

ARTICLE 39

Provisional Application

The European Economic Community and its Member States and any other Government listed in Article 36(a) may deposit with the Government of the United States of America a declaration of provisional application of this Convention provided it also deposits a declaration of provisional application of the Food Aid Convention. Any other Government eligible to sign this Convention or whose application for accession is approved by the Council may also deposit with the Government of the United States of America a declaration of provisional application. Any Government depositing such a declaration shall provisionally apply this Convention and be provisionally regarded as a party thereto provided that any Government listed in Article 36(a) shall only be regarded as a provisional party to this Convention as long as it provisionally applies the Food Aid Convention.

ARTICLE 40

Entry into force

(1) This Convention shall enter into force among those Governments that have deposited instruments of ratification, acceptance, approval or accession as follows:

(a) on 18 June 1968 with respect to all provisions other than Articles 4 to 10 and

(b) on 1 July 1968 with respect to Articles 4 to 10 provided that the European Economic Community and its Member States and all other Governments listed in Article 36(a) have deposited such instruments or a declaration of provisional application by 17 June 1968 and that the Food Aid Convention will enter into force on 1 July 1968.

(2) This Convention shall enter into force for any Government that deposits an instrument of ratification, acceptance, approval or accession after 17 June 1968 on the date of such deposit except that no part of it shall enter into force for such a Government until that part enters into force for other Governments under paragraph (1) or (3) of this Article.

(3) If this Convention does not enter into force in accordance with paragraph (1) of this Article the Governments which have deposited instruments of ratification, acceptance, approval or accession or declarations of provisional application may decide by mutual consent that it shall enter into force among those Governments that have deposited instruments of ratification, acceptance, approval or accession, provided the Food Aid Convention enters into force on the first date that all the provisions of this Convention are in force, or they may take whatever other action they consider the situation requires.

(4) The Council may before this Convention enters into force establish for any country, in agreement with that country, the percentage referred to in paragraph (2) of Article 4 in accordance with that paragraph, and shall at its first session after any part of this Convention comes into force so establish the percentage for any member country for which a percentage has not been established.