 27.2155.. kilogrammes.

" Carrying charges " means the costs incurred for storage, interest and insurance in holding wheat.

" C. & f. " means cost and freight.

" Council " means the International Wheat Council established by Article 22.

" Crop year " means the period from 1 August to 31 July.

" Datum quantity " means

(a) in the case of an exporting country the average annual commercial purchases from that country by importing countries during the years determined under Article 14.

(b) in the case of an importing country the average annual commercial purchases from exporting countries or from a particular exporting country, as the context requires, during the years determined under Article 14.

" Executive Committee " means the Committee established under Article 29.

" Exporting country " means, as the context requires, either (i) the Government of a country listed in Article 24 which has accepted or acceded to this Agreement and has not withdrawn therefrom, or (ii) that country itself and the territories in respect of which the rights and obligations of its Government under this Agreement apply.

" F.a.q. " means fair average quality.

" F.o.b. " means free on board ocean vessel or sea-going vessel, as the case may be, and in the case of French wheat delivered at a Rhine port, free on board river craft.

“Importing country” means, as the context requires, either (i) the Government of a country listed in Article 25 which has accepted or acceded to this Agreement and has not withdrawn therefrom, or (ii) that country itself and the territories in respect of which the rights and obligations of its Government under this Agreement apply.

“Marketing costs” means all usual charges incurred in marketing, chartering, and forwarding.

“Maximum price” means the maximum prices specified in or determined under Article 6 or one of those prices, as the context requires.

“Maximum price declaration” means a declaration made in accordance with Article 13.

“Metric ton”, or 1,000 kilogrammes, means 36.74371 bushels.

“Minimum price” means the minimum prices specified in or determined under Article 6 or one of those prices, as the context requires.

“Price range” means prices between the minimum and maximum prices specified in or determined under Article 6, including the minimum prices but excluding the maximum prices.

“Purchase” means a purchase for import of wheat exported or to be exported from an exporting country or from other than an exporting country, as the case may be, or the quantity of such wheat so purchased, as the context requires. Where reference is made in this Agreement to a purchase, it shall be understood to refer not only to purchases concluded between the Governments concerned but also to purchases concluded between private traders and to purchases concluded between a private trader and the Government concerned. In this definition “Government” shall be deemed to include the Government of any territory in respect of which the rights and obligations of any Government accepting or acceding to this Agreement apply under Article 37.

“Territory” in relation to an exporting or importing country includes any territory in respect of which the rights and obligations under this Agreement of the Government of that country apply under Article 37.

“Wheat” includes wheat grain and, except in Article 6, wheat-flour.

(2) All calculations of the wheat equivalent of purchases of wheat-flour shall be made on the basis of the rate of extraction indicated by the contract between the buyer and the seller. If no such rate is indicated, seventy-two units by weight of wheat-flour shall, for the purpose of such calculations, be deemed to be equivalent to one hundred units by weight of wheat grain unless the Council decides otherwise.

Article 3

COMMERCIAL PURCHASES AND SPECIAL TRANSACTIONS

(1) A commercial purchase for the purposes of this Agreement is a purchase as defined in Article 2 which conforms to the usual commercial practices in

international trade and which does not include those transactions referred to in paragraph (2) of this Article.

(2) A special transaction for the purposes of this Agreement is one which, whether or not within the price range, includes features introduced by the Government of a country concerned which do not conform with usual commercial practices.

(3) In particular, the following transactions, to the extent to which they conform with the provisions of paragraph (2) of this Article, shall be regarded as special transactions :

- (a) sales on long term credit resulting from government intervention;
- (b) sales under tied government loans;
- (c) sales for inconvertible currency;
- (d) barter transactions;
- (e) bilateral trading agreements;
- (f) gifts or grants.

(4) The Council shall adopt such rules of procedure prescribing the categories of transactions within the meaning of paragraphs (2) and (3) of this Article as may be appropriate.

PART II

RIGHTS AND OBLIGATIONS

Article 4

PURCHASES WITHIN THE PRICE RANGE

(1) Each importing country undertakes that not less than the percentage specified for that country in the Annex¹ to this Agreement of its total commercial purchases of wheat in any crop year shall be purchased from exporting countries in that year at prices within the price range.

(2) Exporting countries undertake, in association with one another, that at prices within the price range wheat from their countries shall be made available for purchase by importing countries in a crop year in quantities sufficient to satisfy the commercial requirements of those countries.

(3) For the purposes of this Agreement, except as provided in Article 5, any wheat purchased from an importing country by a second importing country which originated during that crop year from an exporting country shall be deemed to have been purchased from that exporting country by the second importing country. Subject to the provisions of Article 18, this paragraph shall apply to wheat-flour only if the wheat-flour originated from the exporting country concerned.

¹ See p. 234 of this volume.

Article 5

PURCHASES AT THE MAXIMUM PRICE

(1) If the Council makes a maximum price declaration in respect of an exporting country, that country shall make available for purchase by importing countries at not greater than the maximum price its balance of commitment towards those countries to the extent that the balance of entitlement of any importing country with respect to all exporting countries is not exceeded.

(2) If the Council makes a maximum price declaration in respect of all exporting countries, each importing country shall be entitled, while the declaration is in effect,

- (a) to purchase from exporting countries at prices not greater than the maximum price its balance of entitlement with respect to all exporting countries; and
- (b) to purchase wheat from any source without being regarded as committing any breach of paragraph (1) of Article 4.

(3) If the Council makes a maximum price declaration in respect of one or more exporting countries, but not all of them, each importing country shall be entitled while the declaration is in effect,

- (a) to make purchases under paragraph (1) of this Article from such one or more exporting countries and to purchase the balance of its commercial requirements within the price range from the other exporting countries, and
- (b) to purchase wheat from any source without being regarded as committing any breach of paragraph (1) of Article 4 to the extent of its balance of entitlement with respect to such one or more exporting countries as at the effective date of the declaration, provided such balance is not larger than its balance of entitlement with respect to all exporting countries.

(4) Purchases by any importing country from an exporting country in excess of the balance of entitlement of that importing country with respect to all exporting countries shall not reduce the obligation of that exporting country under this Article. The provisions of paragraph (3) of Article 4 shall apply also to this Article provided the balance of entitlement of any importing country with respect to all exporting countries is not thereby exceeded.

(5) In determining whether it has fulfilled its required percentage under paragraph (1) of Article 4, purchases made by any importing country while a maximum price declaration is in effect, subject to the limitations in paragraphs (2) (b) and (3) (b) of this Article,

- (a) shall be taken into account if those purchases were made from any exporting country, including an exporting country in respect of which the declaration was made, and
- (b) shall be entirely disregarded if those purchases were made from a country other than an exporting country.

Article 6

PRICES

(1) (a) The basic minimum and maximum prices for the duration of this Agreement shall be :

Minimum . . .	\$1.50
Maximum . . .	\$1.90

Canadian currency per bushel at the parity for the Canadian dollar, determined for the purposes of the International Monetary Fund as at 1 March 1949, for No. 1 Manitoba Northern wheat in bulk in store Fort William/Port Arthur. The basic minimum and maximum prices, and the equivalents thereof hereafter referred to, shall exclude such carrying charges and marketing costs as may be agreed between the buyer and the seller.

(b) Carrying charges as agreed between the buyer and seller may accrue for the buyer's account only after an agreed date specified in the contract under which the wheat is sold.

