



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

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Rules

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**Rules of the
International Coffee Organization**

Background

1. Under the provisions of paragraph (3) of Article 9 of the International Coffee Agreement (ICA) 2007, the International Coffee Council shall establish such rules and regulations, including its own rules of procedure and the financial and staff regulations of the Organization, as are necessary to carry out the provisions of this Agreement and are consistent therewith.
2. At its 100th, 101st and 102nd Sessions in coffee years 2007/08 and 2008/09, the Council reviewed proposals for revisions to the Rules of the Organization under the ICA 2001 (see document EB-3820/02) in preparation for the entry into force of the ICA 2007.
3. This document contains the Rules of the Organization under the International Coffee Agreement 2007 which were approved by the Council at its 102nd Session from 18 to 20 March 2009.

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RULES OF THE INTERNATIONAL COFFEE ORGANIZATION

CHAPTER I — ACCREDITATION

RULE 1

Accreditation by Members

Credentials of the representative, alternates and advisers of Members shall be issued in writing by the competent authorities designated by the Member.

RULE 2

Accreditation by Member groups

Credentials of the representative, alternates and advisers of a Member group shall be issued by the organization which represents the Member group or, if there is no such organization, by the Government which represents the Member group.

RULE 3

Composition of delegations

1. Each Member shall, as early as possible after receiving notification of a session of the Council, inform the Executive Director in writing of the names of its representative, alternates and advisers. Such information should normally be received not later than 48 hours before the opening of the session. The names of the representative, alternates and advisers of a Member group shall similarly be communicated to the Executive Director
2. Notes verbales may be accepted if they are from an authenticated source.

RULE 4

Credentials

The Chairman, with the assistance of the Secretariat, shall examine the credentials submitted by Members and report to the Council. If the Chairman so requests, the Council shall appoint a Credentials Committee to assist with this task.

RULE 5
Observers

1. Any organization referred to in Article 16 of the Agreement, including private sector coffee associations and bodies, may request observer status at a session of the Council, by submitting such a request in writing to the Executive Director at least 45 days prior to the session.
2. The written request shall indicate the Agenda items of interest. If necessary, the Executive Director will request any additional information needed by the Council in considering such requests. At least 30 days prior to the session, the Executive Director shall circulate to all Members the names of organizations requesting observer status, along with additional information and a proposal for Council action on each request.
3. Comments and/or possible objections by Members to the above requests shall be communicated in writing to the Executive Director at least 15 days prior to the session. At least 10 days prior to the session, the Executive Director shall distribute to all Members any comments on such requests and provide information to the interested applicants on this. At the start of each Session, the Council shall decide on acceptance of observers and designate the items on the Agenda of the Council open to accepted observers.
4. The Council may also invite organizations and individuals to attend Council Sessions to make presentations or to make a contribution on a specific topic to be considered by the Council. Observers shall have no voice in the proceedings of the Council, its committees and subsidiary bodies, except by invitation of the respective Chairmen.

RULE 6
Seating of Member groups

Member groups shall be allocated at the table as many seats, located together, as there are participating countries within the group. If there is an organization representing the group, an additional seat shall be provided. Except as provided for in Article 5 of the Agreement, each Member group shall have only one spokesperson.

RULE 7**Reception of communications**

1. Each Member and Member group shall inform the Executive Director in the manner set forth in Rules 1 and 2 of the name, address and email address of the designated person, resident at the seat of the Organization or at such other place as may be decided, to whom all notices and other communications should be sent except as provided for in Rule 39. Any notice or communication forwarded to the person so designated shall be deemed to have been delivered to the Member concerned. Each Member shall also inform the Executive Director of the name of the person to whom matters concerning statistics should be addressed, who may be the same or different from that of the designated person. The Executive Director shall be notified in writing immediately if there is any change in the list of designated persons.
2. Any notification made under this Rule to the persons designated by the Government or organization which represents a Member group shall be deemed to have been transmitted to all participants of the Member group.

RULE 8**Distribution of documents**

Members shall receive documents electronically at an address designated by the competent authorities, or, where this facility is not available, by post at their official mission in London, or at a designated address in the case of Members who do not have an official mission in London.

