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(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2818/81

of 29 September 1981

on the implementation of the economic and control rules of the International Cocoa Agreement 1980

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas, by virtue of the Council Decision of 30 June 1981, the Community is to apply provisionally the International Cocoa Agreement 1980, with effect from 1 August 1981, the date on which that Agreement provisionally entered into force;

Whereas on 7 August 1981 the International Cocoa Council adopted the economic and control rules of that Agreement;

Whereas, in accordance with Article 12 (4) of the International Cocoa Agreement 1980, appropriate measures must be taken to implement those rules within the Community,

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of implementing the International Cocoa Agreement 1980, the economic and control rules of that Agreement adopted by the International Cocoa Council on 7 August 1981 and set out in the Annex to this Regulation shall be applied in accordance with the following Articles.

Article 2

1. Importation into the Community of products falling within heading Nos 18.01, 18.03, 18.04 and 18.05 of the Common Customs Tariff shall be subject to production at the customs office where the import formalities are completed of the certificate prescribed for this purpose by the rules referred to in Article 1.

2. Products referred to in paragraph 1 shall be regarded as imported into the Community within the meaning of paragraph 1 when they are:

(a) entered for free circulation;

(b) entered for inward processing.

Article 3

Exportation from the Community of products falling within heading Nos 18.01, 18.03, 18.04 and 18.05 of the Common Customs Tariff shall be subject to production at the customs office where the export formalities are completed of the certificate prescribed for this purpose by the rules referred to in Article 1.

Article 4

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities.*

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 29 September 1981.

For the Council

The President

P. WALKER

ANNEX A

ECONOMIC AND CONTROL RULES OF THE INTERNATIONAL COCOA AGREEMENT 1980

Note by the Secretariat

With a view to facilitating the application of the rules and for ease of reference, the relevant definitions in Article 2 of the Agreement are reproduced below, modified as appropriate. Some clarification is also provided regarding the operation of Rules 8 and 11.

1. *Cocoa* means cocoa beans and cocoa products.

2. *Cocoa products* means products made exclusively from cocoa beans, such as cocoa paste, cocoa butter, unsweetened cocoa powder, cocoa cake and cocoa nibs as well as such other products containing cocoa as the Council may determine if necessary. The factors for conversion into beans equivalent are: cocoa butter 1·33, cocoa cake/powder 1·18, cocoa paste/nibs 1·25. Shells, husks, etc. are not cocoa products.

3. *Tonne* means the metric ton of 1 000 kilograms or 2 204·6 pounds; and *pound* means 453·597 grams.

4. *Cocoa year* means the period of 12 months from 1 October to 30 September inclusive.

5. *Export of cocoa* means any cocoa which leaves the customs territory of any country; *import of cocoa* means any cocoa which enters the customs territory of any country; *re-export of cocoa* means the export in the form of beans or products, by any country, of any cocoa which was previously imported by that country. For the purposes of these definitions, customs territory shall, in the case of a Member which comprises more than one customs territory, be deemed to refer to the combined territories of that Member.

6. *Exporting country* or *exporting Member* means a country or a Member respectively whose exports of cocoa expressed in terms of beans exceed its imports. However, a country whose imports of cocoa expressed in terms of beans exceed its exports but whose production exceeds its imports may, if it so chooses, be an exporting Member.

7. *Importing country* or *importing Member* means a country or a Member, respectively, whose imports of cocoa expressed in terms of beans exceed its exports.

8. *Producing country* or *producing Member* means a country or Member, respectively, which grows cocoa in commercially significant quantities,

9. *Special vote* means two-thirds of the votes cast by exporting Members and two-thirds of the votes cast by importing Members, counted separately, on condition that the number of votes thus expressed represents at least half the present and voting Members.

10. Samples and parcels of cocoa not intended for sale up to a maximum net weight of 25 kilograms do not require the issue of an ICC certificate (Rule 8, subparagraph (i)). Samples and parcels of cocoa in excess of 25 kilograms not intended for sale and cocoa sold must be covered by an ICC certificate, which, in the case of an ICC-1 or ICC-4 certificate, must be validated by affixing cocoa export stamps if the net weight in beans equivalent is 50 kilograms or more (Rule 11, paragraph (h)).

11. Importing Members may export, without an ICC-2 certificate, unlimited quantities of unsweetened cocoa powder provided that each retail pack weighs less than 3·5 kilograms net and that such exports are reported quarterly to the Executive Director (Rule 8, subparagraph iii)).

ECONOMIC AND CONTROL RULES OF THE INTERNATIONAL COCOA AGREEMENT 1980

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Rule 1

Daily and indicator prices

(a) When quotations in one of the two cocoa markets referred to in Article 26 (2) are not available on a particular market day or days, the prices to be used for the purposes of that Article in respect of the relevant market shall be the arithmetic average of the quotations for the day preceding and the day following that or those on which the quotations were not available on that market.

(b) When the six months forward rate of exchange referred to in Article 26 (2) is not available on a particular market day or days, the exchange rate to be used for converting London prices to US cents per pound (lb) shall be the arithmetic average of the six months forward rate of exchange for the day preceding and the day following that or those on which that rate was not available.

(c) The indicator price on any market day shall be calculated as the average of the daily prices of the preceding five consecutive market days.

(d) The Executive Director shall publish the daily and indicator prices at the end of each week.

Rule 2

Reporting of exports, imports and grindings

(a) Members shall supply the Executive Director with statistics of their exports by countries of destination and imports by countries of origin for each month to reach him within 60 days of the end of that month. The data supplied shall include any information required under rules governing the operation of the buffer stock and the shipment of cocoa for humanitarian or other non-commercial purposes.

(b) Members shall supply the Executive Director with statistics of their exports by countries of destination, imports by countries of origin, and grindings for each quarter in quarterly reports to reach him within 90 days of the end of that quarter. The data supplied shall include any information required under rules governing the operation of the buffer stock and the shipment of cocoa for humanitarian or other non-commercial purposes.

(c) The Council may seek the cooperation of any non-member for the supply of data as provided in paragraphs (a) and (b).

Rule 3

Exports from a producing Member to another Member, and deliveries of cocoa beans to the buffer stock on leaving or entering the customs territory of a Member

(a) Subject to the exceptions described in Rules 4 and 8, every export of cocoa from any Member in the territory of which that cocoa is grown shall be covered by a valid certificate of origin and a valid certificate of buffer stock contribution.

(b) The certificate of origin shall be in the form ICC-1 prescribed in Annex I and shall only be issued in accordance with the provisions of this Rule by a certifying agency of the producing Member. The certificate of buffer stock contribution referred to in Article 43 shall be in the form of cocoa export stamps issued in accordance with Rule 11.

(c) In the case of a certificate of origin covering the shipment of cocoa in a form other than beans, the net weight in beans equivalent obtained in accordance with the conversion factors in Article 28 (1) shall be indicated under 'Observations' in the body of the certificate.

(d) The stamps shall be affixed to the certificate of origin only upon the provision to the certifying agency of satisfactory evidence of sale or registration of sale or such other evidence of intention to ship as may be appropriate and they shall be cancelled by the certifying agency in such manner that they cannot be used again but can still be deciphered without difficulty.

