

GENERAL AGREEMENT ON TARIFFS AND TRADE

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Group "Agriculture"

Sub-Group on Dairy Products

ANNEX C

INTERNATIONAL DAIRY ARRANGEMENT

Corrigendum

This document contains the text of Annex C of document MTN/DP/8 amended - as indicated by the Chairman of the Trade Negotiations Committee at its meeting of 11 and 12 April 1979 - after consultations with delegations maintaining proposals or reservations (MTN/P/5, paragraph 11).

ANNEX C

INTERNATIONAL DAIRY ARRANGEMENT

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INTERNATIONAL DAIRY ARRANGEMENTPREAMBLE

Recognizing the importance of milk and dairy products to the economy of many countries in terms of production, trade and consumption;

Recognizing the need, in the mutual interests of producers and consumers, and of exporters and importers, to avoid surpluses and shortages, and to maintain prices at an equitable level;

Noting the diversity and interdependence of dairy products;

Noting the situation in the dairy products market, which is characterized by very wide fluctuations and the proliferation of export and import measures;

Considering that improved co-operation in the dairy products sector contributes to the attainment of the objectives of expansion and liberalization of world trade, and the implementation of the principles and objectives concerning developing countries agreed upon in the Tokyo Declaration of Ministers dated 14 September 1973 concerning the Multilateral Trade Negotiations;

Determined to respect the principles and objectives of the General Agreement on Tariffs and Trade (hereinafter referred to as "General Agreement" or "GATT")² and, in carrying out the aims of this Arrangement, effectively to implement the principles and objectives agreed upon in the said Tokyo Declaration;

The participants to the present Arrangement have, through their representatives, agreed as follows:

¹In this Arrangement and in the Protocols annexed thereto, the term "country" is deemed to include the European Economic Community.

²This preambular provision applies only among participants that are contracting parties to the GATT.

PART ONE

GENERAL PROVISIONS

Article I - Objectives

The objectives of this Arrangement shall be, in accordance with the principles and objectives agreed upon in the Tokyo Declaration of Ministers dated 14 September 1973 concerning the Multilateral Trade Negotiations,

- to achieve the expansion and ever greater liberalization of world trade in dairy products under market conditions as stable as possible, on the basis of mutual benefit to exporting and importing countries;
- to further the economic and social development of developing countries.

Article II - Product Coverage

1. This Arrangement applies to the dairy products sector. For the purpose of this Arrangement, the term "dairy products" is deemed to include the following products, as defined in the Customs Co-operation Council Nomenclature:

	<u>CCCN</u>
(a) Milk and cream, fresh, not concentrated or sweetened	04.01
(b) Milk and cream, preserved, concentrated or sweetened	04.02
(c) Butter	04.03
(d) Cheese and curd	04.04
(e) Casein	ex 35.01

2. The International Dairy Products Council established in terms of Article VII:1(a) of this Arrangement (hereinafter referred to as the Council) may decide that the Arrangement is to apply to other products in which dairy products referred to in paragraph 1 of this Article have been incorporated if it deems their inclusion necessary for the implementation of the objectives and provisions of this Arrangement.

Article III - Information

1. The participants agree to provide regularly and promptly to the Council the information required to permit it to monitor and assess the overall situation of the world market for dairy products and the world market situation for each individual dairy product.

2. Participating developing countries shall furnish the information available to them. In order that these participants may improve their data collection mechanisms, developed participants, and any developing participants able to do so, shall consider sympathetically any request to them for technical assistance.

3. The information that the participants undertake to provide pursuant to paragraph 1 of this Article, according to the modalities that the Council shall establish, shall include data on past performance, current situation and outlook regarding production, consumption, prices, stocks and trade, including transactions other than normal commercial transactions, in respect of the products referred to in Article II of this Arrangement, and any other information deemed necessary by the Council. Participants shall also provide information on their domestic policies and trade measures, and on their bilateral, plurilateral or multilateral commitments, in the dairy sector and shall make known, as early as possible, any changes in such policies and measures that are likely to affect international trade in dairy products. The provisions of this paragraph shall not require any participant to disclose confidential information which would impede law enforcement or otherwise be contrary to the public interest or would prejudice the legitimate commercial interests of particular enterprises, public or private.

Note: It is understood that under the provisions of this Article, the Council instructs the secretariat to draw up, and keep up to date, an inventory of all measures affecting trade in dairy products, including commitments resulting from bilateral, plurilateral and multilateral negotiations.

Article IV - Functions of the International Dairy
Products Council and Co-operation between the
Participants to this Arrangement

1. The Council shall meet in order to:

- (a) make an evaluation of the situation in and outlook for the world market for dairy products, on the basis of a status report prepared by the secretariat with the documentation furnished by participants in accordance with Article III of this Arrangement, information arising from the operation of the Protocols covered by Article VI of this Arrangement, and any other information available to it;
- (b) review the functioning of this Arrangement.