(2) The equivalent maximum price for bulk wheat for :

- (a) No. 1 Manitoba Northern wheat in store Vancouver shall be the maximum price for No. 1 Manitoba Northern wheat in bulk in store Fort William/Port Arthur specified in paragraph (1) of this Article;
- (b) No. 1 Manitoba Northern wheat f.o.b. Port Churchill, Manitoba, shall be the price equivalent to the c. & f. price in the country of destination of the maximum price for No. 1 Manitoba Northern wheat in bulk in store Fort William/Port Arthur specified in paragraph (1) of this Article, computed by using currently prevailing transportation costs and exchange rates;
- (c) Argentine wheat in store ocean ports shall be the maximum price for No. 1 Manitoba Northern wheat in bulk in store Fort William/Port Arthur specified in paragraph (1) of this Article, converted into Argentine currency at the prevailing rate of exchange, making such allowance for difference in quality as may be agreed between the exporting country and the importing country concerned;
- (d) f.a.q. Australian wheat in store ocean ports shall be the maximum price for No. 1 Manitoba Northern wheat in bulk in store Fort William/Port Arthur specified in paragraph (1) of this Article, converted into Australian currency at the prevailing rate of exchange, making such allowance for difference in quality as may be agreed between the exporting country and the importing country concerned;

- (e) French wheat on sample or on description f.o.b. French ports or at the French border (whichever is applicable) shall be the price equivalent to the c. & f. price in the country of destination, or the c. & f. price at an appropriate port for delivery to the country of destination, of the maximum price for No. 1 Manitoba Northern wheat in bulk in store Fort William/Port Arthur specified in paragraph (1) of this Article, computed by using currently prevailing transportation costs and exchange rates and by making such allowance for difference in quality as may be agreed between the exporting country and the importing country concerned;
- (f) Italian wheat on sample or on description f.o.b. Italian ports or at the Italian border (whichever is applicable) shall be the price equivalent to the c. & f. price in the country of destination, or the c. & f. price at an appropriate port for delivery to the country of destination, of the maximum price for No. 1 Manitoba Northern wheat in bulk in store Fort William/Port Arthur specified in paragraph (1) of this Article, computed by using currently prevailing transportation costs and exchange rates and by making such allowance for difference in quality as may be agreed between the exporting country and the importing country concerned;
- (g) (i) Mexican wheat on sample or on description f.o.b. Mexican Gulf ports or at the Mexican border (whichever is applicable) shall be the price equivalent to the c. & f. price in the country of destination of the maximum price for No. 1 Manitoba Northern wheat in bulk in store Fort William/Port Arthur specified in paragraph (1) of this Article, computed by using currently prevailing transportation costs and exchange rates and by making such allowance for difference in quality as may be agreed between the exporting country and the importing country concerned;
(ii) Mexican wheat on sample or on description in store Mexican Pacific ports shall be the maximum price for No. 1 Manitoba Northern wheat in bulk in store Fort William/Port Arthur specified in paragraph (1) of this Article, converted into Mexican currency at the prevailing rate of exchange, making such allowance for difference in quality as may be agreed between the exporting country and the importing country concerned;
- (h) Spanish wheat on sample or on description f.o.b. Spanish ports or at the Spanish border (whichever is applicable) shall be the price equivalent to the c. & f. price in the country of destination, or the c. & f. price at an appropriate port for delivery to the country of destination, of the maximum price for No. 1 Manitoba Northern wheat in bulk in store Fort William/Port Arthur specified in paragraph (1) of this Article, computed by using currently prevailing transportation costs and exchange rates and by making such allowance for difference in quality as may be agreed between the exporting country and the importing country concerned;
- (i) Swedish wheat on sample or on description f.o.b. Swedish ports between Stockholm and Gothenburg, both included, shall be the price equivalent to

the c. & f. price in the country of destination of the maximum price for No. 1 Manitoba Northern wheat in bulk in store Fort William/Port Arthur specified in paragraph (1) of this Article, computed by using currently prevailing transportation costs and exchange rates and by making such allowance for difference in quality as may be agreed between the exporting country and the importing country concerned;

- (j) No. 1 Hard Winter wheat f.o.b. Gulf/Atlantic ports of the United States of America shall be the price equivalent to the c. & f. price in the country of destination of the maximum price for No. 1 Manitoba Northern wheat in bulk in store Fort William/Port Arthur specified in paragraph (1) of this Article, computed by using currently prevailing transportation costs and exchange rates and by making such allowance for difference in quality as may be agreed between the exporting country and the importing country concerned; and
- (k) No. 1 Soft White wheat or No. 1 Hard Winter wheat in store Pacific ports of the United States of America shall be the maximum price for No. 1 Manitoba Northern wheat in bulk in store Fort William/Port Arthur specified in paragraph (1) of this Article, computed by using the prevailing rate of exchange and by making such allowance for difference in quality as may be agreed between the exporting country and the importing country concerned.

(3) The equivalent minimum price for bulk wheat for :

- (a) No. 1 Manitoba Northern wheat f.o.b. Vancouver,
 - (b) No. 1 Manitoba Northern wheat f.o.b. Port Churchill, Manitoba,
 - (c) Argentine wheat f.o.b. Argentina,
 - (d) f.a.q. wheat f.o.b. Australia,
 - (e) French wheat on sample or on description f.o.b. French ports, or at the French border (whichever is applicable),
 - (f) Italian wheat on sample or on description f.o.b. Italian ports, or at the Italian border (whichever is applicable),
 - (g) Mexican wheat on sample or on description f.o.b. Mexican ports, or at the Mexican border (whichever is applicable),
 - (h) Spanish wheat on sample or on description f.o.b. Spanish ports, or at the Spanish border (whichever is applicable),
 - (i) Swedish wheat on sample or on description f.o.b. Swedish ports between Stockholm and Gothenburg, both included,
 - (j) No. 1 Hard Winter wheat f.o.b. Gulf/Atlantic ports of the United States of America, and
 - (k) No. 1 Soft White wheat or No. 1 Hard Winter wheat f.o.b. Pacific ports of the United States of America,
- shall be respectively : the f.o.b. price Vancouver, Port Churchill, Argentina, Australia, French ports, Italian ports, Mexican ports, Spanish ports, Swedish ports between Stockholm and Gothenburg, both included, United States of

America Gulf/Atlantic ports and the United States of America Pacific ports equivalent to the c. & f. price in the United Kingdom of Great Britain and Northern Ireland of the minimum price for No. 1 Manitoba Northern wheat in bulk in store Fort William/Port Arthur specified in paragraph (1) of this Article, computed by using currently prevailing transportation costs and exchange rates and by making such allowance for difference in quality as may be agreed between the exporting country and the importing country concerned.

(4) For the period of closed navigation between Fort William/Port Arthur and the Canadian Atlantic ports, equivalent maximum and minimum prices shall be determined by reference only to the lake and rail movement of wheat from Fort William/Port Arthur to Canadian winter ports.

(5) The Executive Committee may in consultation with the Advisory Committee on Price Equivalents, determine the minimum and maximum price equivalents for wheat at points other than those specified above and may also designate any description, type, class or grade of wheat other than those specified in paragraphs (2) and (3) above and determine the minimum and maximum price equivalents thereof; provided that, in the case of any other wheat the price equivalent of which has not yet been determined, the minimum and maximum prices for the time being shall be derived from the minimum and maximum prices of the description, type, class or grade of wheat specified in this Article, or subsequently designated by the Executive Committee in consultation with the Advisory Committee on Price Equivalents, which is most closely comparable to such other wheat by the addition of an appropriate premium or by the deduction of an appropriate discount.

(6) If any exporting or importing country represents to the Executive Committee that any price equivalent established under paragraph (2), (3) or (5) of this Article is, in the light of current transportation or exchange rates or market premiums or discounts, no longer fair, the Executive Committee shall consider the matter and may, in consultation with the Advisory Committee on Price Equivalents, make such adjustment as it considers desirable.

(7) In establishing equivalent minimum and maximum prices under paragraph (2), (3), (5) or (6) above and subject to the provisions of Article 15 relating to durum wheat, no allowance for difference in quality shall be made which would result in the equivalent minimum and maximum price of wheat of any description, type, class or grade being fixed at a level higher than the basic minimum or maximum price, respectively, specified in paragraph (1) above.

(8) If a dispute arises as to what premium or discount is appropriate for the purposes of paragraphs (5) and (6) of this Article in respect of any description

of wheat specified in paragraph (2) or (3) or designated under paragraph (5) of this Article, the Executive Committee, in consultation with the Advisory Committee on Price Equivalents, shall on the request of the exporting or importing country concerned decide the issue.

(9) All decisions of the Executive Committee under paragraphs (5), (6) and (8) of this Article shall be binding on all exporting and importing countries, provided that any of those countries which considers that any such decision is disadvantageous to it may ask the Council to review that decision.

Article 7

ACTION BY THE COUNCIL AT OR APPROACHING THE MINIMUM PRICE

(1) If any exporting country is making wheat of any class, type or grade available for purchase by importing countries at prices not greater than the minimum price, or if such a situation appears likely to arise, the Council shall as soon as possible thereafter meet to consider the situation in the light of the rights and obligations of exporting and importing countries. It may make such recommendations as it considers appropriate regarding the manner in which those rights and obligations shall be fulfilled in these circumstances.

