RESOLUTION COMEX 1/2002

TERMINATION OF THE 1924 AGREEMENT FOR THE ESTABLISHMENT OF AN INTERNATIONAL WINE OFFICE

THE GENERAL ASSEMBLY OF THE INTERNATIONAL WINE AND VINE OFFICE,

NOTING THAT Article 17, paragraph 1 of the Agreement establishing the International Organisation of Vine and Wine, done at Paris on 3 April 2001 (hereinafter referred to as “the Agreement”) provides that the Agreement for the Establishment in Paris of an International Wine Office, done at Paris on 29 November 1924 (hereinafter referred to as “the Agreement of 29 November 1924”), as amended, shall be terminated by the unanimous decision of the first General Assembly following the entry into force of this Agreement, unless all Parties to the Agreement have unanimously agreed, prior to the entry into force of this Agreement, on conditions for its termination;

NOTING THAT Article 17 paragraph 2 of the Agreement establishing the International Organisation of Vine and Wine, done at Paris on 3 April 2001 provides that the "International Organisation of Vine and Wine" shall replace the International Vine and Wine Office with regard to all its rights and obligations;

BEARING IN MIND Article 42, paragraph 2 of the Vienna Convention on the Law of Treaties (hereinafter referred to as “the Vienna Convention”), which provides, notably , that the termination of a treaty may take place only as a result of the application of the provisions of the treaty or of the present Convention;

NOTING THAT Article 54 of the Vienna Convention provides, notably, that the termination of a treaty may take place (a) in conformity with the provisions of the treaty; or (b) at any time by consent of all the parties after consultation with the other contracting States;

BEARING IN MIND Article 70, paragraph 1 (b) of the Vienna Convention which provides that the termination of a treaty does not affect any right, obligation or legal situation of the parties created through the execution of the treaty prior to its termination;

NOTING THAT the Agreement of 29 November 1924 does not include provisions on its termination, and that consequently the termination of the 1924 may take place only as a result of the application of the Article 54, sub-paragraph (b) of the Vienna Convention;

DESIRING THAT the termination of the Agreement of 29 November 1924 and the substitution of the International Organisation of Vine and Wine shall be effective from the day after the first General Assembly of the Organisation which follows the entry

Certified in conformity Bratislava, 28th June 2002
The Director General of the OIV
Secretary of the General Assembly
Georges DUTRUC-ROSSET

© OIV 2002

into force of the Agreement of 3 April 2001;

DECIDES that from the day after the first General Assembly of the International Organisation of Vine and Wine, and subject to formal agreement of all Parties to the Agreement of 29 November 1924:

1. the 1924 Agreement shall be terminated,
2. the International Vine and Wine Office shall yield all its assets and liabilities to the International Organisation of Vine and Wine which shall replace the International Vine and Wine Office with regard to all its rights and obligations;

EXHORTS all parties to the 1924 Agreement, that have or have not deposited their instruments of acceptance, approval, ratification or accession to the Agreement of 3 April 2001 to provide to the depositary of the Agreement of 29 November 1924 their formal agreement or confirmation so that the termination of the Agreement of 29 November 1924 and the transfer of the assets and liabilities of the International Vine and Wine Office can occur on the day after the first General Assembly of the International Organisation of Vine and Wine;

COMMISSIONS the Director General of the International Vine and Wine Office to request all Parties to the Agreement of 29 November 1924 for this formal agreement or confirmation in writing, concerning the termination of the aforementioned Agreement and the transfer of the assets and liabilities of the International Vine and Wine Office to the International Organisation of Vine and Wine, in the way herein envisaged.

Certified in conformity Bratislava, 28th June 2002
The Director General of the OIV
Secretary of the General Assembly
Georges DUTRUC-ROSSET

© OIV 2002