(e) Regarding deliveries of cocoa beans of the buffer stock on leaving the customs territory of a producing Member listed in Annex A to the Agreement, the certifying agency shall insert contract number and date in space 14 of the certificate of origin form ICC-1.

(f) The original of the certificate of origin, with stamps firmly affixed, shall be signed, stamped and dated by the customs authority of the Member concerned when that authority is satisfied that the export will take place. The original of the certificate shall then

be given to the exporter or his agent and shall accompany the shipping documents to the buyer or to the buffer stock manager, as appropriate.

(g) The blue copy of the certificate of origin described in paragraph (b) of Rule 13 shall be sent to the Executive Director by the issuing certifying agency as soon as possible and in any case within 14 days of the date of issue.

(h) The Member Country importing the cocoa shall collect and forward the original of the valid certificate of origin to the Executive Director after completion of Part B thereof, soon after the importation but as far as possible within one month of the importation.

Rule 4

Exports of fine or flavour cocoa from a producing Member listed in Annex C to the Agreement to another Member

(a) Pursuant to Article 29 (1), the provisions of Rule 3 shall not apply, except as specified in this Rule, to fine or flavour cocoa grown in the territory of any producing Member listed in paragraph 1 of Annex C to the Agreement.

(i) Such cocoa shall be covered by a certificate of origin in the form ICC-1 prescribed in Annex I validated by the affixation of the appropriate cocoa export stamps. The stamps shall be cancelled by the certifying agency in such a manner that they cannot be used again but can still be deciphered without difficulty.

(ii) The stamps shall be in the form prescribed in paragraphs (g), (h), and (i) of Rule 11 and shall be overprinted with the code 'C1'.

(iii) C1 cocoa export stamps shall be made available free of charge.

(iv) At least 15 working days before the commencement of each cocoa year, the Executive Director shall deposit these stamps with the certifying agency of each such Member subject *mutatis mutandis* to the provisions of paragraph (f) of Rule 11.

(v) The provisions of paragraphs (c), (f), (g) and (h) of Rule 3 shall nevertheless apply to certificates of origin for fine or flavour cocoa.

(b) With the exception of (a) (iii), the provisions of paragraph (a) of this Rule shall apply to exporting Membes listed in paragraph 2 of Annex C to the Agreement save that the certificate of origin shall be validated by cocoa export stamps over-printed with the code 'C2'.

The Executive Director shall deposit C2 cocoa export stamps with the agent appointed under paragraph (a) of Rule 11 at least 15 working days before the commencement of each cocoa year.

The stamps shall be issued by the agent only against prompt payment of the appropriate buffer stock contribution or an irrevocable guarantee that payment will be made within three months from the date of supply of the stamps. In countries where the certifying agency is a Government agency or organization, such guarantee need not be given.

Rule 5

Exports from a producing Member to a non-member

The procedures set out in Rules 3 and 4 shall apply in respect of exports from producing Members to non-members except that the original of the valid certificate of origin shall not accompany the shipping documents to the buyer but shall be sent by the customs authority of the producing Member concerned to the Executive Director as soon as possible and in any case within one month of the date of export. The blue copy of the certificate of origin described in paragraph (b) of Rule 13 shall accompany the shipping documents to the buyer.

Rule 6

Imports by Members from non-members

(a) Every import of cocoa, including fine or flavour cocoa, by Members from non-members shall be covered by a valid certificate of import from a non-member and a valid certificate of buffer stock contribution.

(b) The certificate of import from a non-member shall be in form ICC-4 prescribed in Annex IV. The certificate of buffer stock contribution shall be in the form of cocoa import stamps issued in accordance with Rule 11.

(c) The certificate of import from a non-member shall be issued by a certifying agency in accordance with the provisions of this Rule. The provisions of Rules 3 and 11 shall apply *mutatis mutandis* to imports by Members from non-members.

(d) For the purposes of Article 35, all imports of cocoa by a Member from a non-member shall be deemed to have originated from that non-member unless the

cocoa is accompanied by a valid original certificate obtained from the Executive Director in accordance with Rule 9 or 10. The Executive Director shall have the power to require any additional information to those specified in Rule 9 or 10 before issuing the certificate.

(e) If the Executive Director has any reason to believe that this Rule is hampering the effective operation of Article 35, he shall immediately request the Executive Committee to review and, if necessary, amend the Rule.

Rule 7

Exports of cocoa previously imported by Members (re-exports)

(a) Every export of cocoa previously imported by a Member shall be covered by a certificate of re-export.

(b) The certificate of re-export shall be in form ICC-2 prescribed in Annex II and shall be issued in accordance with this Rule.

(c) In the case of a certificate of re-export covering cocoa in a form other than beans, the net weight in beans equivalent obained in accordance with the conversion factors in Article 28 (1) shall be indicated under 'Observations' in the body of the certificate.

(d) Certificates of re-export shall be issued either by the certifying agency or by the customs authority of the Member from which the cocoa is being exported, depending upon whichever of the two bodies the Member designates for this purpose.

(e) The original of the certificate of re-export shall, at the time of export of the cocoa covered thereby, be validated by the customs authority of the Member concerned by means of a customs stamp when it is satisfied that the export will take place.

(f) If the destination is a Member Country, the original of the certificate of re-export shall be handed to the exporter or his agent to accompany the shipping documents. The blue copy of the certificate of export described in paragraph (b) of Rule 13 shall be sent to the Executive Director by the issuing authority as soon as possible and in any case within one month of the date of issue of the certificate. The Member importing the cocoa shall collect and forward the original of the certificate of export to the Executive Director, after completion of Part B thereof, soon after the importation but as far as possible within one month of the importation.

(g) If the destination is a non-member country, the original of the certificate of re-export shall not accompany the shipping documents to the buyer but shall be sent by the appropriate customs authority or the certifying agency of the Member concerned to the Executive Director as far as possible within one month of the date of export. The blue copy of the certificate of export described in paragraph (b) of Rule 13 shall accompany the shipping documents to the buyer.

Rule 8

Exceptions to Rules 3, 4, 5, 6 and 7

The following exports and imports shall be exempt from the provisions of Rules 3, 4, 5, 6 and 7:

(i) Samples and parcels of cocoa not intended for sale and weighing up to a maximum net weight of 25 kilograms per sample or parcel of cocoa beans, cocoa butter, cocoa cake or powder and cocoa paste or nibs.

(ii) Small quantities of cocoa products for direct consumption as stores on ships, aeroplanes and other international commercial carriers.

(iii) Unsweetened cocoa powder exported from importing members in retail packs each of less than 3·5 kilograms net weight provided that each importing Member concerned shall report to the Executive Director the quantity exported in each quarter within 30 days of the end of the quarter.

Rule 9

Change of declared destination

(a) (i) If there is a change of destination from a Member Country to a non-member country, and the valid original certificate accompanying the shipment is a certificate of origin form ICC-1 prescribed in Annex I and that certificate and the cocoa are still in the country of origin, the certifiying agency in the country of origin shall certify the change of destination on the valid original certificate upon presentation of satisfactory evidence of the location of the cocoa concerned and give the certificate to the exporter for surrender to the customs authority of the Member Country exporting the cocoa in

accordance with Rule 5. On receipt of the valid original certificate signed, dated and stamped by the Customs authority, the Executive Director shall send the blue copy as described in paragraph (b) of Rule 13 to the appropriate certifying agency unless that copy has been withheld by that certifying agency. The appropriate certifying agency shall certify the change of destination on the blue copy and give it to the exporter or his agent for dispatch to the new consignee.