CHAPTER II — THE CHAIRMAN AND THE VICE-CHAIRMAN OF THE COUNCIL

RULE 9

Designation

At the last regular session held in each coffee year the Council shall designate a Chairman and a Vice-Chairman for the following coffee year. The term of office shall be for the duration of the subsequent coffee year. However, the Chairman or Acting Chairman shall remain in office until his/her successor assumes office.

RULE 10

Nominations

In accordance with paragraph (2) of Article 10 of the Agreement, nominations for the positions of Chairman and Vice-Chairman of the Council shall be made by the category of Member that will hold these posts in the coffee year concerned.

RULE 11

Absence

1. If the Chairman of the Council is absent from a meeting or any part thereof, his/her place shall be taken by the Vice-Chairman. A Vice-Chairman acting as Chairman shall have the same powers and duties as the Chairman.
2. In the temporary absence of both the Chairman and the Vice-Chairman or the permanent absence of one or both of them, the Council, which shall be temporarily presided over by the Executive Director, may elect new officers from among the representatives of the exporting Members or from among the representatives of the importing Members, as appropriate, on a temporary or permanent basis as may be required.

CHAPTER III – SESSIONS OF THE COUNCIL

RULE 12

Convocation

1. The Executive Director, on behalf of the Chairman of the Council, shall send to each person designated under Rule 7 a written notification of the date of the session of the Council together with the draft Agenda.
2. Notification of a special session shall be accompanied by a statement of the reasons for calling the session, together with the draft Agenda.

RULE 13

Agenda

1. The draft Agenda for regular sessions of the Council shall normally be prepared by the Executive Director on behalf of the Chairman. At the request of any Member, the Executive Director may include on the draft Agenda any item connected with the Agreement.
2. The draft Agenda for a special session of the Council shall consist of the item or items specified in the request for the special session. It may also include items which, in the judgement of the Executive Director and subject to the approval of the Chairman of the Council, could profitably be discussed during the special session.

RULE 14

Quorum

The Executive Director, at each meeting of a session of the Council, shall advise the Chairman whether the quorum prescribed in paragraph (4) of Article 11 of the Agreement is present and which Members are authorized to represent which other Members under the provisions of paragraph (2) of Article 13 of the Agreement.

RULE 15**Powers and duties of the Chairman during meetings**

1. The Chairman, in addition to exercising the powers conferred upon him/her elsewhere in these Rules, shall:

- (a) announce whether or not a quorum to take decisions is present;
- (b) declare the opening and closing of each meeting;
- (c) direct the discussions at such meetings;
- (d) ensure observance of these Rules;
- (e) grant the right to speak;
- (f) put questions for decision by the Council in accordance with the provisions of Article 14 of the Agreement; and
- (g) announce decisions.

2. The Chairman may, in the course of the discussion, propose a limit on the time to be allowed to speakers and on the number of times each representative may speak on any question, the closure of the list of speakers, or the closure of the debate. The Chairman may, however, give the right of reply to any representative if a speech delivered after the list has been declared closed makes this advisable. The Chairman may also propose the suspension or the adjournment of the meeting or the adjournment of the debate on the particular subject or question under discussion.

RULE 16**Other prerogatives of the Chairman**

The Chairman of the Council may attend any meeting of any body established under Articles 6 and 9 of the Agreement (hereinafter referred to as an International Coffee Organization (ICO) body) and take part in their proceedings without vote.

RULE 17**Permission to speak**

1. No person may address the Council without having previously obtained the permission of the Chairman. The Chairman may call speakers to order if their remarks are not relevant to the subject under discussion.

2. The Chairmen and the Secretaries of ICO bodies may be given permission to speak before other representatives for the purpose of explaining the conclusions arrived at by such bodies. The Executive Director may also be given permission to speak for the purpose of clarifying any matter.

RULE 18

Adjournment of the debate

Any representative may move the adjournment of the debate on the particular subject under discussion. In addition to the proposer of the motion, two representatives may speak in favour and two against, after which the motion shall immediately be put to the Council for decision in accordance with the provisions of Article 14 of the Agreement. The Chairman may limit the time to be allowed to speakers under this Rule.

RULE 19

Closure of the debate

Any representative may move the closure of the debate on the particular subject under discussion. Permission to speak on the closure of the debate shall be granted only to the proposer of the closure and to two speakers opposing the closure, after which the motion shall immediately be put to the Council for decision in accordance with the provisions of Article 14 of the Agreement. The Chairman may limit the time to be allowed to speakers under this Rule.