(2) If any exporting or importing country considers that by reason of a serious fall in the price of wheat of any class, type or grade, a situation has arisen or threatens imminently to arise which appears likely to jeopardize the objectives of the Agreement with regard to the minimum price, it may refer the matter to the Council. The Council may, in the light of advice received from the Advisory Committee on Price Equivalents, make recommendations to exporting and importing countries with regard to action which it considers necessary to meet the situation.

(3) The Advisory Committee shall advise the Chairman of the Council whenever in its opinion circumstances exist which are likely to or require that a meeting of the Council be convened under paragraph (1) or (2) of this Article. If any such meeting is convened under those paragraphs or by the Chairman, the Advisory Committee shall present to the Council all relevant information in addition to such advice as it may have given in accordance with paragraph (3) of Article 30.

Article 8

COUNTRIES BOTH EXPORTERS AND IMPORTERS OF WHEAT

(1) For the duration of this Agreement and for the purposes of its application, a country listed in Article 24 shall be regarded as an exporting country and a country listed in Article 25 shall be regarded as an importing country.

(2) Any country listed in Article 25 which makes wheat available for purchase by any exporting or importing country shall endeavour so far as possible to do so at prices consistent with the price range and, in making such wheat available for purchase, to avoid taking any action which would be prejudicial to the operation of this Agreement.

(3) Any country listed in Article 24 which desires to purchase wheat shall endeavour so far as possible to purchase its requirements from exporting countries at prices within the price range and, in meeting its requirements, to avoid taking any action which would be prejudicial to the operation of this Agreement.

PART III

ADJUSTMENTS

Article 9

ADJUSTMENT IN CASE OF SHORT CROP

(1) Any exporting country which fears that it may be prevented by a short crop from carrying out its obligations under this Agreement in respect of a particular crop year shall report the matter to the Council at the earliest possible date and apply to the Council to be relieved of a part or the whole of its obligations for that crop year. An application made to the Council pursuant to this paragraph shall be heard without delay.

(2) The Council shall, in dealing with a request for relief under this Article, adhere to the principle that the exporting country concerned will, to the maximum extent feasible, make wheat available for purchase to meet its obligations under this Agreement.

(3) The Council shall, in dealing with the request for relief, review the exporting country's supply situation including the extent to which the exporting country has observed the principle stated in paragraph (2) of this Article.

(4) If the Council finds that the country's representations are well founded, it shall decide to what extent and on what conditions that country shall be relieved of its obligations for the crop year concerned. The Council shall inform the exporting country of its decision.

(5) If the Council decides that the exporting country shall be relieved of the whole or part of its obligations under Article 5 for the crop year concerned, the Council shall increase the datum quantities of the other exporting countries to the extent agreed by each of them. If such increases do not offset the relief granted under paragraph (4), it shall reduce by the amount necessary the datum quantities of the importing countries to the extent agreed by each of them.

(6) If the relief granted under paragraph (4) cannot be entirely offset by measures taken under paragraph (5), the Council shall reduce *pro rata* the datum quantities of the importing countries, account being taken of any reductions under paragraph (5).

(7) If the datum quantity of an exporting country is reduced under paragraph (4), the amount of such reduction shall be regarded for the purpose of establishing its datum quantity and that of all other exporting countries in subsequent crop years as having been purchased from that exporting country in the crop year concerned. In the light of the circumstances, the Council shall determine whether any adjustment shall be made, and if so in what manner, for the purpose of establishing the datum quantities of importing countries in such subsequent crop years as a result of the operation of this paragraph.

(8) If the datum quantity of an importing country is reduced under paragraph (5) or (6) of this Article to offset the relief granted to an exporting country under paragraph (4), the amount of such reduction shall be regarded as having been purchased in the crop year concerned from that exporting country for the purposes of establishing the datum quantity of that importing country in subsequent crop years.

Article 10

ADJUSTMENT IN CASE OF NECESSITY TO SAFEGUARD BALANCE OF PAYMENTS OR MONETARY RESERVES

(1) Any importing country which fears that it may be prevented by the necessity to safeguard its balance of payments or monetary reserves from carrying out its obligations under this Agreement in respect of a particular crop year shall report the matter to the Council at the earliest possible date and apply to the Council to be relieved of a part or the whole of its obligations for that crop year. An application made to the Council pursuant to this paragraph shall be heard without delay.

(2) If an application is made under paragraph (1), the Council shall seek and take into account, together with all facts which it considers relevant, the opinion of the International Monetary Fund, as far as the matter concerns a country which is a member of the Fund, on the existence and extent of the necessity referred to in that paragraph.

(3) The Council shall, in dealing with a request for relief under this Article, adhere to the principle that the country concerned will to the maximum extent feasible make purchases to meet its obligations under this Agreement.

(4) If the Council finds that the representations of the importing country concerned are well founded, it shall decide to what extent and on what conditions that country shall be relieved of its obligations for the crop year concerned. The Council shall inform the importing country of its decision.

Article 11

ADJUSTMENTS AND ADDITIONAL PURCHASES IN CASE OF CRITICAL NEED

(1) If a critical need has arisen or threatens to arise in its territory, an importing country may appeal to the Council for assistance in obtaining supplies of wheat. With a view to relieving the emergency created by the critical need, the Council shall give urgent consideration to the appeal and shall make appropriate recommendations to exporting and importing countries regarding the action to be taken by them.

(2) In deciding what recommendation should be made in respect of an appeal by an importing country under the preceding paragraph, the Council shall have regard to its actual commercial purchases from exporting countries or to the extent of its obligations under Article 4 of this Agreement, as may appear appropriate in the circumstances.

(3) No action taken by an exporting or importing country pursuant to a recommendation made under paragraph (1) of this Article shall affect the datum quantity of any exporting or importing country in subsequent crop years.

Article 12

ADJUSTMENTS BY CONSENT

(1) An exporting country may transfer part of its balance of commitment to another exporting country, and an importing country may transfer part of its balance of entitlement to another importing country for a crop year, subject to approval by the Council by a majority of the votes cast by the exporting countries and a majority of the votes cast by the importing countries.

(2) Any importing country may at any time, by written notification to the Council, increase its percentage undertaking referred to in paragraph (1) of Article 4 and such increase shall become effective from the date of receipt of the notification.

(3) The datum quantity of any country acceding under Article 35 (4) of this Agreement shall be offset, if necessary, by appropriate adjustments by way of increase or decrease in the datum quantities of one or more exporting or importing countries, as the case may be. Such adjustments shall not be approved unless each exporting or importing country whose datum quantity is thereby changed has consented.

PART IV

ADMINISTRATION OF RIGHTS AND OBLIGATIONS

Article 13

MAXIMUM PRICE DECLARATIONS

(1) As soon as its wheat of any class, type or grade other than durum wheat is made available for purchase by importing countries at prices not less than the maximum price, an exporting country shall notify the Council to that effect. On receipt of such notification, the Executive Secretary, acting on behalf of the Council, shall make a declaration accordingly, referred to in this Agreement as a maximum price declaration. The Executive Secretary shall communicate that maximum price declaration to all exporting and importing countries as soon as possible after it has been made.

(2) As soon as its wheat of all classes, types or grades other than durum wheat is again made available for purchase by importing countries at prices less than the maximum price, an exporting country shall notify the Council to that effect. Thereupon, the Executive Secretary, acting on behalf of the Council, shall terminate the maximum price declaration in respect of that country by making a further declaration accordingly. He shall communicate such further declaration to all exporting and importing countries as soon as possible after it has been made.

(3) The Council shall, in its rules of procedure, prescribe regulations to give effect to paragraphs (1) and (2) of this Article, including regulations determining the effective date of any declaration made under this Article.

(4) If, at any time, in the opinion of the Executive Secretary an exporting country has failed to make a notification under paragraph (1) or (2) of this Article or has made an incorrect notification, he shall, without prejudice in the latter case to the provisions of paragraph (1) or (2), convene a meeting of the Advisory Committee on Price Equivalents. If the Advisory Committee advises either under this paragraph or in accordance with Article 30 that a declaration under paragraph (1) or (2) should be or should not have been made, as the case may be, the Executive Committee may make a declaration accordingly or cancel any declaration then in effect, whichever may be appropriate.