(ii) If there is a change of destination from a Member Country to a non-member country, and the change of destination takes place after the cocoa has left the producing Member, the valid original certificate accompanying the shipment shall be surrendered to the appropriate certifying agency which shall cancel it and send it to the Executive Director. A new certificate in form ICC-3 as prescribed in Annex III shall be issued by the appropriate certifying agency on presentation of satisfactory evidence of the location of the cocoa concerned. The full reference number of the cancelled certificate shall be indicated in space 15 in the body of the new certificate after cancelling the word 'partial'. The original of the new certificate shall be sent by the certifying agency to the Executive Director as far as possible within one month of the date of issue of the certificate. The blue copy of the new certificate described in paragraph (b) of Rule 13 shall acompany the shipping documents to the new consignee.

(b) (i) If there is a change of destination from a non-member country to a Member Country, and the valid original certificate accompanying the shipment is a certificate of origin form ICC-1 prescribed in Annex I and that certificate, the blue copy as described in paragraph (b) of Rule 13, and the cocoa are still in the country of origin, the certifying agency in the country of origin shall certify the change of destination on the valid original certificate and the blue copy upon presentation of satisfactory evidence of the location of the cocoa concerned. The procedures contained in paragraphs (g) and (h) of Rule 3 shall apply.

(ii) If there is a change of destination from a non-member country to a Member Country and the change of destination takes place after the cocoa or the blue copy described in paragraph (b) of Rule 13 of the certificate of origin form ICC-1 prescribed in Annex I accompanying the shipment has left the producing Member, the certification shall be by the Executive Director upon presentation of satisfactory evidence of the location of the cocoa concerned, including the presentation of the blue copy described in paragraph (b) of Rule 13 of the valid original certificate referred to in Rules 5, 7, 9 or 10. This copy shall be exchanged for the original held by the Executive Director.

Rule 10

Splitting of consignments

(a) A certifying agency may, on request, issue certificates for splitting of consignments to permit the splitting of a consignment of cocoa covered by a single valid original certificate.

(b) The certificate for splitting of consignments shall be in form ICC-3 prescribed in Annex III and shall be issued in accordance with this Rule.

(c) Certificates for splitting of consignments shall be issued by the certifying agency only upon the surrender of the valid original certificate and presentation of satisfactory evidence of the location of the consignment.

(d) The original of each certificate for splitting of consignments shall be validated by the affixation thereto of stamps for splitting of consignments issued in accordance with Rule 12 and which shall be cancelled by the certifying agency in such a manner that they cannot be used again but can still be deciphered without difficulty. The provisions of paragraph (c) of Rule 3 shall apply *mutatis mutandis* to the splitting of consignments.

(e) If the destination is a Member Country, the original of the valid certificate for splitting of consignments shall be given to the re-consignor or his agent and shall accompany the shipping documents to the new consignee. The blue copy of each certificate for splitting of consignments described in paragraph (b) of Rule 13 as well as the relevant valid original certificate surrendered shall be sent to the Executive Director by the certifying agency as far as possible within one month of the date of issue. The Member importing the cocoa shall collect and forward the original of the valid certificate for splitting of consignments to the Executive Director, after completion of Part B thereof, soon after the importation but as far as possible within one month of the importation.

(f) In the case of cocoa afloat and destined for a non-member or within the territory of a non-member, the certificate for splitting of consignments shall be issued by the Executive Director upon production of the blue copy described in paragraph (b) of Rule 13 and referred to in Rules 5, 7, 9 or 10 and upon presentation of satisfactory evidence of the location of the consignment. The blue copy of each certificate for splitting of consignments shall be given by the Executive Director to the re-consignor or his agent and shall accompany the shipping documents to the new consignee.

(g) Rule 9 shall apply if the splitting of consignments involves a change or changes of destination for the whole or part of the quantity covered by the single valid original certificate surrendered to the certifying agency. The new country and port of destination or the unchanged destination, as appropriate, shall be inserted in each of the certificates form ICC-3 for splitting of consignments. The total of the certificates form ICC-3 for splitting of consignments issued in replacement of the single valid original certificate surrendered to the certifying agency shall take the place of the new certificate referred to in subparagraph (ii) of paragraph (a) of Rule 9. In this case, the word 'partial' in space 15 in the body of the certificate form ICC-3 for splitting of consignments shall not be cancelled.

(h) In addition to the procedure outlined in paragraphs (a), (b), (c), (d), (e) and (g), the respective institutions in each Member Country may take other practical measures considered necessary for the implementation and achievement of the objectives of this Rule. Such measures shall be approved by the Executive Committee of the International Cocoa Organization.

Rule 11

Cocoa export and import stamps

(a) The Executive Director shall appoint in each Member Country, except the Member Countries listed in paragraph 1 of Annex C to the Agreement and the importing Member Countries which indicate that the services of such agent are not required under the circumstances prevailing in their country, a bank or financial institution independent of the certifying agency and the cocoa authority of the country concerned, after consultation with the Member concerned, to act as agent of the International Cocoa Organization in respect of cocoa export and import stamps. The Executive Director may, on the proposal of a Member, agree to a different arrangement if he is satisfied that the agent appointed under such an arrangement will properly discharge its duties to the Organization.

(b) At least 15 working days before the commencement of each cocoa year, the Executive Director shall deposit with the agent appointed under paragraph (a), cocoa export and import stamps sufficient to cover the estimated requirements of the Member concerned for that cocoa year plus an additional reserve, to be determined by the Executive Director, to cover exchange of denomination, replacement of damaged stamps, etc.

(c) The agent shall be responsible for the custody of the stamps and their issue to the certifying agency for use in accordance with these Rules and the instructions of the Executive Director.

(d) The agent will supply cocoa export and import stamps to the certifying agency in accordance with the provisions of this Rule only against prompt payment of the appropriate buffer stock contribution or an irrevocable guarantee that payment will be made within three months from the date of supply of the stamps. In countries where the certifying agency is a government agency or organization, such a guarantee need not be given .

(e) The International Cocoa Organization shall not be responsible for any charges that agents may make for their services.

(f) Each Member shall be responsible for the proper custody of the cocoa stamps deposited by the Executive Director with the agent, and for the use of the cocoa stamps supplied to its certifying agency. After the end of the cocoa year, and not later than 15 January of the following cocoa year, each Member shall render a final report to the Executive Director (including the surrender of unused stamps) in a form prescribed by the Executive Director.

(g) Cocoa stamps will be issued in denominations of 50, 200, 500, 2 000, 5 000, 10 000, 50 000, 100 000 and 500 000 kilograms of cocoa beans. The Executive Director may add such additional denominations as experience may prove to be necessary and may withdraw such denominations as are no longer required.

(h) The cocoa export stamps to be affixed to the certificate of origin shall correspond to the net weight of the cocoa beans or, in the case of cocoa products, to the net weight in beans equivalent covered by the certificate, except that any excess

above the last whole multiple of 50 kilograms (or such other multiple as may subsequently be determined by the Executive Director) need not be covered.