2. If after an evaluation of the world market situation and outlook, referred to in paragraph 1(a) of this Article, the Council finds that a serious market disequilibrium, or threat of such a disequilibrium, which affects or may affect international trade, is developing for dairy products in general or for one or more products, the Council will proceed to identify, taking particular account of the situation of developing countries, possible solutions for consideration by governments.

3. Depending on whether the Council considers that the situation defined in paragraph 2 of this Article is temporary or more durable, the measures referred to in paragraph 2 of this Article could include short-, medium- or long-term measures to contribute to improve the overall situation of the world market.

4. When considering measures that could be taken pursuant to paragraphs 2 and 3 of this Article, due account shall be taken of the special and more favourable treatment, to be provided for developing countries, where this is feasible and appropriate.

5. Any participant may raise before the Council any matter³ affecting this Arrangement, inter alia, for the same purposes provided for in paragraph 2 of this Article. Each participant shall promptly afford adequate opportunity for consultation regarding such matter³ affecting this Arrangement.

6. If the matter affects the application of the specific provisions of the Protocols annexed to this Arrangement, any participant which considers that its trade interests are being seriously threatened and which is unable to reach a mutually satisfactory solution with the other participant or participants concerned, may request the Chairman of the Committee for the relevant Protocol established under Article VII:2(a) of this Arrangement, to convene a special meeting of the Committee on an urgent basis so as to determine as rapidly as possible, and within four working days if requested, any measures which may be required to meet the situation. If a satisfactory solution cannot be reached, the Council shall, at the request of the Chairman of the Committee for the relevant Protocol, meet within a period of not more than fifteen days to consider the matter with a view to facilitating a satisfactory solution.

7. As a result of this Arrangement, developing countries should not suffer adverse conditions, either in regard to prices paid for imports or in receipt of customary quantities. Developing countries participants in the Arrangement who demonstrate to the Council or to the Committee for the relevant Protocol that such adverse conditions have arisen as a result of the operation of the Arrangement shall be granted priority terms in future imports for a specified period, until the adverse conditions cease. These priority terms can consist of concessional terms or priority access to supplies, depending on the nature of the adverse conditions.

³It is confirmed that the term "matter" in this paragraph includes any matter which is covered by multilateral agreements negotiated within the framework of the Multilateral Trade Negotiations, in particular those bearing on export and import measures. It is further confirmed that the provisions of Article IV:5 and this footnote are without prejudice to the rights and obligations of the parties to such agreements.

Article V - Food Aid and Transactions other than
Normal Commercial Transactions

1. The participants agree:

(a) In co-operation with FAO and other interested organizations, to foster recognition of the value of dairy products in improving nutritional levels and of ways and means through which they may be made available for the benefit of developing countries.

(b) In accordance with the objectives of this Arrangement, to furnish, within the limits of their possibilities, dairy products to developing countries by way of food aid. Participants should notify the Council in advance each year, as far as practicable, of the scale, quantities and destinations of their proposed contributions of such food aid. Participants should also give, if possible, prior notification to the Council of any proposed amendments to the notified programme. It would be understood that contributions could be made bilaterally or through joint projects or through multilateral programmes, particularly the World Food Programme.

(c) Recognizing the desirability of harmonizing their efforts in this field, as well as the need to avoid harmful interference with normal patterns of production, consumption and international trade, to exchange views in the Council on their arrangements for the supply and requirements of dairy products as food aid or on concessional terms.

2. Donated exports to developing countries, exports destined for relief purposes or welfare purposes in developing countries, and other transactions which are not normal commercial transactions shall be effected in accordance with the FAO "Principles of Surplus Disposal and Consultative Obligations". Consequently, the Council shall co-operate closely with the Consultative Sub-Committee on Surplus Disposal.

3. The Council shall, in accordance with conditions and modalities that it will establish, upon request, discuss, and consult on, all transactions other than normal commercial transactions and other than those covered by the Agreement on Interpretation and Application of Articles VI, XVI and XXIII of the General Agreement on Tariffs and Trade.

PART TWO

SPECIFIC PROVISIONS

Article VI - Protocols

1. Without prejudice to the provisions of Articles I to V of this Arrangement, the products listed below shall be subject to the provisions of the Protocols annexed to this Arrangement:

Annex I - Protocol Regarding Certain Milk Powders
Milk powder and cream powder, excluding whey powder

Annex II - Protocol Regarding Milk Fat
Milk fat

Annex III - Protocol Regarding Certain Cheeses
Certain cheeses

PART THREE

Article VII - Administration of the Arrangement

1. International Dairy Products Council

- (a) An International Dairy Products Council shall be established within the framework of the GATT. The Council shall comprise representatives of all participants to the Arrangement and shall carry out all the functions which are necessary to implement the provisions of the Arrangement. The Council shall be serviced by the GATT secretariat. The Council shall establish its own rules of procedure.