RULE 20

Suspension or adjournment of a meeting

During the discussion of any matter a representative may move the suspension or the adjournment of the meeting. Such motions shall not be debated but shall be immediately put to the Council for decision in accordance with the provisions of Article 14 of the Agreement.

RULE 21

Order of priority for motions of procedure

Motions for suspension or adjournment of the meeting, adjournment or closure of the debate and other motions of procedure shall take priority, in the order specified in this Rule, over any other motions or proposals.

RULE 22

Motions and amendments thereto

Motions and amendments thereto other than motions of procedure shall normally be introduced in writing and handed to the Executive Director, who shall circulate copies to delegations. As a general rule no motion shall be discussed or put to the Council for decision in accordance with the provisions of Article 14 of the Agreement at any meeting unless copies of it have been circulated to all delegations not later than the day preceding the meeting. The Chairman may, however, permit the discussion and consideration of motions or amendments thereto even though these motions or amendments have not been circulated or have been circulated only on the same day.

RULE 23

Decisions on the competence of the Council

Any motion calling for a decision as to the competence of the Council to adopt any other motion submitted to it shall be put to the Council for decision in accordance with the provisions of Article 14 of the Agreement before a decision is taken on the original motion.

RULE 24

Withdrawal of a motion

A motion may be withdrawn by its proposer at any time before the process of taking a decision on it in accordance with the provisions of Article 14 of the Agreement has commenced. A motion which has been withdrawn may be reintroduced by any representative.

RULE 25

Reconsideration of a decision

A decision, once taken, may not be reconsidered, unless the Council so decides. Permission to speak on the motion of reconsideration shall be granted only to the proposer of the motion to reconsider and to two speakers opposing the motion after which it shall be immediately put to the Council for decision.

RULE 26

Point of order

During the discussion of any matter a representative may raise a point of order which shall immediately be decided by the Chairman. A representative may appeal against any ruling of the Chairman. The appeal shall immediately be put to the Council for decision in accordance with the provisions of Article 14 of the Agreement and the Chairman's ruling shall stand unless overruled by the Council. A representative rising to a point of order may not speak on the substance of the matter under discussion.

RULE 27

Representation for voting

A Member who authorizes another Member to represent its interests and exercise its right to vote under paragraph (2) of Article 13 of the Agreement shall submit such notification of authorization, or withdrawal of such authorization in writing to the Executive Director, who shall notify the Council of these statements. Any such notification shall be issued by the competent authorities of the Member. The Executive Director shall maintain a file of all such statements which shall be open for inspection by any representative. Statements shall be deemed to be in order unless the Executive Director or any representative questions them. Any question so raised shall be submitted to the Council for decision in accordance with the provisions of Article 14 of the Agreement concerning the action to be taken.

RULE 28

Deciding on motions

If two or more motions relate to the same question, the Council shall, unless it decides otherwise, decide on the motions in the order in which they have been submitted.

RULE 29

Amendment to a motion

A motion is considered to be an amendment to an original motion if it adds to, deletes from, or changes part of, that motion. When an amendment to a motion is moved, the amendment shall be voted on first. When two or more amendments to a motion are moved, the Council shall vote first on the amendment furthest removed in substance from the original motion and then on the amendment next furthest removed therefrom and so on, until all the amendments have been voted on. However, when the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to the Council for decision in accordance with the provisions of Article 14 of the Agreement.

RULE 30

Deciding on parts of a motion or of an amendment thereto

Parts of a motion or of an amendment thereto may be decided on separately at the request of a Member. However, if an objection is made to the request for division, the objection shall be voted on. Permission to speak on the objection shall be granted only to two speakers in favour, including the proposer of the original motion, and two speakers against. If the objection is not supported, the original motion or amendment thereto shall then be decided on separately. Those parts of the original motion or the amendment thereto which may be subsequently approved shall then be put to the Council for decision in accordance with the provisions of Article 14 of the Agreement as a whole. If all the operative parts of an original motion or an amendment thereto have been rejected, the original motion or amendment thereto shall be considered to have been rejected as a whole.