(5) Any declaration made under this Article shall specify the crop year or crop years to which it relates, and this Agreement shall apply accordingly.

(6) If any exporting or importing country considers that a declaration under this Article should be or should not have been made, as the case may be, it may refer the matter to the Council. If the Council finds that the representa-

tions of the country concerned are well founded, it shall make or cancel a declaration accordingly.

(7) Any declaration made under paragraphs (1), (2) or (4) which is cancelled in accordance with this Article shall be regarded as having full force and effect until the date of its cancellation, and such cancellation shall not affect the validity of anything done under the declaration prior to its cancellation.

Article 14

ESTABLISHMENT OF DATUM QUANTITIES

(1) Datum quantities as defined in Article 2 shall be established for the first crop year of this Agreement with reference to the first four of the immediately preceding five crop years and, for each succeeding crop year, with respect to the first five of the immediately preceding six crop years.

(2) Before the beginning of each crop year, the Council shall establish for that crop year the datum quantity of each exporting country with respect to all importing countries and the datum quantity of each importing country with respect to all exporting countries and to each such country.

(3) The datum quantities established in accordance with the preceding paragraph shall be re-established whenever a change in the membership of this Agreement occurs, regard being had where appropriate to any conditions of accession prescribed by the Council under Article 35.

Article 15

RECORDING OF PURCHASES AND SPECIAL TRANSACTIONS, AND STATEMENT OF BALANCES

(1) For the purposes of the operation of this Agreement, including the establishment of the total commercial purchases of importing countries under Article 4 (1) and the establishment of datum quantities of exporting and importing countries in subsequent crop years under Article 14, the Council shall keep records for each crop year of all commercial purchases made by importing countries from all sources and of all such purchases made from exporting countries.

(2) The Council shall also keep records so that at all times during a crop year a statement of the balance of commitment of each exporting country with respect to all importing countries and of the balance of entitlement of each importing country with respect to all exporting countries and to each such country is maintained. Statements of such balances shall, at intervals prescribed by the Council, be circulated to all exporting and importing countries.

(3) For the purposes of paragraph (2) of this Article and of Article 4 (1), commercial purchases by an importing country from an exporting country entered in the Council's records shall also be entered as against the obligations of exporting and importing countries under Articles 4 and 5 of this Agreement, or those obligations as adjusted under other Articles of this Agreement, if the loading period falls within the crop year and

- (a) in the case of importing countries, the purchases are at prices not less than the minimum price, and
- (b) in the case of exporting countries, the purchases are at prices within the price range including, for the purposes of Article 5, the maximum price. However, if the importing and exporting country concerned so agree, purchases at prices above the maximum price shall also be entered as against the obligations of that exporting country. If any country considers its interests prejudiced by any such particular purchase, it may refer the matter to the Council which shall decide the issue.

Commercial purchases of wheat-flour entered in the Council's records shall also be entered as against the obligations of exporting and importing countries under the same conditions, provided that the price of such wheat-flour is consistent with a price of wheat which may be entered under this paragraph. In the case of durum wheats, a purchase entered in the Council's records shall count under this paragraph whether or not the price is within the price range.

(4) A purchase of wheat from an exporting country shall be eligible for entry in the Council's records in accordance with this Article, notwithstanding that the purchase has been made before the deposit of the instrument of acceptance of or accession to this Agreement by the country concerned.

(5) Provided that the conditions prescribed in paragraph (3) of this Article are satisfied, the Council may authorize purchases to be recorded for a crop year if (a) the loading period involved is within a reasonable time up to one month, to be decided by the Council, before the beginning or after the end of that crop year, and (b) the exporting and importing country concerned so agree.

(6) For the period of closed navigation between Fort William/Port Arthur and the Canadian Atlantic ports, a purchase shall, notwithstanding the provisions of paragraph (4) of Article 6, be eligible for entry in the Council's records against the obligations of the exporting country and the importing country concerned in accordance with this Article if it relates to

- (a) Canadian wheat which is moved by an all-rail route from Fort William/Port Arthur to Canadian Atlantic ports, or
- (b) United States wheat which, except for conditions beyond the control of the buyer and the seller, would be moved by lake and rail to United States

Atlantic ports and which, because it cannot be so moved, is moved by an all-rail route to United States Atlantic ports,

provided that payment of the extra transportation cost thereby incurred is agreed between the buyer and the seller.

(7) The Council shall prescribe rules of procedure for the reporting and recording of all commercial purchases and special transactions. In those rules it shall prescribe the frequency and the manner in which those purchases and transactions shall be reported and shall prescribe the duties of exporting and importing countries with regard thereto. The Council shall also make provision for the amendment of any records or statements maintained by it, including provision for the settlement of any dispute arising in connexion therewith.

(8) Each exporting country and each importing country may be permitted, in the fulfilment of its obligations, a degree of tolerance to be prescribed by the Council for that country on the basis of the extent of those obligations and other relevant factors.

(9) In order that as complete records as possible may be maintained and for the purposes of Article 21, the Council shall also keep separate records for each crop year of all special transactions entered into by any exporting or importing country.

Article 16

ESTIMATES OF REQUIREMENTS AND AVAILABILITY OF WHEAT

(1) By 15 September of each year, each importing country shall notify the Council of its provisional estimate of its commercial requirements of wheat from exporting countries in that crop year. Before 31 December of each year, each importing country shall notify the Council of any changes in this provisional estimate. Importing countries may notify the Council of any further changes they desire to make thereafter.

(2) By 1 October in the case of Northern Hemisphere countries and 1 January in the case of Southern Hemisphere countries, each exporting country shall notify the Council of its estimate of the wheat it will have available for export in that crop year. Exporting countries may notify the Council of any changes in this estimate they desire to make thereafter.

(3) All estimates notified to the Council shall be used for the purpose of the administration of the Agreement and may only be made available to exporting and importing countries on such conditions as the Council may prescribe. All estimates submitted in accordance with this Article shall in no way be binding.

(4) Exporting and importing countries shall be free to fulfil their obligations under this Agreement through private trade channels or otherwise. Nothing in this Agreement shall be construed to exempt any private trader from any laws or regulations to which he is otherwise subject.

(5) The Council may, at its discretion, require exporting and importing countries to co-operate together to ensure that an amount of wheat equal to not less than ten per cent of the datum quantities of exporting countries for any crop year shall be available for purchase by importing countries under this Agreement after 28 February of that crop year.

PART V

CONSULTATIONS, PERFORMANCE, DEFAULTS AND SERIOUS PREJUDICE

Article 17

CONSULTATIONS

(1) In order to assist an exporting country in assessing the extent of its commitments if a maximum price declaration should be made and without prejudice to the rights enjoyed by any importing country, an exporting country may consult with an importing country regarding the extent to which the rights of that importing country under Articles 4 and 5 of this Agreement will be taken up in any crop year.

(2) Any exporting or importing country experiencing difficulty in making sales or purchases of wheat under Article 4 of this Agreement may refer the matter to the Council. In such a case the Council with a view to the satisfactory settlement of the matter shall consult with any exporting or importing country concerned and may make such recommendations as it considers appropriate.

(3) If an importing country should find difficulty in obtaining its balance of entitlement in a crop year at prices not greater than the maximum price while a maximum price declaration is in effect, it may refer the matter to the Council. In such a case the Council shall investigate the situation and shall consult with exporting countries regarding the manner in which their obligations shall be carried out.

Article 18

PERFORMANCE UNDER ARTICLES 4 AND 5

(1) The Council shall as soon as practicable after the end of each crop year review the performance of exporting and importing countries in relation to their obligations under Articles 4 and 5 of this Agreement during that crop year.

(2) For the purposes of this review the tolerances as specified by the Council under Article 15 shall apply.

(3) Upon application by an importing country in respect of the performance of its obligations in the crop year, the Council may take into account the wheat equivalent of flour purchased by it from another importing country provided it can be shown to the satisfaction of the Council that such flour was wholly milled from wheat purchased within the Agreement from exporting countries.