(b) Regular and special meetings

The Council shall normally meet at least twice each year. However, the Chairman may call a special meeting of the Council either on his own initiative, at the request of the Committees established under paragraph 2(a) of this Article, or at the request of a participant to this Arrangement.

(c) Decisions

The Council shall reach its decisions by consensus. The Council shall be deemed to have decided on a matter submitted for its consideration if no member of the Council formally objects to the acceptance of a proposal.

(d) Co-operation with other organizations

The Council shall make whatever arrangements are appropriate for consultation or co-operation with intergovernmental and non-governmental organizations.

(e) Admission of observers

(i) The Council may invite any non-participating country to be represented at any meeting as an observer.

(ii) The Council may also invite any of the organizations referred to in paragraph 1(d) of this Article to attend any meeting as an observer.

2. Committees

- (a) The Council shall establish a Committee to carry out all the functions which are necessary to implement the provisions of the Protocol Regarding Certain Milk Powders, a Committee to carry out all the functions which are necessary to implement the provisions of the Protocol Regarding Milk Fat and a Committee to carry out all the functions which are necessary to implement the provisions of the Protocol Regarding Certain Cheeses. Each of these Committees shall comprise representatives of all participants to the relevant Protocol. The Committees shall be serviced by the GATT secretariat. They shall report to the Council on the exercise of their functions.

(b) Examination of the market situation

The Council shall make the necessary arrangements, determining the modalities for the information to be furnished under Article III of this Arrangement, so that

- the Committee of the Protocol Regarding Certain Milk Powders may keep under constant review the situation in and the evolution of the international market for the products covered by this Protocol, and the conditions under which the provisions of this Protocol are applied by participants, taking into account the evolution of prices in international trade in each of the other dairy products having implications for the trade in products covered by this Protocol;

- the Committee of the Protocol Regarding Milk Fat may keep under constant review the situation in and the evolution of the international market for the products covered by this Protocol, and the conditions under which the provisions of this Protocol are applied by participants, taking into account the evolution of prices in international trade in each of the other dairy products having implications for the trade in products covered by this Protocol;

- the Committee of the Protocol Regarding Certain Cheeses may keep under constant review the situation in and the evolution of the international market for the products covered by this Protocol, and the conditions under which the provisions of this Protocol are applied by participants, taking into account the evolution of prices in international trade in each of the other dairy products having implications for the trade in products covered by this Protocol.

(c) Regular and special meetings

Each Committee shall normally meet at least once each quarter. However, the Chairman of each Committee may call a special meeting of the Committee on his own initiative or at the request of any participant.

(d) Decisions

Each Committee shall reach its decisions by consensus. A Committee shall be deemed to have decided on a matter submitted for its consideration if no member of the Committee formally objects to the acceptance of a proposal.

PART FOUR

Article VIII - Final Provisions

1. Acceptance⁴

- (a) This Arrangement is open for acceptance, by signature or otherwise, by governments members of the United Nations, or of one of its specialized agencies and by the European Economic Community.
- (b) Any government⁵ accepting this Arrangement may at the time of acceptance make a reservation with regard to its acceptance of any of the Protocols annexed to the Arrangement. This reservation is subject to the approval of the participants.
- (c) This Arrangement shall be deposited with the Director-General to the CONTRACTING PARTIES to the GATT who shall promptly furnish a certified copy thereof and a notification of each acceptance thereof to each participant. The texts of this Arrangement in the English, French and Spanish languages shall all be equally authentic.
- (d) Acceptance of this Arrangement shall carry denunciation of the Arrangement Concerning Certain Dairy Products, done at Geneva on 12 January 1970 which entered into force on 14 May 1970, for participants having accepted that Arrangement and denunciation of the Protocol Relating to Milk Fat, done at Geneva on 2 April 1973 which entered into force on 14 May 1973, for participants having accepted that Protocol. Such denunciation shall take effect on the date of entry into force of this Arrangement.

⁴ The terms "acceptance" or "accepted" as used in this Article include the completion of any domestic procedures necessary to implement the provisions of this Arrangement.

⁵ For the purpose of this Arrangement, the term "government" is deemed to include the competent authorities of the European Economic Community.