RULE 31

Voting

Voting shall normally be by roll-call from the list of exporting and importing Members in the English alphabetical order, beginning with the name of a Member selected at random by the Chairman. The result of each vote, including affirmative and negative votes and abstentions, shall be announced. However, for the purpose of recording how many votes have been cast only affirmative and negative votes shall be counted.

RULE 32
Conduct during voting

After the Chairman has announced the beginning of the vote, no representative shall interrupt the vote except on a point of order in connection with the actual conduct of voting. The Chairman may permit representatives to explain their votes. The Chairman may limit the time to be allowed for such explanations.

RULE 33
Redistribution of votes

1. Whenever a redistribution of votes is required under the provisions of paragraph (7) of Article 12 of the Agreement, the Executive Director shall prepare a document showing the redistribution of votes for Members of the Council, which shall be presented to the Council for approval at its next meeting. All votes cast thereafter in the Council shall be on the basis of the redistribution of votes approved by the Council.

2. However, when voting is required under the provisions of Rule 38, Members whose voting rights have been suspended under the provisions of Article 21 of the Agreement may cast their votes if their votes have been restored under the provisions of paragraph (2) of that Article. In such a case the Executive Director shall prepare a document showing the redistribution of votes for Members of the Council which shall be circulated to Members as part of the communication referred to in Rule 39. Members whose voting rights are restored after the date of this communication shall not be entitled to vote on the matter at issue.

RULE 34
Committees, other subsidiary bodies and advisory bodies of the Council

1. In accordance with the provisions of paragraph (3) of Article 6 and paragraph (2) of Article 9 of the Agreement, the Council shall designate members to serve on committees, other subsidiary bodies and advisory bodies. In doing so, the Council shall seek to ensure representative participation by importing and exporting Members. Committees, other subsidiary bodies and advisory bodies of the Council shall be open to all Members. Only accredited delegates, in accordance with rules on accreditation and composition of delegations, may serve on committees and other subsidiary bodies.

2. The designation of members of committees established under the Agreement (the Finance and Administration Committee, the Promotion and Market Development Committee and the Projects Committee) and other committees and subsidiary bodies established by the Council, including the designation of officers, shall normally be decided during the last regular session of the Council during the coffee year.
3. Participation in the Private Sector Consultative Board, the World Coffee Conference and the Consultative Forum on Coffee Sector Finance shall be open to non-members. The Council shall designate, or in the case of the Private Sector Consultative Board confirm the designation of, the chairman of these advisory bodies.
4. Committees, other subsidiary bodies and advisory bodies shall operate under terms of reference decided by the Council and shall submit reports on their work to the Council.
5. The Rules of the ICO shall also apply to meetings of committees, other subsidiary bodies and advisory bodies.
6. Committees, other subsidiary bodies and advisory bodies shall operate in the official languages of the Organization but may hold meetings in a single official language if all members of the specific body agree to do so.
7. Committees, other subsidiary bodies and advisory bodies may invite experts to assist them in their work.

RULE 35
Official languages

English, French, Portuguese and Spanish are the official languages of the Organization. The Executive Director shall make such arrangements for interpretation and translation as may be necessary. Documents shall be published in the official languages as needed. Any delegation whose Members wish to speak at sessions of the Council or meetings of any of its committees, working groups and subsidiary bodies in any language other than one of the official languages shall arrange at their own expense for interpretation into one of the official languages.

RULE 36
Privacy of meetings

Meetings shall be held in private unless the Council decides otherwise.

RULE 37
Record of proceedings

1. The text of the Resolutions approved by the Council and a record of the decisions adopted during a session shall be sent to all Members of the Organization within 10 days after the last meeting of the session. Any suggestion for amendment of this record shall be communicated to the Executive Director within 30 days of its dispatch. The amendments shall then be sent to all Members. If a Member so requests, any statement submitted in writing shall be circulated as a separate document of the Council.

2. An audio recording of the plenary sessions of the Council shall be available for consultation by representatives on request.

**CHAPTER IV – DECISIONS OF SPECIFIC QUESTIONS
BY THE COUNCIL WITHOUT MEETING**

RULE 38

**Procedure for decision of specific questions
by the Council without meeting**

At the request of at least ten Members, representing both categories of membership, the Chairman of the Council shall arrange for the Council to decide upon a specific question without meeting.