(i) Cocoa export stamps shall bear an individual producing Member Country code as well as the cocoa year code. Export stamps for use by Members listed in Annexes C (1) and C (2) to the Agreement will bear the additional codes 'C1' and 'C2' respectively. Cocoa import stamps for the purposes of imports from non-members shall not bear an individual Member Country code.

(j) Cocoa stamps shall not be transferable between Members.

(k) Cocoa export stamps shall only be valid for exports made during the cocoa year specified in the cocoa year code printed thereon. For purposes of this Rule, an export shall be deemed to have taken place during the cocoa year for which the stamps are valid, if the date stamp of the customs authoritiy of the exporting Member listed in Annex A or in paragraph 2 of Annex C to the Agreement is not later than 30 September of the cocoa year.

(l) Nothing in this Rule shall derogate from the provisions governing fine or flavour cocoa from Member Countries contained in Rule 4.

Rule 12

Stamps for splitting of consignments

(a) Stamps for splitting of consignments shall be supplied by the Executive Director, without charge and at the request of the Member concerned, to the certifying agency of an importing Member for the use strictly in accordance with Rule 10.

(b) The provisions of paragraphs (g) and (h) of Rule 11 shall apply *mutatis mutandis* to stamps for splitting of consignments.

(c) Each Member shall be responsible for the proper custody and use of the stamps for splitting of consignments supplied to its certifying agency. After the end of the cocoa year, and not later than 15 January of the following cocoa year, each Member concerned shall render a final report, including the surrender of unused stamps, to the Executive Director, in a form prescribed by him.

(d) Stamps for splitting of consignments shall be the same as cocoa import stamps referred to in paragraph (i) of Rule 11, except that the stamps for splitting of consignments will be overprinted with the code 'SC'.

Rule 13

Forms of certificates and their issue

(a) The forms of certificates employed under the provisions of these Rules shall be 210 mm wide and 297 mm long. However, a size not smaller than 200 mm wide and 280 mm long may be permitted if necessitated by special reasons in the issuing Member Country.

(b) All certificates shall be in printed form as prescribed in Annexes I to V to these Rules and issued in an original and at least one copy. The certifying agency may issue as many additional copies as may be found necessary. The original shall be clearly marked ORIGINAL and the copies clearly marked COPY. The first copy only shall be blue.

(c) Each certificate may be printed in two languages of which one must be English.

(d) Each Member will be responsible for printing its own supply of the required certificate forms. The Executive Director will print certificate form ICC-5 which will be used only by him.

(e) Guidance for the issuing and proper completion of the certificates stipulated in these Rules shall be provided by the Executive Director.

Rule 14

Validity of certificates

(a) The validity of certificates form ICC-1, ICC-2 and ICC-4 shall expire 15 months after the end of the quarter in which the certificates were issued.

(b) The validity of certificates form ICC-3 shall expire on the same date as that of the ICC certificate covering the consignment of cocoa which is being split.

(c) Certificate form ICC-5 shall have the same expiry date as the lost original.

(d) On the certificate forms referred to in paragraphs (a), (b) and (c) of this Rule, the issuing authority shall print, stamp or type in the right-hand corner of the certificate the following:

'Valid for importation or splitting of consignments until'. . . . .'

and enter the expiry date.

(e) The holder of the original of an ICC certificate, the validity of which has expired or will expire shortly before its surrender to the appropriate authorities in accordance with the relevant provisions of the Economic and Control Rules, may apply to the Executive Director for its revalidation upon presentation of the original certificate and satisfactory evidence of the location of the cocoa concerned. If the Executive Director is satisfied with the evidence presented, he shall extend the validity of the certificate by endorsing it with the appropriate stamp. The period of extension shall be at the descretion of the Executive Director.

Rule 15

Actual net quantities of cocoa received at destination

(a) Whenever check-weighing is carried out at destination, the Member concerned shall, through its customs authority, inform the Executive Director if the actual net quantity of cocoa received at the destination is more than one per cent in excess of the net quantity shown on the relevant certificate.

(b) The information required shall be provided by entering the net weight delivered in space 18 of the certificate.

Rule 16

Loss of the original of a certificate

(a) Every case involving the loss of the original of a certificate shall be referred to the Executive Director.

(b) The person, firm or company reporting the loss of the original certificate is hereinafter referred to as 'the applicant'.

(c) The applicant shall provide the Executive Director with a statement by the certifying agency which issued the lost certificate, certifiying:

(i) the issue of the certificate in accordance with the Economic and Control Rules;

(ii) the total value of cocoa stamps with which the certificate was validated.

(d) In addition to the information provided under paragaph (c), the applicant shall send the Executive Director a written explanation of the loss of the certificate and the steps taken to recover it.

(e) On receipt of the documents required under paragraphs (c) and (d), the Executive Director shall, unless a replacement certificate has already been issued for the same certificate, immediately issue a replacement certificate for the importation of the cocoa concerned and concel the lost certificate.

(f) If the applicant is not in a position to provide the documents prescribed in paragraph (c), the applicant shall supply the Executive Director with:

(i) as much information as possible about the cocoa concerned including, where possible, the full reference number, place and date of issue of the certificate, origin, destination, quantity and type of cocoa involved, and the names and addresses of the seller and the buyer;

(ii) an explanation of the loss of the certificate and the steps taken to recover it.

(g) The Executive Director shall thereafter investigate the facts of the loss and may request additional information, including relevant documents, from the applicant and/or the certifiying agency which issued the lost certificate. If the Executive Director is satisfied with the information and the documents received, he shall issue a replacement certificate for the importation of the cocoa concerned and cancel the lost certificate.

(h) As an alternative to the processes described in paragraphs (c), (d), (e), (f), and (g) above, the process described in paragaphs (i), (j), (k), (l) and (m) below shall apply.

(i) The applicant shall provide the Executive Director with:

(i) as much information as possible about the cocoa concerned including, if possible, the full reference number, place and date of issue of the certificate, origin, destination, quantity and type of cocoa involved, and the names and addresses of the seller and buyer;

(ii) an explanation of the loss of the certificate and the steps taken to recover it; and

(iii) an undertaking by the applicant to pay, if necessary, the buffer stock contributions for the net weight of the cocoa beans or the net weight in beans equivalent of the cocoa product supposed to have been covered by the lost certificate, as appropriate, at the rate of buffer

stock contribution valid at the time of issue of the lost certificate, irrespective of the type of certificate and the origin of the cocoa involved.

The undertaking referred to in subparagraph (iii) shall be provided in the form shown in Annex VI.

(j) On receipt of the information and the undertaking, the Executive Director shall, unless a replacement certificate has already been issued for the same certificate, immediately issue a replacement certificate for the importation of the cocoa concerned and cancel the lost certificate.

(k) The Executive Director may request additional information, including relevant documents from the applicant and/or the certifying agency which issued the lost certificate, if he considers that necessary.

(l) The Executive Director shall, if satisfied with the information and the documents received, release the applicant from the undertaking to pay the relevant buffer stock contributions.

(m) The sum covered by the undertaking shall be payable to the Executive Director if the process described in paragraph (k) is not completed to the satisfaction of the Executive Director.

(n) The replacement certificate referred to in paragraphs (e), (g) and (j) of this Rule shall be in form ICC-5 prescribed in Annex V.