2. Provisional application

Any government may deposit with the Director-General to the CONTRACTING PARTIES to the GATT a declaration of provisional application of this Arrangement. Any government depositing such a declaration shall provisionally apply this Arrangement and be provisionally regarded as participating in this Arrangement.

3. Entry into force

- (a) This Arrangement shall enter into force, for those participants having accepted it, on 1 January 1980. For participants accepting this Arrangement after that date, it shall be effective from the date of their acceptance.
- (b) The validity of contracts entered into before the date of entry into force of this Arrangement is not affected by this Arrangement.

4. Validity

This Arrangement shall remain in force for three years. The duration of this Arrangement may be extended for further periods of three years at a time, by an agreement of the participants.

5. Amendment

Except where provision for modification is made elsewhere in this Arrangement the Council may recommend an amendment to the provisions of this Arrangement. The proposed amendment shall enter into force upon acceptance by the governments of all participants.

6. Relationship between the Arrangement and the Annexes

The following shall be deemed to be an integral part of this Arrangement, subject to the provisions of paragraph 1(b) of this Article:

- the Protocols mentioned in Article VI of this Arrangement and contained in its Annexes I, II and III;
- the lists of reference points mentioned in Article 2 of the Protocol Regarding Certain Milk Powders, Article 2 of the Protocol Regarding Milk Fat, and Article 2 of the Protocol Regarding Certain Cheeses, contained in Annexes Ia, IIa and IIIa respectively;

- the schedules of price differentials according to milk fat content mentioned in Article 3:4, note 3 of the Protocol Regarding Certain Milk Powders and Article 3:4, note 1 of the Protocol Regarding Milk Fat, contained in Annexes Ib and IIb respectively;
- the register of processes and control measures referred to in Article 3:5 of the Protocol Regarding Certain Milk Powders, contained in Annex Ic.

7. Relationship between the Arrangement and the GATT

Nothing in this Arrangement shall affect the rights and obligations of participants under the GATT.⁶

8. Withdrawal

Any participant may withdraw from this Arrangement or from any of the Protocols. Such withdrawal shall take effect upon the expiration of sixty days from the day on which written notice of withdrawal is received by the Director-General to the CONTRACTING PARTIES to the GATT.

⁶This provision applies only among participants that are contracting parties to the GATT.

ANNEX I

Protocol Regarding Certain Milk Powders

PROTOCOL REGARDING CERTAIN MILK POWDERS

PART ONE

Article 1 - Product Coverage

1. This Protocol applies to milk powder and cream powder falling under CCCN heading No. 04.02, excluding whey powder.

PART TWOArticle 2 - Pilot Products

1.. For the purpose of this Protocol, minimum and maximum export prices shall be established for the pilot products of the following descriptions:

- (a) Designation: Skimmed milk powder
Milk fat content: Less than or equal to 1.5 per cent by weight
Water content: Less than or equal to 5 per cent by weight
- (b) Designation: Whole milk powder
Milk fat content: 26 per cent by weight
Water content: Less than or equal to 5 per cent by weight
- (c) Designation: Buttermilk powder¹
Milk fat content: Less than or equal to 11 per cent by weight
Water content: Less than or equal to 5 per cent by weight
- Packaging: In packages normally used in the trade, of a net content by weight of not less than 25 kgs., or 50 lbs., as appropriate
- Terms of sale: F.o.b. ocean-going vessels from the exporting country or free-at-frontier exporting country.
- By derogation from this provision, reference points are designated for the countries listed in Annex Ia. The Committee established in pursuance of Article VII:2(a) of the Arrangement (hereinafter referred to as the Committee) may amend the contents of that Annex.
- Prompt payment against documents.

¹Derived from the manufacture of butter and anhydrous milk fat.

PART TWO (cont'd)

Article 3 - Minimum and Maximum Prices

Level and observance of minimum and maximum prices

1. Participants undertake to take the steps necessary to ensure that the export prices of the products defined in Article 2 of this Protocol shall not be less than the minimum prices nor more than the maximum prices applicable under the present Protocol. If the products are exported in the form of goods in which they have been incorporated, participants shall take the steps necessary to avoid the circumvention of the price provisions of this Protocol.

2. (a) The minimum price levels set out in the present Article take account, in particular, of the current market situation, dairy prices in producing participants, the need to ensure an appropriate relationship between the minimum prices established in the Protocols to the present Arrangement, the need to ensure equitable prices to consumers, and the desirability of maintaining a minimum return to the most efficient producers in order to ensure stability of supply over the longer term.

(b) The minimum prices provided for in paragraph 1 of the present Article applicable at the date of entry into force of this Protocol are fixed at:

- (i) US\$425 per metric ton for the skimmed milk powder defined in Article 2 of this Protocol.
- (ii) US\$725 per metric ton for the whole milk powder defined in Article 2 of this Protocol.
- (iii) US\$425 per metric ton for the buttermilk powder defined in Article 2 of this Protocol.