RULE 39

Communication to Members

If it is decided to obtain a Council decision by vote without meeting, the Executive Director shall communicate with each Member in a form approved by the Chairman. Such communication shall be sent to the designated person under the provisions of Rule 7. The communication shall:

- (a) state the matter at issue;
- (b) describe specifically the proposal on which the Member is to vote;
- (c) attach the redistribution of votes on which the voting shall be based;
- (d) indicate the time within which votes must be received; this shall be not less than 30 days after the dispatch of the communication except that in circumstances of exceptional urgency, which shall be explained in the communication, the period for reply shall not be less than seven days; and
- (e) request the Member to state with respect to the specific question described in the communication:
 - (i) whether it agrees that a decision should be taken without a meeting; and
 - (ii) whether it votes for, against or abstains.

RULE 40

Ascertaining the decision

If at the end of the period for reply indicated by the Chairman, Members representing the quorum prescribed in paragraph (4) of Article 11 of the Agreement have approved taking a decision by vote without holding a meeting, the votes for and against the specific question to be decided upon shall be counted and the Council's decision ascertained. Abstentions shall be recorded.

RULE 41

Member not agreeing that a question be decided by vote without meeting

A Member may not agree that a decision by vote on a specific question should be taken without meeting but may nevertheless wish to record an affirmative or negative vote or an abstention with respect to the specific question contained in the communication. In such case, if a quorum exists in accordance with the provisions of Rule 40, the vote recorded by the Member shall be counted. If a Member does not agree that a question be decided upon without meeting and does not record its vote with respect to the specific question, if a quorum exists in accordance with the provisions of Rule 40 such Member shall be considered to have abstained.

RULE 42

Report on the outcome of a postal vote

A report on any specific question decided without meeting, together with a statement of the number of votes for and against and of abstentions, shall be sent to all Members by the Executive Director as soon as practicable and not later than 10 days after the end of the period for reply. Any specific question so decided shall be recorded as a Decision or Resolution of the Council. The Decision or Resolution shall be communicated to the Council at its next session.

CHAPTER V – THE EXECUTIVE DIRECTOR

RULE 43

Statements by the Executive Director

The Executive Director may make statements to the Council and ICO bodies, concerning any matter under consideration.

RULE 44

Duties and responsibilities

1. The Executive Director, as the chief administrative officer of the Organization, shall be responsible to the Council for the organization and direction of the staff. In addition to the duties prescribed elsewhere in these Rules, the Executive Director shall be responsible for the preparatory work necessary for the sessions of the Council and the meetings of ICO bodies, and for carrying out the work devolving upon the staff as a result of the decisions and recommendations of the Council and ICO bodies. The Executive Director should if possible attend all sessions of the Council and meetings of ICO bodies and shall act as the legal representative of the Organization.
2. In the absence of the Executive Director and in case of need, the staff member next in seniority shall have the functions of the Executive Director.

RULE 45

Reports

The Executive Director shall report regularly to the Council on all matters relating to the implementation of the Agreement and other matters as may be deemed useful.

CHAPTER VI – THE STAFF**RULE 46****The staff**

The Executive Director and the staff shall consist of persons appointed to posts approved by the Council in adopting the annual Administrative Budget. Nevertheless, the Executive Director shall have discretion to change staff posts by making provisional appointments during the financial year, provided that authorized expenditure for that year is not exceeded. Members of the staff shall report and be responsible only to the Executive Director.

RULE 47**Selection**

Members of the staff shall be selected, as far as possible, on an international geographical basis taking into account the membership of the Organization. Staff shall be appointed by the Executive Director on merit.

RULE 48**Appointment of Heads of Divisions**

Before appointing the Heads of Divisions the Executive Director shall consult the Finance and Administration Committee.

CHAPTER VII – AMENDMENT OF THE RULES**RULE 49**
Amendments

The Rules of the Organization shall normally be amended by decision of the Council in accordance with the provisions of Article 14 of the Agreement. Proposed amendments shall be circulated by the Executive Director to all Members at least two months in advance of the session.

RULE 50
Disputes

Disputes concerning the interpretation or application of these Rules shall be referred to the Chairman of the Council for decision by the Council.

RULE 51
Precedence

Nothing in these Rules shall override the provisions of the International Coffee Agreement 2007.



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