(o) The Executive Director shall ensure that any lost certificate, in respect of which a replacement certificate has been issued, is not subsequently used to cover importation of cocoa. If a lost certificate is recovered, it must be forwarded immediately to the Executive Director.

(p) A monthly list of cancelled certificates shall be sent by the Executive Director to all Members.

Rule 17

Appointment of certifying agencies

(a) Certifying agencies, acceptable to the International Cocoa Organization, shall be appointed in Member Countries by the Members concerned in consultation with the Executive Director.

(b) The International Cocoa Organization shall not be responsible for any charges that certifying agencies may make for their services.

Rule 18

Entry into force

The International Cocoa Council shall determine the date or dates of the entry into force of these Rules.

Rule 19

Implementation

The Executive Director shall take such action as he considers necessary to ensure the effective implementation of the controls provided in the Agreement and in these Rules.

Rule 20

Amendments

Any amendments to these Rules shall require a special vote by the Council or by the Executive Committee on its behalf, and shall come into effect on the date decided by the Council, or by the Executive Committee, as appropriate.

Rule 21

Precedence

Nothing in these Economic and Control Rules shall override the provisions of the Agreement.

BILAG I — ANLAGE I — ΠΑΡΑΡΤΗΜΑ I — ANNEX I — ANNEXE I — ALLEGATO I — BIJLAGE I

CERTIFICATE OF ORIGIN — CERTIFICAT D'ORIGINE

FORM FORMULE **ICC-1**

(Form approved by the international Cocoa Organization)
(Formule approuvée par l'Organisation internationale du cacao)

Valid for importation or splitting of consignment until .....
Valable aux fins d'importation ou de fractionnement de lots jusqu'au .....

PART A, FOR USE BY ISSUING AUTHORITY
PARTIE A, À REMPLIR PAR L'ORGANISME DÉLIVRANT LE CERTIFICAT

1. Reference Number — Numéro de référence **O** Country code / Code du pays / Port code / Code du port / Serial Number / Numéro d'ordre

2. Producing country — Pays producteur

3. Country of destination (*) — Pays destinataire (*)

4. Name of ship or other carrier — Navire ou autre moyen de transport

5. Port of embarkation — Port d'expédition

6. Date of shipment — Date de l'expédition

7. Intermediate ports — Ports de transit

8. Port or point of destination (*) — Port ou lieu de destination (*)

9. Description (Mark X in appropriate box — Insérer X à l'emplacement approprié) — (specify — à préciser)

☐ Cocoa beans — Fèves de cacao ☐ Butter — Beurre ☐ Cake or powder — Pâte débeurrée ou poudre ☐ Paste or nibs — Pâte ou amandes décortiquées ☐ Other — Autre

10. Shipping marks or other identification — Marques d'expédition ou autres signes d'identification

Weight of shipment — Poids de l'envoi

11. Unit of weight — Unité de poids ☐ kg ☐ lb

12. Gross — Brut

13. Net

14. Observations (**)

15. It is hereby certified that the cocoa described above was grown in the abovementioned producing country — Il est certifié par la présente que le cacao décrit ci-dessus a été cultivé par le pays producteur précité.

16. Customs stamp of issuing country — Cachet de la douane du pays de délivrance

..... Date of stamp — Date du cachet

..... Authorized Customs signature — Signature du fonctionnaire autorisé

17. Name of certifying agency — Organisme de certification

..... Date of issue — Date de délivrance

..... Authorized signature of Certifying Officer — Signature du fonctionnaire autorisé

PART B, FOR USE WHEN DOCUMENT IS COLLECTED
PARTIE B, À REMPLIR LORS DE LA REMISE DU DOCUMENT

18. NOTATION BY CUSTOMS AUTHORITY ON IMPORTATION — RENSEIGNEMENTS À CONSIGNER PAR LA DOUANE À L'IMPORTATION

Certificate collected and cocoa imported — Certificat recueilli et cacao importé

At — À Date

Customs stamp — Cachet de la douane

19. NOTATION BY CERTIFYING AGENCY WHEN SPLITTING CONSIGNMENTS — RENSEIGNEMENTS À CONSIGNER PAR UN ORGANISME DE CERTIFICATION LORS D'UN FRACTIONNEMENT DE LOTS

Certificate collected for the purpose of splitting — Certificat recueilli aux fins de fractionnement

At — À Date

Name of certifying agency — Organisme de certification

Stamp of certifying agency — Cachet de l'organisme de certification

..... Authorized signature — Signature autorisée

(*) Where destination is not known insert 'Member' or 'non-member' — Lorsque la destination n'est pas connue, inscrire la mention «membre» ou «non-membre».

(**) In the case of a shipment of cocoa in a form other than beans, the net weight in beans equivalent obtained in accordance with the conversion factors in Article 28 (1) shall be indicated here — Dans le cas d'une expédition de cacao sous une forme autre que des fèves, on indiquera ici le poids net en équivalent fèves obtenu par application des coefficients de conversion indiqués à l'article 28 paragraphe 1.

FORM
FORMULE **ICC-1**

Note: This certificate is valid only when it has been properly completed and valid cocoa export stamps corresponding to the net weight of cocoa beans shown on the obverse in space 13 or, in the case of cocoa products, the net weight in beans equivalent in space 14, have been affixed and duly cancelled.

Affix cocoa export stamps here

Note: Le présent certificat n'est valide que s'il a été correctement rempli et qu'y sont apposés et dûment oblitérés des timbres valides d'exportation de cacao correspondant au poids net des fèves de cacao comme indiqué au recto à la case 13 ou, dans le cas de produits dérivés du cacao, au poids net en équivalent fèves à la case 14.

Apposer ici les timbres d'exportation de cacao

CERTIFICATE OF RE-EXPORT — CERTIFICAT DE RÉEXPORTATION

FORM FORMULE **ICC-2**

(Form approved by the International Cocoa Organization)
(Formule approuvée par l'Organisation internationale du cacao)

Valid for importation or splitting of consignment until .....
Valable aux fins d'importation ou de fractionnement de lots jusqu'au .....

PART A, FOR USE BY ISSUING AUTHORITY
PARTIE A, À REMPLIR PAR L'ORGANISME DÉLIVRANT LE CERTIFICAT

1. Reference Number — Numéro de référence **E** — Country code / Code du pays / Port code / Code du port / Serial Number / Numéro d'ordre

2. Exporting country — Pays exportateur

3. Country of destination (*) — Pays destinataire (*)

4. Name of ship or other carrier — Navire ou autre moyen de transport

5. Port of embarkation — Port d'expédition

6. Date of shipment — Date de l'expédition

7. Intermediate ports — Ports de transit

8. Port or point of destination (*) — Port ou lieu de destination (*)

9. Description (Mark X in appropriate box — Insérer X à l'emplacement approprié) — (specify — à préciser)

☐ Cocoa beans — Fèves de cacao ☐ Butter — Beurre ☐ Cake or powder — Pâte débeurrée ou poudre ☐ Paste or nibs — Pâte ou amandes décortiquées ☐ Other — Autre

10. Shipping marks or other identification — Marques d'expédition ou autres signes d'identification

Weight of shipment — Poids de l'envoi

11. Unit of weight — Unité de poids ☐ kg ☐ lb

12. Gross — Brut

13. Net

14. Observations (**)

15. It is hereby certified that this certificate is issued in compliance with the Rules of the International Cocoa Organization and the cocoa described above is being re-exported under Customs control from the abovementioned country — Il est certifié par la présente que ce certificat a été délivré conformément à la réglementation de l'Organisation internationale du cacao et que le cacao décrit ci-dessus est en cours de réexportation du pays précité sous contrôle douanier.