The maximum prices provided for in paragraph 1 of the present Article applicable at the date of entry into force of this Protocol are fixed at:

- (i) US\$850 per metric ton for the skimmed milk powder defined in Article 2 of this Protocol.
- (ii) US\$1,000 per metric ton for the whole milk powder defined in Article 2 of this Protocol.
- (iii) US\$850 per metric ton for the buttermilk powder defined in Article 2 of this Protocol.

PART TWO (cont'd)

Article 3 (cont'd)

3. (a) The levels of the minimum and maximum prices specified in the present Article can be modified by the Committee, taking into account, on the one hand, the results of the operation of the Protocol and, on the other hand, the evolution of the situation of the international market.

(b) The levels of the minimum prices specified in the present Article shall be subject to review at least once a year by the Committee. The Committee shall meet in September of each year for this purpose. In undertaking this review the Committee shall take account in particular, to the extent relevant and necessary, of costs faced by producers, other relevant economic factors of the world market, the need to maintain a long-term minimum return to the most economic producers, the need to maintain stability of supply and to ensure acceptable prices to consumers, and the current market situation and shall have regard to the desirability of improving the relationship between the levels of the minimum prices set out in paragraph 2(b) of the present Article and the dairy support levels in the major producing participants.

Adjustment of minimum and maximum prices

4. If the products actually exported differ from the pilot products in respect of the fat content, packaging or terms of sale, the minimum and maximum prices shall be adjusted so as to protect the minimum and maximum prices established in this Protocol for the products specified in Article 2 of this Protocol according to the following provisions:

Milk fat content: If the milk fat content of the milk powders described in Article 1 of the present Protocol excluding buttermilk powder² differs from the milk fat content of the pilot products as defined in Article 2:1(a) and (b) of the present Protocol, then for each full percentage point of milk fat as from 2 per cent, there shall be an upward adjustment of the minimum price in proportion to the difference between the minimum prices established for the pilot products defined in Article 2:1(a) and (b) of the present Protocol.³

² As defined in Article 2:1(c) of this Protocol.

³ See Annex I b, "Schedule of price differentials according to milk fat content".

PART TWO (cont'd)

Article 3 (cont'd)

Packaging: If the products are offered otherwise than in packages normally used in the trade, of a net content by weight of not less than 25 kgs. or 50 lbs., as appropriate, the minimum and maximum prices shall be adjusted so as to reflect the difference in the cost of packaging from the type of package specified above.

Terms of sale: If sold on terms other than f.o.b. from the exporting country or free-at-frontier exporting country⁴, the minimum and maximum prices shall be calculated on the basis of the minimum and maximum f.o.b. prices specified in paragraph 2(b) of this Article, plus the real and justified costs of the services provided; if the terms of the sale include credit, this shall be charged for at the prevailing commercial rates in the country concerned.

Exports and imports of skimmed milk powder and buttermilk powder for purposes of animal feed

5. By derogation from the provisions of paragraphs 1 to 4 of this Article participants may, under the conditions defined below, export or import, as the case may be, skimmed milk powder and buttermilk powder for purposes of animal feed at prices below the minimum prices provided for in this Protocol for these products. Participants may make use of this possibility only to the extent that they subject the products exported or imported to the processes and control measures which will be applied in the country of export or destination so as to ensure that the skimmed milk powder and buttermilk powder thus exported or imported are used exclusively for animal feed. These processes and control measures shall have been approved by the Committee and recorded in a register established by it.⁵ A participant seeking such derogation should indicate that it is not feasible to direct the product in question to food aid. Participants wishing to make use of the provisions of this paragraph shall give advance notification of their

⁴See Article 2.

⁵See Annex I(c), "Register of Processes and Control Measures".

It is understood that exporters would be permitted to ship skimmed milk powder and buttermilk powder for animal feed purposes in an unaltered state to importers which have had their processes and control measures inserted in the Register. In this case, exporters would inform the Committee of their intention to ship unaltered skimmed milk powder and/or buttermilk powder for animal feed purposes to those importers which have their processes and control measures registered.

PART TWO (cont'd)

Article 3 (cont'd)

intention to do so to the Committee which shall meet, at the request of a participant, to examine the market situation. The participants shall furnish the necessary information concerning their transactions in respect of skimmed milk powder and buttermilk powder for purposes of animal feed, so that the Committee may follow developments in this sector and periodically make forecasts concerning the evolution of this trade.