(4) In considering the performance of any importing country in relation to its obligations in the crop year, the Council shall also take account of any exceptional importation of wheat from other than exporting countries provided it can be shown to the satisfaction of the Council that such wheat has been or will be used only as feeding stuffs and that such importation was not at the expense of quantities normally purchased by that importing country from exporting countries. Any decision under this paragraph shall be by a majority of the votes held by exporting countries and a majority of the votes held by importing countries.

(5) In considering the performance of any importing country in relation to its obligations in the crop year the Council may also take account of any purchase by the country concerned of durum wheat from other importing countries which are traditional exporters of durum wheat.

Article 19

DEFAULTS UNDER ARTICLE 4 OR 5

(1) If, on the basis of the review made under Article 18, any country appears to be in default of its obligations under Article 4 or 5 of this Agreement, the Council shall decide what action should be taken.

(2) Before reaching a decision under this Article, the Council shall give any exporting or importing country concerned the opportunity to present any facts which it considers relevant.

(3) If the Council finds by a majority of the votes held by exporting countries and a majority of the votes held by importing countries that an exporting country or an importing country is in default under Article 4 or 5, it may by a similar vote deprive the country concerned of its voting rights for such period as the Council may determine, reduce the other rights of that country to the extent which it considers commensurate with the default, or expel that country from the Agreement.

(4) No action taken by the Council under this Article shall in any way reduce the obligation of the country concerned in respect of its financial contributions to the Council except in the event that that country is expelled from the Agreement.

Article 20

ACTION IN CASES OF SERIOUS PREJUDICE

(1) Any exporting or importing country which considers that its interests as a Party to this Agreement have been seriously prejudiced by actions of any one or more exporting or importing countries affecting the operation of the Agreement may bring the matter before the Council. In such a case, the Council shall immediately consult with the countries concerned in order to resolve the matter.

(2) If the matter is not resolved through such consultations, the Council may refer the matter to the Executive Committee or the Advisory Committee on Price Equivalents for urgent investigation and report. On receipt of any such report, the Council shall consider the matter further and, by a majority of the votes held by the exporting countries and a majority of the votes held by the importing countries, may make recommendations to the countries concerned.

(3) If, after action has or has not been taken, as the case may be, under paragraph (2) of this Article, the country concerned is not satisfied that the matter has been satisfactorily dealt with, it may apply to the Council for relief. The Council may, if it deems appropriate, relieve that country of part of its obligations for the crop year in question. Two-thirds of the votes held by the exporting countries and two-thirds of the votes held by the importing countries shall be required for a decision granting relief.

(4) If no relief is granted by the Council under paragraph (3) of this Article and the country concerned still considers that its interests as a party to this Agreement have suffered serious prejudice, it may withdraw from the Agreement at the end of the crop year by giving written notice to the Government of the United States of America. If the matter was brought before the Council in one crop year and the Council's consideration of the application for relief was concluded in the subsequent crop year the withdrawal of the country concerned may be effected within thirty days of such conclusion by giving similar notice.

PART VI

ANNUAL REVIEW

Article 21

ANNUAL REVIEW OF WORLD WHEAT SITUATION

(1) (a) Guided by the objectives of this Agreement as set forth in Article 1, the Council shall annually review the world wheat situation and shall inform exporting and importing countries of the effects upon the international trade in wheat of any of the facts which emerge from the review.

(b) The review shall be carried out in the light of information obtainable in relation to national production, stocks, prices, trade, including surplus disposals and special transactions, and any other facts which may appear relevant.

(c) To assist it in its review of surplus disposals, exporting and importing countries shall inform the Council of the measures taken by them to secure compliance with the following principles: that the solution to the problems involved in the disposal of surpluses of wheat should be sought, wherever possible, through efforts to increase consumption; that disposals should take place in an orderly manner; and that, where surpluses are disposed of under special terms, exporting and importing countries concerned should undertake that such arrangements will be made without harmful interference with normal patterns of production and international commercial trade.

(d) Any exporting or importing country may for the purpose of the annual review submit to the Council any information which it considers relevant to the attainment of the objectives of this Agreement. Information so submitted shall be taken into account as appropriate by the Council in carrying out the annual review.

(2) The Council shall consider and inform exporting and importing countries of appropriate methods for encouraging the consumption of wheat. To this end the Council shall undertake studies of such matters as:

- (i) factors affecting the consumption of wheat in the various countries;
- (ii) means of promoting consumption, particularly in countries where the possibility of increased consumption exists.

Any exporting or importing country may submit to the Council information which it considers relevant to the attainment of this purpose.

(3) For the purposes of this Article, the Council shall pay due regard to work done by the Food and Agriculture Organization of the United Nations and other intergovernmental organizations, in particular to avoid duplication, and may, without prejudice to the generality of paragraph (1) of Article 33, make such arrangements regarding co-operation in any of its activities as it considers desirable with such intergovernmental organizations, and also with any Governments of Members of the United Nations or the specialized agencies not party to this Agreement which have a substantial interest in the international trade in wheat.

(4) Nothing in this Article shall prejudice the complete liberty of action of any exporting or importing country in the determination and administration of its internal agricultural and price policies.

PART VII

GENERAL ADMINISTRATION

Article 22

CONSTITUTION OF THE COUNCIL

(1) The International Wheat Council, established by the International Wheat Agreement 1949, shall continue in being for the purpose of administering the present Agreement, with the membership, powers and functions provided in this Agreement.

(2) Each exporting country and each importing country shall be a voting member of the Council and may be represented at its meetings by one delegate, alternates, and advisers.

(3) Such intergovernmental organizations as the Council may decide to invite to any of its meetings may each have one non-voting representative in attendance at those meetings.

(4) The Council shall elect a non-voting Chairman and a Vice-Chairman who shall hold office for one crop year. The Vice-Chairman shall have no vote while acting as Chairman.

(5) The Council shall have in the territory of each exporting and importing country, to the extent consistent with its laws, such legal capacity as may be necessary for the exercise of its functions under this Agreement.

Article 23

POWERS AND FUNCTIONS OF THE COUNCIL

(1) The Council shall establish its rules of procedure.

(2) The Council shall keep such records as are required by the terms of this Agreement and may keep such other records as it considers desirable.

(3) The Council shall publish an annual report and may also publish any other information (including, in particular, its Annual Review or any part or summary thereof) concerning matters within the scope of this Agreement.

(4) In addition to the powers and functions specified in this Agreement, the Council shall have such other powers and perform such other functions as are necessary to carry out the terms of this Agreement.

(5) The Council may, by two-thirds of the votes cast by the exporting countries and two-thirds of the votes cast by the importing countries, delegate the exercise of any of its powers or functions. The Council may at any time revoke such delegation by a majority of the votes cast. Subject to the provisions of Article 13, any decision made under any powers or functions delegated by the Council in accordance with this paragraph shall be subject to review by the

Council at the request of any exporting or importing country made within a period which the Council shall prescribe. Any decision, in respect of which no request for review has been made within the prescribed period, shall be binding on all exporting and importing countries.

(6) In order to enable the Council to discharge its functions under this Agreement, the exporting and importing countries undertake to make available and supply such statistics and information as are necessary for this purpose.

Article 24

VOTES OF EXPORTING COUNTRIES

The votes to be exercised by the respective delegations of exporting countries on the Council shall be as follows :

Argentina	70	Mexico	4
Australia	125	Spain	4
Canada	339	Sweden	15
France	80	United States of America	339
Italy	24		
		TOTAL	1,000

Article 25

VOTES OF IMPORTING COUNTRIES

The votes to be exercised by the respective delegations of importing countries on the Council shall be as follows :

Austria	8	Kingdom of the Netherlands	60
Belgium and Luxembourg, Belgian		New Zealand	21
Congo and Ruanda Urundi	36	Norway	13
Brazil	15	Peru	4
Ceylon	18	Philippines	22
Cuba	17	Portugal and Overseas Provinces	10
Denmark	10	Federation of Rhodesia and Nyasa-	
Dominican Republic	3	land	7
Federal Republic of Germany	166	Saudi Arabia	6
Greece	11	Switzerland	27
Haiti	4	Union of South Africa	16
India	36	United Arab Republic	10
Indonesia	11	United Kingdom (excluding terri-	
Ireland	10	tories)	347
Israel	5	Vatican City	1
Japan	87	Venezuela	16
Korea	3		
		TOTAL	1,000

Article 26

REDISTRIBUTION OF VOTES

(1) Any exporting country may authorize any other exporting country, and any importing country may authorize any other importing country, to represent its interests and to exercise its votes at any meeting or meetings of the Council. Evidence of such authorization satisfactory to the Council shall be submitted to the Council.