16. Customs stamp of issuing country — Cachet de la douane du pays de délivrance

..... Date of stamp / Date du cachet

..... Authorized Customs signature / Signature du fonctionnaire autorisé

17. Name of certifying agency — Organisme de certification

..... Date of issue / Date de délivrance

..... Authorized signature of Certifying Officer / Signature du fonctionnaire autorisé

PART B, FOR USE WHEN DOCUMENT IS COLLECTED
PARTIE B, À REMPLIR LORS DE LA REMISE DU DOCUMENT

18. NOTATION BY CUSTOMS AUTHORITY ON IMPORTATION — RENSEIGNEMENTS À CONSIGNER PAR LA DOUANE À L'IMPORTATION

Certificate collected and cocoa imported — Certificat recueilli et cacao importé

At — À ..... Date

Customs stamp — Cachet de la douane

19. NOTATION BY CERTIFYING AGENCY WHEN SPLITTING CONSIGNMENTS — RENSEIGNEMENTS À CONSIGNER PAR UN ORGANISME DE CERTIFICATION LORS D'UN FRACTIONNEMENT DE LOTS

Certificate collected for the purpose of splitting — Certificat recueilli aux fins de fractionnement

At — À ..... Date

Name of certifying agency — Organisme de certification

Stamp of certifying agency — Cachet de l'organisme de certification

..... Authorized signature — Signature autorisée

(*) Where destination is not known insert 'Member' or 'non-member' — Lorsque la destination n'est pas connue, inscrire la mention «membre» ou «non-membre».

(**) In the case of a shipment of cocoa in a form other than beans, the net weight in beans equivalent obtained in accordance with the conversion factors in Article 28 (1) shall be indicated here — Dans le cas d'une expédition de cacao sous une forme autre que des fèves, on indiquera ici le poids net en équivalent fèves obtenu par application des coefficients de conversion indiqués à l'article 28 paragraphe 1.

CERTIFICATE FOR SPLITTING OF CONSIGNMENTS
CERTIFICAT DE FRACTIONNEMENT DE LOTS

FORM FORMULE **ICC-3**

(Form approved by the International Cocoa Organization)
(Formule approuvée par l'Organisation internationale du cacao)

Valid for importation or splitting of consignment until .....
Valable aux fins d'importation ou de fractionnement de lots jusqu'au .....

PART A, FOR USE BY ISSUING AUTHORITY
PARTIE A, À REMPLIR PAR L'ORGANISME DÉLIVRANT LE CERTIFICAT

1. Reference Number – Numéro de référence **S** Country code / Code du pays / Port code / Code du port / Serial Number / Numéro d'ordre

2. Issuing country – Pays de délivrance

3. Country of destination (*) – Pays destinataire (*)

4. Name of ship or other carrier / Navire ou autre moyen de transport

5. Port of embarkation / Port d'expédition

6. Date of shipment / Date de l'expédition

7. Intermediate ports – Ports de transit

8. Port or point of destination (*) – Port ou lieu de destination (*)

9. Description (Mark X in appropriate box – Insérer X à l'emplacement approprié) – (specify – à préciser)

☐ Cocoa beans / Fèves de cacao ☐ Butter / Beurre ☐ Cake or powder / Pâte débeurrée ou poudre ☐ Paste or nibs / Pâte ou amandes décortiquées ☐ Other / Autre

10. Shipping marks or other identification – Marques d'expédition ou autres signes d'identification

Weight of shipment – Poids de l'envoi

11. Unit of weight / Unité de poids ☐ kg ☐ lb

12. Gross – Brut

13. Net

14. Observations (**)

15. It is hereby certified that this certificate is issued as a partial replacement of the original certificate
Il est certifié par la présente que ce certificat a été délivré en remplacement partiel du certificat original
number / numéro ..... covering a shipment of / portant sur un lot de ..... kg/lb of cocoa. / kg/lb de cacao. Date : .....

16.

17. Name of certifying agency – Organisme de certification

..... Date of issue / Date de délivrance

..... Authorized signature of Certifying Officer / Signature du fonctionnaire autorisé

PART B, FOR USE WHEN DOCUMENT IS COLLECTED
PARTIE B, À REMPLIR LORS DE LA REMISE DU DOCUMENT

18. NOTATION BY CUSTOMS AUTHORITY ON IMPORTATION – RENSEIGNEMENTS À CONSIGNER PAR LA DOUANE À L'IMPORTATION
Certificate collected and cocoa imported – Certificat recueilli et cacao importé
At – À Date
Customs stamp – Cachet de la douane

19. NOTATION BY CERTIFYING AGENCY WHEN SPLITTING CONSIGNMENTS – RENSEIGNEMENTS À CONSIGNER PAR UN ORGANISME DE CERTIFICATION LORS D'UN FRACTIONNEMENT DE LOTS
Certificate collected for the purpose of splitting – Certificat recueilli aux fins de fractionnement
At – À Date
Stamp of certifying agency – Cachet de l'organisme de certification

..... Authorized signature – Signature autorisée

(*) Where destination is not known insert 'Member' or 'non-member' – Lorsque la destination n'est pas connue, inscrire la mention «membre» ou «non-membre».

(**) In the case of a shipment of cocoa in a form other than beans, the net weight in beans equivalent obtained in accordance with the conversion factors in Article 28 (1) shall be indicated here – Dans le cas d'une expédition de cacao sous une forme autre que des fèves, on indiquera ici le poids net en équivalent fèves obtenu par application des coefficients de conversion indiqués à l'article 28 paragraphe 1.

FORM FORMULE **ICC-3**

Note: This certificate is valid only when it has been properly completed and valid stamps for splitting of consignments corresponding to the net weight of cocoa beans shown on the obverse in space 13 or, in the case of cocoa products, the net weight in beans equivalent in space 14, have been affixed and duly cancelled.

Affix stamps for splitting of consignments here

Note: Le présent certificat n'est valide que s'il a été correctement rempli et qu'y sont apposés et dûment oblitérés des timbres valides de fractionnement de lots correspondant au poids net des fèves de cacao comme indiqué au recto à la case 13 ou, dans le cas de produits dérivés du cacao, au poids net en équivalent fèves à la case 14.

Apposer ici les timbres de fractionnement de lots

CERTIFICATE OF IMPORT FROM A NON-MEMBER
CERTIFICAT D'IMPORTATION EN PROVENANCE D'UN NON-MEMBRE

FORM / FORMULE **ICC-4**

(Form approved by the International Cocoa Organization)
(Formule approuvée par l'Organisation internationale du cacao)

Valid for importation or splitting of consignment until .....
Valable aux fins d'importation ou de fractionnement de lots jusqu'au .....