Special conditions of sales

6. Participants undertake within the limit of their institutional possibilities to ensure that practices such as those referred to in Article 4 of this Protocol do not have the effect of directly or indirectly bringing the export prices of the products subject to the minimum price provisions below the agreed minimum prices, nor of raising the export prices of the products subject to the maximum price provisions above the agreed maximum prices.

Field of application

7. For each participant, this Protocol is applicable to exports of the products specified in Article 1 of this Protocol manufactured or repacked inside its own customs territory.

Transactions other than normal commercial transactions

8. The provisions of paragraphs 1 to 7 of this Article shall not be regarded as applying to donated exports to developing countries or to exports destined for relief purposes or food-related development purposes or welfare purposes in developing countries or to concessional sales.

Article 4 - Provision of Information

1. In cases where prices in international trade of the products covered by Article 1 of this Protocol are approaching the minimum prices mentioned in Article 3:2(b) of this Protocol, and without prejudice to the provisions of Article III of the Arrangement, participants shall notify to the Committee all the relevant elements for evaluating their own market situation and,

PART TWO (cont'd)

Article 4 (cont'd)

in particular, credit or loan practices, twinning with other products, barter or three-sided transactions, refunds or rebates, exclusivity contracts, packaging costs and details of the packaging, so that the Committee can make a verification.

Article 5 - Obligations of Exporting Participants

1. Exporting participants agree to use their best endeavours, in accordance with their institutional possibilities, to supply on a priority basis the normal commercial requirements of developing importing participants, especially those used for food-related development purposes and welfare purposes.
2. Exporting participants agree to exempt their exports to developing importing participants from the minimum prices applicable under the present Protocol.

Article 6 - Co-operation of Importing Participants

1. Participants which import products covered by Article 1 of this Protocol undertake in particular:
 - (a) to co-operate in implementing the minimum prices objective of this Protocol and to ensure, as far as possible, that the products covered by Article 1 of this Protocol are not imported at less than the appropriate customs valuation equivalent to the prescribed minimum prices;
 - (b) without prejudice to the provisions of Article III of the Arrangement and Article 4 of this Protocol, to supply information concerning imports of products covered by Article 1 of this Protocol from non-participants;
 - (c) to consider sympathetically proposals for appropriate remedial action if imports at prices inconsistent with the minimum prices threaten the operation of this Protocol.
2. Paragraph 1 of this Article shall not apply to imports of skimmed milk powder and buttermilk powder for purposes of animal feed, provided that such imports are subject to the measures and procedures provided for in Article 3:5 of this Protocol.
3. Paragraph 1(a) of this Article shall not apply to imports by developing countries.

PART THREE

Article 7 - Derogations

1. Upon request by a participant, the Committee shall have the authority to grant derogations from the provisions of Article 3, paragraphs 1 to 5 of this Protocol in order to remedy difficulties which observance of minimum prices could cause certain participants. The Committee shall pronounce on such a request within three months from the date of the request.

Article 8 - Emergency Action

1. Any participant, which considers that its interests are seriously endangered by a country not bound by this Protocol, can request the Chairman of the Committee to convene an emergency meeting of the Committee within two working days to determine and decide whether measures would be required to meet the situation. If such a meeting cannot be arranged within the two working days and the commercial interests of the participant concerned are likely to be materially prejudiced, that participant may take unilateral action to safeguard its position, on the condition that any other participants likely to be affected are immediately notified. The Chairman of the Committee shall also be formally advised immediately of the full circumstances of the case and shall be requested to call a special meeting of the Committee at the earliest possible moment.

ANNEX I a

Protocol Regarding Certain Milk Powders

List of Reference Points

In accordance with the provisions of Article 2 of this Protocol, the following reference points are designated for the countries listed below:

Austria: Antwerp, Hamburg, Rotterdam

Finland: Antwerp, Hamburg, Rotterdam

Norway: Antwerp, Hamburg, Rotterdam

Sweden: Antwerp, Hamburg, Rotterdam

Poland: Antwerp, Hamburg, Rotterdam

ANNEX I b

Protocol Regarding Certain Milk Powders

Schedule of Price Differentials According to
Milk Fat Content

Milk fat content				Minimum price
%				US\$/metric ton
Less than 2				<u>425</u>
Equal to or more than 2, less than 3				437
"	"	3	" 4	449
"	"	4	" 5	461
"	"	5	" 6	473
"	"	6	" 7	485
"	"	7	" 8	497
"	"	8	" 9	509
"	"	9	" 10	521
"	"	10	" 11	533
"	"	11	" 12	545
"	"	12	" 13	557
"	"	13	" 14	569
"	"	14	" 15	581
"	"	15	" 16	593
"	"	16	" 17	605
"	"	17	" 18	617
"	"	18	" 19	629
"	"	19	" 20	641
"	"	20	" 21	653
"	"	21	" 22	665
"	"	22	" 23	677
"	"	23	" 24	689
"	"	24	" 25	701
"	"	25	" 26	713
"	"	26	" 27	<u>725</u>
"	"	27	" 28	737
"	"	..	"