(2) If at any Session of the Council an importing country or an exporting country is not represented by an accredited delegate and has not authorized another country to exercise its votes in accordance with paragraph (1) of this Article, the total votes to be exercised by the exporting countries shall be adjusted to a figure equal to the total of votes to be exercised at that Session by the importing countries and redistributed among exporting countries in proportion to their votes.

(3) Whenever the membership of this Agreement changes or when any country forfeits, is deprived of or recovers its votes under any provision of this Agreement, the Council shall redistribute the votes within either Article 24 or Article 25, as the case may be, proportionally to the number of votes held by each country listed in that Article.

(4) No exporting or importing country shall have less than one vote and there shall be no fractional votes.

Article 27

SEAT, SESSIONS, QUORUM

(1) The seat of the Council shall be London unless the Council decides otherwise by a majority of the votes cast by the exporting countries and a majority of the votes cast by the importing countries.

(2) The Council shall meet at least once during each half of each crop year and at such other times as the Chairman may decide.

(3) The Chairman shall convene a Session of the Council if so requested by (a) five countries or (b) one or more countries holding a total of not less than ten per cent of the total votes or (c) the Executive Committee.

(4) The presence of delegates with a majority of the votes held by the exporting countries and a majority of the votes held by the importing countries prior to any adjustment of votes under Article 26 shall be necessary to constitute a quorum at any meeting of the Council.

Article 28

DECISIONS

(1) Except where otherwise specified in this Agreement, decisions of the Council shall be by a majority of the total votes cast.

(2) Each exporting and importing country undertakes to accept as binding all decisions of the Council under the provisions of this Agreement.

Article 29

EXECUTIVE COMMITTEE

(1) The Council shall establish an Executive Committee. The members of the Executive Committee shall be not more than four exporting countries elected annually by the exporting countries and not more than eight importing countries elected annually by the importing countries. The Council shall appoint the Chairman of the Executive Committee and may appoint a Vice-Chairman.

(2) The Executive Committee shall be responsible to and work under the general direction of the Council. It shall have such powers and functions as are expressly assigned to it under this Agreement and such other powers and functions as the Council may delegate to it under paragraph 5 of Article 23.

(3) The exporting countries on the Executive Committee shall have the same total number of votes as the importing countries. The votes of the exporting countries on the Executive Committee shall be divided among them as they shall decide, provided that no such exporting country shall have more than forty per cent of the total votes of those exporting countries. The votes of the importing countries on the Executive Committee shall be divided among them as they shall decide, provided that no such importing country shall have more than forty per cent of the total votes of those importing countries.

(4) The Council shall prescribe rules of procedure regarding voting in the Executive Committee and may make such other provision regarding rules of procedure in the Executive Committee as it thinks fit. A decision of the Executive Committee shall require the same majority of votes as this Agreement prescribes for the Council when making a decision on a similar matter.

(5) Any exporting or importing country which is not a member of the Executive Committee may participate, without voting, in the discussion of any question before the Executive Committee whenever the latter considers that the interests of that country are affected.

Article 30

ADVISORY COMMITTEE ON PRICE EQUIVALENTS

(1) The Council shall establish an Advisory Committee on Price Equivalents consisting of representatives of not more than four exporting countries and of not more than four importing countries. The Chairman of the Advisory Committee shall be appointed by the Council.

(2) The Advisory Committee shall keep under continuous review current market conditions, including in particular the movement of prices, for wheat of all classes, types and grades and shall immediately inform the Council and the Executive Committee whenever in its opinion circumstances exist which are likely to or require that a declaration under Article 13 should be made or a meeting convened under paragraphs (1) or (2) of Article 7. With respect to the latter Article, the Advisory Committee shall have particular regard to circumstances which have brought about, or threaten to bring about, a serious fall in the price in any market of any class, type or grade of wheat in relation to the minimum price in that market for No. 1 Manitoba Northern wheat. The Advisory Committee shall, in the exercise of its functions under this paragraph, take into account any representations made by any exporting or importing country concerned.

(3) Whenever in the opinion of the Advisory Committee circumstances exist which require that a meeting of the Council be convened under paragraph (1) or (2) of Article 7 or whenever such a meeting is convened, it shall immediately advise the Council and the Executive Committee of any action with regard to the determination of allowances for differences of quality which it considers might suitably be taken to meet the situation.

(4) The Advisory Committee shall advise the Council and the Executive Committee on the matters referred to in paragraphs (5), (6) and (8) of Article 6 and paragraph (3) of Article 7 and on such other questions as the Council or the Executive Committee may refer to it.

Article 31

THE SECRETARIAT

(1) The Council shall have a Secretariat consisting of an Executive Secretary, who shall be its chief administrative officer, and such staff as may be required for the work of the Council and its Committees.

(2) The Council shall appoint the Executive Secretary who shall be responsible for the performance of the duties devolving upon the Secretariat in the administration of this Agreement and for the performance of such other duties as are assigned to him by the Council and its Committees.

(3) The staff shall be appointed by the Executive Secretary in accordance with regulations established by the Council.

(4) It shall be a condition of employment of the Executive Secretary and of the staff that they do not hold or shall cease to hold financial interest in the trade in wheat and that they shall not seek or receive instructions regarding their duties under this Agreement from any Government or from any other Authority external to the Council.

Article 32

FINANCE

(1) The expenses of delegations to the Council, of representatives on the Executive Committee, and of representatives on the Advisory Committee on Price Equivalents shall be met by their respective Governments. The other expenses necessary for the administration of this Agreement shall be met by annual contributions from the exporting and importing countries. The contribution of each such country for each crop year shall be in the proportion which the number of its votes bears to the total of the votes of the exporting and importing countries at the beginning of that crop year.

(2) At its first Session after this Agreement comes into force, the Council shall approve its budget for the period ending 31 July 1960 and assess the contribution to be paid by each exporting and importing country.

(3) The Council shall, at a Session during the second half of each crop year, approve its budget for the following crop year and assess the contribution to be paid by each exporting and importing country for that crop year.

(4) The initial contribution of any exporting or importing country acceding to this Agreement under paragraph (4) of Article 35 shall be assessed by the Council on the basis of the votes to be distributed to it and the period remaining in the current crop year, but the assessments made upon other exporting and importing countries for the current crop year shall not be altered.

(5) Contributions shall be payable immediately upon assessment. Any exporting or importing country failing to pay its contribution within one year of its assessment shall forfeit its voting rights until its contribution is paid, but shall not be relieved of its obligations under this Agreement, nor shall it be deprived of any of its rights under this Agreement unless the Council so decides by a majority of the votes held by the exporting countries and a majority of the votes held by the importing countries.

(6) The Council shall, each crop year, publish an audited statement of its receipts and expenditures in the previous crop year.

(7) The Government of the country where the seat of the Council is situated shall grant exemption from taxation on the salaries paid by the Council to its employees except that such exemption need not apply to the nationals of that country.

(8) The Council shall, prior to its dissolution, provide for the settlement of its liabilities and the disposal of its records and assets.

Article 33

CO-OPERATION WITH OTHER INTERGOVERNMENTAL ORGANIZATIONS

(1) The Council may make whatever arrangements are desirable for consultation and co-operation with the appropriate organs of the United Nations and its specialized agencies and with other intergovernmental organizations.

(2) If the Council finds that any terms of this Agreement are materially inconsistent with such requirements as may be laid down by the United Nations or through its appropriate organs and specialized agencies regarding inter-governmental commodity agreements, the inconsistency shall be deemed to be a circumstance affecting adversely the operation of this Agreement and the procedure prescribed in paragraphs (3), (4) and (5) of Article 36 shall be applied.

Article 34

DISPUTES AND COMPLAINTS

(1) Any dispute concerning the interpretation or application of this Agreement other than a dispute under Article 18 or 19 which is not settled by negotiation shall, at the request of any country party to the dispute, be referred to the Council for decision.