PART A, FOR USE BY ISSUING AUTHORITY
PARTIE A, À REMPLIR PAR L'ORGANISME DÉLIVRANT LE CERTIFICAT

1. Reference Number – Numéro de référence | Country code / Code du pays | Port code / Code du port | Serial Number / Numéro d'ordre

2. Importing country – Pays importateur

3. Imported from – Importé en provenance de

4. Name of ship or other carrier / Navire ou autre moyen de transport
5. Port of embarkation / Port d'expédition
6. Date of shipment / Date de l'expédition

7. Intermediate ports – Ports de transit

8. Port or point of destination – Port ou lieu de destination

9. Description (Mark X in appropriate box – Insérer X à l'emplacement approprié) – (specify – à préciser)

☐ Cocoa beans / Fèves de cacao ☐ Butter / Beurre ☐ Cake or powder / Pâte débeurrée ou poudre ☐ Paste or nibs / Pâte ou amandes décortiquées ☐ Other / Autre

10. Shipping marks or other identification – Marques d'expédition ou autres signes d'identification

Weight of shipment – Poids de l'envoi

11. Unit of weight / Unité de poids ☐ kg ☐ lb
12. Gross – Brut
13. Net

14. Observations (*)

15. It is hereby certified that the cocoa described above is being imported from the abovementioned country – Il est certifié par la présente que le cacao décrit ci-dessus est importé en provenance du pays précité.

16.

17. Name of certifying agency – Organisme de certification

..... Date of issue / Date de délivrance

..... Authorized signature of Certifying Officer / Signature du fonctionnaire autorisé

PART B, FOR USE WHEN DOCUMENT IS COLLECTED
PARTIE B, À REMPLIR LORS DE LA REMISE DU DOCUMENT

18. NOTATION BY CUSTOMS AUTHORITY ON IMPORTATION – RENSEIGNEMENTS À CONSIGNER PAR LA DOUANE À L'IMPORTATION
Certificate collected and cocoa imported – Certificat recueilli et cacao importé

At – À Date

Customs stamp – Cachet de la douane

19. NOTATION BY CERTIFYING AGENCY WHEN SPLITTING CONSIGNMENTS – RENSEIGNEMENTS À CONSIGNER PAR UN ORGANISME DE CERTIFICATION LORS D'UN FRACTIONNEMENT DE LOTS
Certificate collected for the purpose of splitting – Certificat recueilli aux fins de fractionnement

At – À Date

Name of certifying agency – Organisme de certification

Stamp of certifying agency – Cachet de l'organisme de certification

..... Authorized signature – Signature autorisée

(*) In the case of a shipment of cocoa in a form other than beans, the net weight in beans equivalent obtained in accordance with the conversion factors in Article 28 (1) shall be indicated here – Dans le cas d'une expédition de cacao sous une forme autre que des fèves, on indiquera ici le poids net en équivalent fèves obtenu par application des coefficients de conversion indiqués à l'article 28 paragraphe 1.

FORM FORMULE **ICC-4**

Note: This certificate is valid only when it has been properly completed and valid cocoa export stamps corresponding to the net weight of cocoa beans shown on the obverse in space 13 or, in the case of cocoa products, the net weight in beans equivalent in space 14, have been affixed and duly cancelled.

Affix cocoa export stamps here

Note: Le présent certificat n'est valide que s'il a été correctement rempli et qu'y sont apposés et dûment oblitérés des timbres valides d'exportation de cacao correspondant au poids net des fèves de cacao comme indiqué au recto à la case 13 ou, dans le cas de produits dérivés du cacao, au poids net en équivalent fèves à la case 14.

Apposer ici les timbres d'exportation de cacao

REPLACEMENT CERTIFICATE
CERTIFICAT DE REMPLACEMENT

FORM FORMULE **ICC-5**

(Form approved by the International Cocoa Organization)
(Formule approuvée par l'Organisation internationale du cacao)

Valid for importation or splitting of consignment until .....
Valable aux fins d'importation ou de fractionnement de lots jusqu'au .....

PART A, FOR USE BY THE EXECUTIVE DIRECTOR
PARTIE A, À REMPLIR PAR LE DIRECTEUR EXÉCUTIF

1. Reference Number — Numéro de référence **R** — Country code / Code du pays / Port code / Code du port / Serial Number / Numéro d'ordre

2. Country requesting replacement / Pays demandant remplacement — Country of origin/export — Pays d'origine/d'exportation

3. Country of destination (*) — Pays destinataire (*)

4. Name of ship or other carrier / Navire ou autre moyen de transport — 5. Port of embarkation / Port d'expédition — 6. Date of shipment / Date de l'expédition

7. Intermediate ports — Ports de transit

8. Port or point of destination (*) — Port ou lieu de destination (*)

9. Description (Mark X in appropriate box — Insérer X à l'emplacement approprié) — (specify — à préciser)

☐ Cocoa beans / Fèves de cacao ☐ Butter / Beurre ☐ Cake or powder / Pâte débeurrée ou poudre ☐ Paste or nibs / Pâte ou amandes décortiquées ☐ Other / Autre

10. Shipping marks or other identification — Marques d'expédition ou autres signes d'identification

Weight of shipment — Poids de l'envoi
11. Unit of weight / Unité de poids ☐ kg ☐ lb — 12. Gross — Brut — 13. Net

14. Observations (**)

15. It is hereby certified that this certificate is issued as a replacement of the original certificate
Il est certifié par la présente que ce certificat a été délivré en remplacement du certificat original
number / numéro ..... dated / daté du ..... which is hereby cancelled / qui est déclaré nul par la présente

16.

17. International Cocoa Organization / Organisation internationale du cacao

..... Date of issue / Date de délivrance

..... For The Executive Director / Pour le directeur exécutif

PART B, FOR USE WHEN DOCUMENT IS COLLECTED
PARTIE B, À REMPLIR LORS DE LA REMISE DU DOCUMENT

18. NOTATION BY CUSTOMS AUTHORITY ON IMPORTATION — RENSEIGNEMENTS À CONSIGNER PAR LA DOUANE À L'IMPORTATION
Certificate collected and cocoa imported — Certificat recueilli et cacao importé

At — À Date

Customs stamp — Cachet de la douane

19. NOTATION BY CERTIFYING AGENCY WHEN SPLITTING CONSIGNMENTS — RENSEIGNEMENTS À CONSIGNER PAR UN ORGANISME DE CERTIFICATION LORS D'UN FRACTIONNEMENT DE LOTS
Certificate collected for the purpose of splitting — Certificat recueilli aux fins de fractionnement

At — À Date

Stamp of certifying agency — Cachet de l'organisme de certification

..... Authorized signature — Signature autorisée

(*) Where destination is not known insert 'Member' or 'non-member' — Lorsque la destination n'est pas connue, inscrire la mention «membre» ou «non-membre».

(**) In the case of a shipment of cocoa in a form other than beans, the net weight in beans equivalent obtained in accordance with the conversion factors in Article 28 (1) shall be indicated here — Dans le cas d'une expédition de cacao sous une forme autre que des fèves, on indiquera ici le poids net en équivalent fèves obtenu par application des coefficients de conversion indiqués à l'article 28 paragraphe 1.

ANNEX VI

UNDERTAKING

(Give details of the cocoa covered by the lost certificate including the net weight of the cocoa beans or the net weight in beans equivalent of the cocoa product, as appropriate)

I/we hereby undertake to pay to the Executive Director of the International Cocoa Organization one US cent per pound for the above net weight/net weight in beans equivalent.