ANNEX I c

Protocol Regarding Certain Milk Powders

Register of Processes and Control Measures

In accordance with the provisions of Article 3:5 of this Protocol, the following processes and control measures are approved for the participants listed below:

	<u>Page</u>
Australia	30/31
Austria	34/35
Canada	38/39
European Economic Community	42/43
Finland	45
Japan	48/49
New Zealand	50/51
Norway	53
Spain	56/57
Switzerland	61

AUSTRALIA

Skimmed milk powder⁶ may be exported from the customs territory of Australia to third countries:

- A. Either, after the competent Australian authorities have ensured that the skimmed milk powder has been denatured according to any one of the following processes:
1. By the addition, per 100 kgs. of skimmed milk powder, of 2.5 kgs. of lucerne meal or grass meal, containing not less than 70 per cent of particles not exceeding 300 microns, uniformly distributed throughout the mixture.
 2. By the addition of finely milled alfalfa flour (98 per cent to pass mesh 60, equivalent to 50 United States standard), in a proportion of 2 to 4 parts per 100 and of phenolphthalein in a proportion of 1:20,000 (1 gr. per 20 kgs. of milk).
 3. By the addition, in the proportion of 20 per 100 by weight of the product treated (80 per 100 by weight of milk powder and 20 per cent of the denaturing agent) of a mixture composed of 80 per cent bran and 20 per cent potato flour, rice flour or other common starch (at least 10 per cent to pass mesh 60, equivalent to 50 United States standard), with phenolphthalein in the proportion of 1:20,000.
 4. By the addition of, for each 100 kgs. of skimmed milk powder, a minimum of 35 kgs. of undeodorized fish meal and 200 grs. of carbonate of iron or sulphate of iron and
 - (a) 1.5 kgs. of activated carbon;
 - (b) or 100 grs. of mixture composed of four fifths of yellow tartrazine (E 102) and one fifth of patent blue V (E 131);

⁶These processes and control measures apply to buttermilk powder as well as to skimmed milk powder intended for animal feed.

- (c) or 20 grs. of cochineal red A (E 124);
- (d) or 40 grs. of patent blue V (E 131).
5. By the addition of, for each 100 kgs. of skimmed milk powder, a minimum of 40 kgs. of undeodorized fish meal and 300 grs. of carbonate of iron or sulphate of iron.
6. By the addition of, for each 100 kgs. of skimmed milk powder, a minimum of 4.5 kgs. of fish oil or fish liver oil and 300 grs. of carbonate of iron or sulphate of iron.

The fish meal noted in processes 4 and 5 must contain at least 25 per cent of particles with dimension below 80 microns. In processes 4, 5 and 6, the iron salts have to contain at least 30 per cent of particles of a size lower than 80 microns. The colouring matters have to contain the following percentages of the pure product:

- at least 30 per cent for cochineal red A (E 124);
- at least 25 per cent for the other colouring matters: colouring matters have to contain at least 30 per cent of particles having a size lower than 80 microns; the acidity of fish oil calculated in oleic acid has to be equal to at least 10 per cent.

The products added to skimmed milk powder, according to processes 4, 5 and 6 have to be uniformly distributed as regards in particular the activated carbon, the iron salts and the colouring matters; two samples of 50 grs. each, taken at random in a lot of 25 kgs., must give by chemical determination the same results within the limits of errors admitted by the analysis method used.

7. Dye to be added to liquid skimmed milk before drying at the rate of 2 to 3 ozs. per 100 gallons of milk (12.5 to 18.7 grs. per hectolitre). The dye to be one of the following colours:

	<u>English Standard Index Nos.</u>
Lissamine green	44.090, 42.095, 44.025
Tartrazine	19.140
Combined with	
(a) Brilliant blue F.C.F.	42.090
or	
(b) Green B.S.	44.090
Cochineal	77.289
Brilliant blue/F.C.F.	42.090

8. By the addition of meat and bone meal in a proportion of 2 to 4 parts of skimmed milk powder.

The bags or containers in which the denatured powder is packed will be labelled "For Animal Feed Only".

- B. Or, after its incorporation in compound or mixed stockfoods of a kind falling within item 23.07 of the Customs Co-operation Council Nomenclature.