(2) In any case where a dispute has been referred to the Council under paragraph (1) of this Article, a majority of countries, or any countries holding not less than one-third of the total votes, may require the Council, after full discussion, to seek the opinion of the advisory panel referred to in paragraph (3) of this Article on the issues in dispute before giving its decision.

(3) (a) Unless the Council unanimously agrees otherwise, the panel shall consist of :

- (i) two persons, one having wide experience in matters of the kind in dispute and the other having legal standing and experience, nominated by the exporting countries;
- (ii) two such persons nominated by the importing countries; and

(iii) a chairman selected unanimously by the four persons nominated under (i) and (ii) or, if they fail to agree, by the Chairman of the Council.

(b) Persons from countries whose Governments are parties to this Agreement shall be eligible to serve on the advisory panel, and persons appointed to the advisory panel shall act in their personal capacities and without instructions from any Government.

(c) The expenses of the advisory panel shall be paid by the Council.

(4) The opinion of the advisory panel and the reasons therefor shall be submitted to the Council which, after considering all the relevant information, shall decide the dispute.

(5) Any complaint that any exporting or importing country has failed to fulfil its obligations under this Agreement shall, at the request of the country making the complaint, be referred to the Council which shall make a decision on the matter.

(6) Subject to the provisions of Article 19, no exporting or importing country shall be found to have committed a breach of this Agreement except by a majority of the votes held by the exporting countries and a majority of the votes held by the importing countries. Any finding that an exporting or importing country is in breach of this Agreement shall specify the nature of the breach and if the breach involves default by that country in its obligations under Articles 4 or 5 of this Agreement, the extent of such default.

(7) Subject to the provisions of Article 19, if the Council finds that an exporting country or an importing country has committed a breach of this Agreement it may, by a majority of the votes held by the exporting countries and a majority of the votes held by the importing countries, deprive the country concerned of its voting rights until it fulfils its obligations or expel that country from the Agreement.

PART VIII

FINAL PROVISIONS

Article 35

SIGNATURE, ACCEPTANCE, ACCESSION, ENTRY INTO FORCE

(1) This Agreement shall remain open for signature in Washington from 6 April 1959 until and including 24 April 1959 by the Governments of the countries listed in Articles 24 and 25.

(2) This Agreement shall be subject to acceptance by the signatory Governments in accordance with their respective constitutional procedures.

Subject to the provisions of paragraphs (6) and (8) of this Article, instruments of acceptance shall be deposited with the Government of the United States of America not later than 16 July 1959.

(3) This Agreement shall be open for accession by any Government of a country listed in Articles 24 and 25. Subject to the provisions of paragraphs (6) and (8) of this Article, instruments of accession shall be deposited with the Government of the United States of America not later than 16 July 1959.

(4) The Council may, by two-thirds of the votes cast by exporting countries and by two-thirds of the votes cast by importing countries, approve accession to this Agreement by the Government of any Member of the United Nations or the specialized agencies or by any Government invited to the United Nations Wheat Conference 1958-1959 but which is not listed in Article 24 or 25 and prescribe conditions for such accession, and in such a case the Council shall establish the relevant datum quantities in accordance with Article 12 and 14. However, in the case of any Government which was on 31 July 1959 a party to the International Wheat Agreement 1956 and which seeks before 1 December 1959 to accede to this Agreement, any decision under this paragraph shall require only a majority of the votes cast by exporting countries and a majority of votes cast by importing countries. Accession shall be effected by the deposit of an instrument of accession with the Government of the United States of America.

(5) Part I and Parts III to VIII of this Agreement shall enter into force on 16 July 1959 and Part II on 1 August 1959 between those Governments which have by 16 July 1959 accepted or acceded under paragraphs (2), (3) or (6) of this Article, provided that such Governments hold not less than two-thirds of the votes of exporting countries and not less than two-thirds of the votes of importing countries in accordance with the distribution established in Articles 24 and 25.

(6) A notification by any signatory Government or by any Government entitled to accede to this Agreement under paragraph (3) of this Article to the Government of the United States of America on or before 16 July 1959 of an intention to accept or accede to this Agreement, followed by the deposit of an instrument of acceptance or accession not later than 1 December 1959 in fulfilment of that intention, shall be deemed to constitute acceptance or accession on 16 July 1959 for the purposes of this Article.

(7) If by 16 July 1959 the conditions laid down in the preceding paragraphs for the entry into force of this Agreement are not fulfilled, the Governments of those countries which by that date have accepted or acceded to this Agreement in accordance with paragraphs (2), (3) or (6) of this Article may decide by mutual consent that it shall enter into force among them, or they may take whatever other action they consider the situation requires.

(8) Any Government which has not accepted or acceded to this Agreement by 16 July 1959 in accordance with paragraphs (2), (3) or (6) of this Article may be granted by the Council an extension of time for depositing its instrument of acceptance or accession. If that Government has made no notification in accordance with paragraph (6) of this Article, Part I and Parts III to VIII of this Agreement shall enter into force for that Government on the date of deposit of its instrument, and Part II shall enter into force for it on 1 August 1959 or on the date of deposit of its instrument, whichever is the later.

(9) Where, for the purposes of the operation of this Agreement, reference is made to countries listed or included in particular Articles or in any Annex, any country the Government of which has acceded to this Agreement on conditions prescribed by the Council in accordance with paragraph (4) of this Article shall be deemed to be listed or included in those Articles or in that Annex accordingly.

(10) The Government of the United States of America will notify all signatory and acceding Governments of each signature, acceptance of and accession to this Agreement and of all notifications made in accordance with paragraph (6) of this Article.

Article 36

DURATION, AMENDMENT, WITHDRAWAL AND TERMINATION

(1) This Agreement shall remain in force until and including 31 July 1962.

(2) The Council shall, at such time as it considers appropriate, communicate to the exporting and importing countries its recommendations regarding renewal or replacement of this Agreement. The Council may invite any Government of a Member of the United Nations or the specialized agencies not party to this Agreement which has a substantial interest in the international trade in wheat to participate in any of its discussions under this paragraph.

(3) The Council may, by a majority of the votes held by the exporting countries and a majority of the votes held by the importing countries, recommend an amendment of this Agreement to the exporting and importing countries.

(4) The Council may fix a time within which each exporting and importing country shall notify the Government of the United States of America whether or not it accepts the amendment. The amendment shall become effective upon its acceptance by exporting countries which hold two-thirds of the votes of the exporting countries and by importing countries which hold two-thirds of the votes of the importing countries.

(5) Any exporting or importing country which has not notified the Government of the United States of America of its acceptance of an amendment by the date on which such amendment becomes effective may, after giving such written notice of withdrawal to the Government of the United States of America as the Council may require in each case, withdraw from this Agreement at the end of the current crop year, but shall not thereby be released from any obligations under this Agreement which have not been discharged by the end of that crop year.

(6) Any exporting country which considers its interests to be seriously prejudiced by the non-participation in or withdrawal from this Agreement of any country listed in Article 25 holding not less than five per cent of the votes distributed in that Article, or any importing country which considers its interests to be seriously prejudiced by the non-participation in or withdrawal from the Agreement of any country listed in Article 24 holding not less than five per cent of the votes distributed in that Article, may withdraw from this Agreement by giving written notice of withdrawal to the Government of the United States of America before 1 August 1959. If a notification has been made under paragraph (6) of Article 35 or an extension of time has been granted by the Council under paragraph (8) of that Article, notice of withdrawal in accordance with this paragraph may be given before 15 December 1959 or before the expiry of 14 days after the extension granted, as the case may be.

(7) Any exporting or importing country which considers its national security to be endangered by the outbreak of hostilities may withdraw from this Agreement by giving thirty days' written notice of withdrawal to the Government of the United States of America or may apply in the first instance to the Council for the suspension of some or all of its obligations under this Agreement.

(8) The Government of the United States of America will inform all signatory and acceding Governments of each notification and notice received under this Article.

Article 37

TERRITORIAL APPLICATION

(1) Any Government may, at the time of signature or acceptance of or accession to this Agreement, declare that its rights and obligations under this Agreement shall not apply in respect of all or any of the non-metropolitan territories for the international relations of which it is responsible.

(2) With the exception of territories in respect of which a declaration has been made in accordance with paragraph (1) of this Article, the rights and obligations of any Government under this Agreement shall apply in respect of all non-metropolitan territories for the international relations of which that Government is responsible.

