ARTICLE 12

Votes

(1) The exporting Members shall together hold 1,000 votes and the importing Members shall together hold 1,000 votes, distributed within each category of Member – that is, exporting and importing Members, respectively – as provided for in the following paragraphs of this Article.

(2) Each Member shall have five basic votes.

(3) The remaining votes of exporting Members shall be divided among such Members in proportion to the average volume of their respective exports of coffee to all destinations in the preceding four calendar years.

(4) The remaining votes of importing Members shall be divided among such Members in proportion to the average volume of their respective imports of coffee in the preceding four calendar years.

(5) The European Community or any intergovernmental organization as defined in paragraph (3) of Article 4 shall hold votes as a single Member; it shall have five basic votes and additional votes in proportion to the average volume of its imports or exports of coffee, in the preceding four calendar years.

(6) The distribution of votes shall be determined by the Council in accordance with the provisions of this Article at the beginning of each coffee year and shall remain in effect during that year, except as provided for in paragraph (7) of this Article.

(7) The Council shall provide for the redistribution of votes in accordance with the provisions of this Article whenever there is a change in the membership of the Organization or if the voting rights of a Member are suspended or regained under the provisions of Article 21.

(8) No Member shall hold two-thirds or more of the votes in its category.

(9) There shall be no fractional votes.

ARTICLE 13

Voting procedure of the Council

(1) Each Member shall be entitled to cast the number of votes it holds and shall not be entitled to divide its votes. However, a Member may cast differently any votes which it holds under the provisions of paragraph (2) of this Article.

(2) Any exporting Member may authorize in writing any other exporting Member, and any importing Member may authorize in writing any other importing Member, to represent its interests and to exercise its right to vote at any meeting or meetings of the Council.

ARTICLE 14

Decisions of the Council

(1) The Council shall endeavour to take all decisions and to make all recommendations by consensus. If consensus cannot be reached, the Council shall take decisions and make recommendations by a distributed majority vote of 70% or more of exporting Members, present and voting, and 70% or more of importing Members, present and voting, counted separately.

(2) The following procedure shall apply with respect to any decision by the Council taken by a distributed majority vote:

(a) if a distributed majority vote is not obtained because of the negative vote of three or less exporting or three or less importing Members, the proposal shall, if the Council so decides by a majority of the Members present, be put to a vote again within 48 hours; and

(b) if a distributed majority vote is again not obtained, the proposal shall be considered not approved.

(3) Members are committed to accept as binding all decisions of the Council under the provisions of this Agreement.