CHAPTER XIV – CONSULTATIONS, DISPUTES AND COMPLAINTS

ARTICLE 38

Consultations

Each Member shall accord sympathetic consideration to, and shall afford adequate opportunity for, consultation regarding such representations as may be made by another Member with respect to any matter relating to this Agreement. In the course of such consultation, on request by either party and with the consent of the other, the Executive Director shall establish an independent panel which shall use its good offices with a view to conciliating the parties. The costs of the panel shall not be chargeable to the Organization. If a party does not agree to the establishment of a panel by the Executive Director, or if the consultation does not lead to a solution, the matter may be referred to the Council in accordance with the provisions of Article 39. If the consultation does lead to a solution, it shall be reported to the Executive Director who shall distribute the report to all Members.

ARTICLE 39

Disputes and complaints

(1) Any dispute concerning the interpretation or application of this Agreement which is not settled by negotiation shall, at the request of any Member party to the dispute, be referred to the Council for decision.

(2) The Council shall establish a disputes and complaints settlement procedure.

CHAPTER XV – FINAL PROVISIONS

ARTICLE 40

Signature and ratification, acceptance or approval

(1) Except as otherwise provided, this Agreement shall be open for signature at the Depositary headquarters from 1 February 2008 until and including 31 August 2008 by Contracting Parties to the International Coffee Agreement 2001 and Governments invited to the session of the Council at which this Agreement was adopted.

(2) This Agreement shall be subject to ratification, acceptance or approval by the signatory Governments in accordance with their respective legal procedures.

(3) Except as provided for in Article 42, instruments of ratification, acceptance or approval shall be deposited with the Depositary not later than 30 September 2008. However, the Council may decide to grant extensions of time to signatory Governments which are unable to deposit their instruments by that date. Such decisions shall be transmitted by the Council to the Depositary.

(4) Upon signature and ratification, acceptance or approval, or notification of provisional application, the European Community shall deposit a declaration with the Depositary confirming its exclusive competence over matters governed by this Agreement. The member States of the European Community shall not be eligible to become Contracting Parties to the Agreement.

ARTICLE 41

Provisional application

A signatory Government which intends to ratify, accept or approve this Agreement may, at any time, notify the Depositary that it will apply this Agreement provisionally in accordance with its legal procedures.

ARTICLE 42

Entry into force

(1) This Agreement shall enter into force definitively when signatory Governments holding at least two-thirds of the votes of the exporting Members and signatory Governments holding at least two-thirds of the votes of the importing Members, calculated as at 28 September 2007, without reference to possible suspension under the terms of Article 21,