

- (a) whenever the prevailing price is above 21 cents per pound; the limitations in subparagraph 1(a) and paragraph 2 of this article shall be reinstated when the prevailing price falls below 19 cents per pound, unless the Council decides otherwise;
- (b) to the importation of quantities previously purchased in excess of the relevant limitations in paragraphs 1 or 2 of this article, provided that such quantities are for shipment not more than 90 days after the relevant limitations were re-established, and provided further that these quantities are notified to the Executive Director in accordance with paragraph 4 of this article.

4. Purchases from non-Members which were arranged during the period when the limitations in paragraphs 1 and 2 of this article were not applicable for shipment after the date when such limitations were re-established shall be notified by the Member concerned to the Executive Director in accordance with such rules of procedure as may be established by the Council.

5. Any Member which considers that in a particular quota year it cannot fully carry out its obligations under this article or that these obligations damage, or threaten to damage, its re-export trade in sugar or export trade in sugar-containing products may be relieved of its obligations under paragraph 1 of this article if, and to the extent that, the Council so decides by special vote. The Council shall, in accordance with the provisions of article 69, define in its rules of procedure the circumstances in which and the conditions under which Members may be relieved of their obligations under paragraph 1 of this article, having regard in particular to exceptional and urgent cases arising in the course of customary trade.

6. The obligations established in the preceding paragraphs of this article shall not derogate from any conflicting bilateral or multilateral obligations which Members have entered into with non-Member countries prior to the entry into force of this Agreement, provided that any Member which has such conflicting obligations shall carry them out in such a way as to minimize any conflict with the obligations established in the preceding paragraphs. Such Member shall take steps as soon as possible to bring its obligations into harmony with the provisions of this article and shall inform the Council of the details of the conflicting obligations as well as of the steps taken to minimize or eliminate the conflict.

7. The Council shall provide in its rules of procedure for the notification by Members of their imports from non-Members and for the presentation by the Executive Director of periodic reports and of a comprehensive report after the completion of each quota year, showing, *inter alia*, for the period covered in each report:

- (a) the quantities of sugar exported by individual non-Members to all destinations; and
- (b) the quantities imported by individual Members from non-Members.

8. (a) Any import by a Member under this article in excess of the quantities which it is permitted to import thereunder shall be deducted from the quantity which such Member would otherwise be permitted to import under this