The corresponding amount shall be payable to the Executive Director of the International Cocoa Organization when the process described in paragraph (k) of Rule 16 of the Economic and Control Rules has not been completed to the satisfaction of the Executive Director.

If the lost original ICC-certificate is recovered, I/we shall immediately forward it to the Executive Director.

(place) (date)

(authorized signature)

ANNEX VII

COUNTRY CODE OF MEMBERS

(as at 7 August 1981)

Member	*Country code*
Argentina	AR
Belgium/Luxembourg	BE/LU
Brazil	BR
Czechoslovakia	CS
Denmark	DK
Dominica	DM
Ecuador	EC
Finland	FI
France	FR
German Democratic Republic	DD
Germany, Federal Republic of	DE
Ghana	GH
Greece	GR
Haiti	HA
Hungary	HU
Ireland	EI
Italy	IT
Jamaica	JA
Mexico	ME
Netherlands	NL
Nigeria	NG
Norway	NO
Papua New Guinea	PG
Peru	PE
Saint Vincent and the Grenadines	VC
Samoa	WS
Sweden	SE
Switzerland	CH
Trinidad and Tobago	TT
Union of Soviet Socialist Republics	SU
United Kingdom of Great Britain and Northern Ireland	GB
United Republic of Cameroon	CM
Venezuela	VE
Yugoslavia	YU

ANNEX B

Transitional arrangements relating to the economic and control rules of the International Cocoa Agreement 1980

1. All cocoa which is afloat or in bonded warehouse before the economic and control rules become operative shall be exempted from all the provisions of Rules 3, 4, 5, 6, 7, 9 and 10. The import of such cocoa after the rules become operative shall, however, be permitted by Members only when the shipments are covered by exemption certificates. Exemption certificates shall be issued by certifying agencies in either exporting or importing Member Countries for cocoa originating from Member Countries and by certifying agencies in importing Member Countries for cocoa originating from non-member countries.

2. All cocoa exported by exporting Member Countries or imported by importing Member Countries after the economic and control rules have become operative, but pursuant to a contract made before 1 August 1981 shall be exempted from the payment of the buffer stock contribution provided for in Article 35 of the Agreement. Such exports or imports shall, however, be covered by the appropriate ICC certificates as provided for in Rules 3, 4, 5, 6, 7, 9 and 10 of the economic and control rules.

3. All cocoa exported, re-exported or imported after the economic and control rules have become operative, and pursuant to a contract made on or after 1 August 1981, shall be subject to all the provisions of the economic and control rules.

4. To qualify for exemption under paragraph 2 above, Members are required to arrange for the following information on contracts for purchases by importers of cocoa from non-member origins and all relevant first-hand sales contracts by exporters to be submitted to the certifying agencies in their countries before 1 October 1981:

Date of contract, origin of exports/imports, quantity (actual and in beans equivalent) type (beans, butter, powder, paste), shipment period and destination.

5. The certifying agencies of the Member Countries shall, before 1 November 1981, send to the Executive Director all the information received under paragraph 4 above.

6. Such information received by the Executive Director shall be the basis for determining the exemption from buffer stock contributions to which Member Countries are entitled under the provisions of these transitional arrangements.

7. The exemption certificate referred to in paragraph 1 above shall be in a form to be prescribed by the Executive Director. Each Member will be responsible for printing its own supply of the exemption certificate which may be printed in two languages of which one must be English. Guidance for the issue and proper completion of the certificate shall be provided by the Executive Director.

INTERNATIONAL COCOA ORGANIZATION
ORGANISATION INTERNATIONALE DU CACAO

EXEMPTION CERTIFICATE
CERTIFICAT D'EXEMPTION

(Form approved by the International Cocoa Organization)
(Formule approuvée par l'Organisation internationale du cacao)

Valid for importation or splitting of consignment until .....
Valable aux fins d'importation ou de fractionnement de lots jusqu'au .....

PART A, FOR USE BY ISSUING AUTHORITY
PARTIE A, À REMPLIR PAR L'ORGANISME DÉLIVRANT LE CERTIFICAT

1. Reference Number — Numéro de référence X Country code / Code du pays / Serial Number / Numéro d'ordre

2. Country requesting exemption / Pays demandant exemption — Country of origin/import — Pays d'origine/d'importation

3. Country of destination (*) / storage / Pays destinataire (*) / d'entreposage

4. Name of ship or other carrier / Navire ou autre moyen de transport — 5. Port of embarkation / Port d'expédition — 6. Date of shipment / Date de l'expédition

7. Intermediate ports — Ports de transit

8. Port or point of destination (*) / storage / Port ou lieu de destination (*) / d'entreposage

9. Description (Mark X in appropriate box — Insérer X à l'emplacement approprié) — (specify — à préciser)

☐ Cocoa beans / Fèves de cacao ☐ Butter / Beurre ☐ Cake or powder / Pâte débeurrée ou poudre ☐ Paste or nibs / Pâte ou amandes décortiquées ☐ Other / Autre

10. Shipping marks or other identification — Marques d'expédition ou autres signes d'identification

Weight of shipment — Poids de l'envoi
11. Unit of weight / Unité de poids ☐ kg ☐ lb — 12. Gross — Brut — 13. Net

14. Observations (**)

15. It is hereby certified that this certificate is issued in compliance with the transitional arrangements relating to the Economic and Control Rules of the International Cocoa Organization.
Il est certifié par la présente que ce certificat a été délivré, conformément aux dispositions transitoires relatives au règlement économique et aux règles de contrôle de l'Organisation internationale du cacao.

16.

17. Stamp of certifying agency — Cachet de l'organisme de certification

..... Date of issue / Date de délivrance

..... Authorized signature of Certifying Officer / Signature du fonctionnaire autorisé

PART B, FOR USE WHEN DOCUMENT IS COLLECTED
PARTIE B, À REMPLIR LORS DE LA REMISE DU DOCUMENT

18. NOTATION BY CUSTOMS AUTHORITY ON IMPORTATION — RENSEIGNEMENTS À CONSIGNER PAR LA DOUANE À L'IMPORTATION
Certificate collected and cocoa imported — Certificat recueilli et cacao importé
At — À — Date
Customs stamp — Cachet de la douane

19. NOTATION BY CERTIFYING AGENCY WHEN SPLITTING CONSIGNMENTS — RENSEIGNEMENTS À CONSIGNER PAR UN ORGANISME DE CERTIFICATION AUX FINS DE FRACTIONNEMENT
Certificate collected for the purpose of splitting — Certificat recueilli aux fins de fractionnement
At — À — Date
Stamp of certifying agency — Cachet de l'organisme de certification

..... Authorized signature — Signature autorisée

(*) Where destination is not known insert 'Member' or 'non-member' — Lorsque la destination n'est pas connue, inscrire la mention «membre» ou «non-membre».

(**) In the case of a shipment of cocoa in a form other than beans, the net weight in beans equivalent obtained in accordance with the conversion factors in Article 28 (1) shall be indicated here — Dans le cas d'une expédition de cacao sous une forme autre que des fèves, on indiquera ici le poids net en équivalent fèves obtenu par application des coefficients de conversion indiqués à l'article 28 paragraphe 1.