(3) Any Government may, at any time after its acceptance of or accession to this Agreement, by notification to the Government of the United States of America, declare that its rights and obligations under the Agreement shall apply in respect of all or any of the non-metropolitan territories regarding which it has made a declaration in accordance with paragraph (1) of this Article.

(4) Any Government may, by giving notification of withdrawal to the Government of the United States of America, withdraw from this Agreement separately in respect of all or any of the non-metropolitan territories for whose international relations it is responsible.

(5) For the purposes of the establishment of datum quantities under Article 14 and the redistribution of votes under Article 26, any change in the application of this Agreement in accordance with this Article shall be regarded as a change of membership in such manner as may be appropriate to the circumstances.

(6) The Government of the United States of America will inform all signatory and acceding Governments of any declaration or notification made under this Article.

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

The texts of this Agreement in the English, French and Spanish languages shall all be equally authentic, the original to be deposited in the archives of the Government of the United States of America, which shall transmit certified copies thereof to each signatory and acceding Government.

ANNEX

For the purposes of paragraph (1) of Article 4 of this Agreement, the percentages referred to in that paragraph are set out below against the name of each importing country :

Austria	45	Korea	90
Belgium and Luxembourg	80	Kingdom of the Netherlands	75
Brazil	50	New Zealand	90
Ceylon	80	Norway	60
Cuba	90	Peru	70
Denmark	60	Philippines	70
Dominican Republic	90	Portugal	85
Federal Republic of Germany	70	Federation of Rhodesia and Nyasaland	90
Greece	50	Saudi Arabia	70
Haiti	90	Switzerland	80
India	70	Union of South Africa	90
Indonesia	70	United Arab Republic	30
Ireland	90	United Kingdom	80
Israel	60	Vatican City	100
Japan	50	Venezuela	70

For Argentina :
Pour l'Argentine :
Por la Argentina :

C. BARROS HURTADO
24 April of 1959

For Australia :
Pour l'Australie :
Por Australia :

Howard BEALE
April 24, 1959

For Austria :
Pour l'Autriche :
Por Austria :

Wilfried PLATZER
April 24, 1959

For Belgium and Luxembourg, Belgian Congo and Ruanda Urundi :
Pour la Belgique et le Luxembourg, le Congo belge et le Ruanda-Urundi :
Por Bélgica y Luxemburgo, Congo Belga y Ruanda Urundi :

SILVERCRUYS
Cette signature est donnée pour l'U.E.B.L.,
le Congo belge et le Ruanda-Urundi¹
le 22 avril 1959 — April 22nd, 1959

For Brazil :
Pour le Brésil :
Por el Brasil :

Ernani DO AMARAL PEIXOTO
24 April 1959

For Canada :
Pour le Canada :
Por el Canadá :

A. D. P. HEENEY
22nd April, 1959

¹ Signed on behalf of the Belgo-Luxembourg Economic Union, the Belgian Congo and Ruanda-Urundi.

For Ceylon :
Pour Ceylan :
Por Ceilán :

For Cuba :
Pour Cuba :
Por Cuba :

E. PANDO
23rd April 1959

For Denmark :
Pour le Danemark :
Por Dinamarca :

A. F. KNUDSEN
15th April 1959

For the Dominican Republic :
Pour la République Dominicaine :
Por la República Dominicana :

Manuel DE MOYA
April 23, 1959

For France :
Pour la France :
Por Francia :

Hervé ALPHAND
April 23, 1959

For the Federal Republic of Germany :
Pour la République fédérale d'Allemagne :
Por la República Federal de Alemania :

Franz KRAFF
April 21, 1959

For Greece :
Pour la Grèce :
Por Grecia :

C. P. CARANICAS
April 23, 1959

For Haiti :
Pour Haïti :
Por Haití :

E. BONHOMME
April 23, 1959

For India :
Pour l'Inde :
Por India :

P. GOVINDAN NAIR
April 17th, 1959

For Indonesia :
Pour l'Indonésie :
Por Indonesia :

MOEKARTO
22nd April, 1959

For Ireland :
Pour l'Irlande :
Por Irlanda :

John J. HEARNE
21st April, 1959

For Israel :
Pour Israël :
Por Israel :

Abba EBAN
22 April 1959

For Italy
Pour l'Italie :
Por Italia :

Manlio BROSIO
April 23rd, 1959

For Japan :
Pour le Japon :
Por el Japón :

Koichiro ASAKAI
April 23rd, 1959

For the Republic of Korea :
Pour la République de Corée :
Por la República de Corea :

YOU CHAN YANG
April 24th, 1959

For Mexico :
Pour le Mexique :
Por México :

Antonio CARILLO FLORES
April 23rd, 1959

For the Kingdom of the Netherlands :
Pour le Royaume des Pays-Bas :
Por el Reino de los Países Bajos :

In view of the equality under public law existing between the Netherlands, Surinam and the Netherlands Antilles, the expression " non-metropolitan " used in the Agreement shall, as far as the Kingdom of the Netherlands is concerned, lose its original meaning and be taken to mean " non-European ".¹

J. H. VAN ROIJEN
April 24th, 1959

For New Zealand :
Pour la Nouvelle-Zélande :
Por Nueva Zelandia :

G. D. L. WHITE
April 22, 1959

For the Kingdom of Norway :
Pour le Royaume de Norvège :
Por el Reino de Noruega :

Paul KOHT
April 21, 1959

¹ [Traduction — Translation] Étant donné l'égalité constitutionnelle qui existe entre les Pays-Bas, le Surinam et les Antilles néerlandaises, l'expression « non métropolitain » employée dans l'Accord perd, en ce qui concerne le Royaume des Pays-Bas, sa signification originelle et doit être entendue au sens de « non européen ».

For Peru :
Pour le Pérou :
Por Perú :

F. BERCKEMEYER
April 24, 1959

For the Republic of the Philippines :
Pour la République des Philippines :
Por la República de Filipinas :

Carlos P. RÓMULO
April 21, 1959

For Portugal :
Pour le Portugal :
Por Portugal :

L. ESTEVES FERNANDES
14th April 1959

For the Federation of Rhodesia and Nyasaland :
Pour la Fédération de la Rhodésie et du Nyassaland :
Por la Federación de Rhodesia y Nyasalandia :

For Saudi Arabia :
Pour l'Arabie Saoudite :
Por Arabia Saudita :

For Spain :
Pour l'Espagne :
Por España :

José M. DE AREILZA
24th April 1959

For Sweden :
Pour la Suède :
Por Suecia :

Gunnar JARRING
22nd April 1959

For Switzerland :

Pour la Suisse :

Por Suiza :

Henry DE TORRENTÉ

4.20.59

For the Union of South Africa :

Pour l'Union Sud-Africaine :

Por la Unión Sudafricana :

W. C. DU PLESSIS

April 21st, 1959

For the United Arab Republic :

Pour la République arabe unie :

Por la República Árabe Unida :

Dr. Mostafa KAMEL

22-4-1959

For the United Kingdom of Great Britain and Northern Ireland :

Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord :

Por el Reino Unido de Gran Bretaña e Irlanda del Norte :

Harold CACCIA

24 April 1959

At the time of signing the present Agreement I declare in accordance with paragraph (1) of Article 37 thereof, that my signature is in respect of the United Kingdom of Great Britain and Northern Ireland only and that the rights and obligations of the Government of the United Kingdom under the Agreement shall not apply in respect of any of the non-metropolitan territories for the international relations of which they are responsible.¹

¹ [Traduction — Translation] Au moment de signer le présent Accord, je déclare, conformément au paragraphe premier de son article 37, que ma signature n'engage que le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord et que les droits et obligations du Gouvernement du Royaume-Uni en vertu dudit Accord ne s'appliquent pas aux territoires non métropolitains dont il assure la représentation internationale.

For the United States of America :
Pour les États-Unis d'Amérique :
Por los Estados Unidos de América :

True D. NORSE

April 22, 1959

For the Vatican City State :
Pour l'État de la Cité du Vatican :
Por el Estado de la Ciudad del Vaticano :

Msgr. Achille LUPI

April 20, 1959

For Venezuela :
Pour le Venezuela :
Por Venezuela :