AUSTRIA

Skimmed milk powder⁷ may be exported from the customs territory of Austria to third countries:

A. Either, after the competent Austrian authorities have ensured that the skimmed milk powder has been denatured according to any one of the following processes:

1. By the addition, per 100 kgs. of skimmed milk powder, of 2.5 kgs. of lucerne meal or grass meal, containing not less than 70 per cent of particles not exceeding 300 microns, uniformly distributed throughout the mixture.
2. By the addition of finely milled alfalfa flour (98 per cent to pass mesh 60, equivalent to 50 United States standard), in a proportion of 2 to 4 parts per 100 and of phenolphthalein in a proportion of 1:20,000 (1 gr. per 20 kgs. of milk).
3. By the addition, in the proportion of 20 per 100 by weight of the product treated (80 per 100 by weight of milk powder and 20 per cent of the denaturing agent) of a mixture composed of 80 per cent bran and 20 per cent potato flour, rice flour or other common starch (at least 10 per cent to pass mesh 60, equivalent to 50 United States standard), with phenolphthalein in the proportion of 1:20,000.
4. By the addition of, for each 100 kgs. of skimmed milk powder, a minimum of 35 kgs. of undeodorized fish meal and 200 grs. of carbonate of iron or sulphate of iron and:
 - (a) 1.5 kgs. of activated carbon;
 - (b) or 100 grs. of mixture composed of four fifths of yellow tartrazine (E 102) and one fifth of patent blue V (E 131);

⁷These processes and control measures apply to buttermilk powder as well as to skimmed milk powder intended for animal feed.

- (c) or 20 grs. of cochineal red A (E 124);
- (d) or 40 grs. of patent blue V (E 131).
5. By the addition of, for each 100 kgs. of skimmed milk powder, a minimum of 40 kgs. of undeodorized fish meal and 300 grs. of carbonate of iron or sulphate of iron.
6. By the addition of, for each 100 kgs. of skimmed milk powder, a minimum of 4.5 kgs. of fish oil or fish liver oil and 300 grs. of carbonate of iron or sulphate of iron.

The fish meal noted in processes 4 and 5 must contain at least 25 per cent of particles with dimension below eighty microns. In processes 4, 5 and 6, the iron salts have to contain at least 30 per cent of particles of a size lower than eighty microns. The colouring matters have to contain the following percentages of the pure product:

- at least 30 per cent for cochineal red A (E 124);
- at least 25 per cent for the other colouring matters: colouring matters have to contain at least 30 per cent of particles having a size lower than eighty microns; the acidity of fish oil calculated in oleic acid has to be equal to at least 10 per cent.

The products added to skimmed milk powder, according to processes 4, 5 and 6 have to be uniformly distributed as regards in particular the activated carbon, the iron salts and the colouring matters; two samples of 50 grs. each, taken at random in a lot of 25 kgs., must give by chemical determination the same results within the limits of errors admitted by the analysis method used.

7. Dye to be added to liquid skimmed milk before drying at the rate of 2 to 3 ozs. per 100 gls. of milk (12.5 to 18.7 grs. per hectolitre). The dye to be one of the following colours:

	<u>English Standard Index Nos.</u>
Lissamine green	44.090, 42.095, 44.025
Tartrazine	19.140
Combined with:	
(a) Brilliant blue F.C.F.	42.090
or	
(b) Green B.S.	44.090
Cochineal	77.289
Brilliant blue/F.C.F.	42.090

8. By the addition of meat and bone meal in a proportion of 2 to 4 parts of skimmed milk powder.

The bags or containers in which the denatured powder is packed will be labelled "For Animal Feed Only".

- B. Or, after its incorporation in compound or mixed stockfoods of a kind falling within item 23.07 of the Customs Co-operation Council Nomenclature.

CANADA

1. By the addition of finely milled alfalfa flour (98 per cent to pass mesh 60, equivalent to 50 United States standard), in a proportion of 2 to 4 parts per 100 and of phenolphthalein in a proportion of 1:20,000 (1 gramme per 20 kgs. of milk).
2. By the addition, in the proportion of 20 per 100 by weight of the product treated (80 per 100 by weight of milk powder and 20 per 100 of the denaturing agent) of a mixture composed of 80 per cent bran and 20 per cent potato flour, rice flour or other common starch (at least 10 per cent to pass mesh 60, equivalent to 50 United States standard) with phenolphthalein in the proportion of 1:20,000.
3. By the addition of, for each 100 kgs. of skimmed milk powder, a minimum of 35 kgs. of undeodorized fish meal and 200 grammes of carbonate of iron or sulphate of iron and
 - (a) 1.5 kgs. of activated carbon;
 - (b) or 100 grammes of mixture composed of four fifths of yellow tartrazine (E 102) and one fifth of patent blue V (E 131);
 - (c) or 20 grammes of cochineal red A (E 124);
 - (d) or 40 grammes of patent blue V (E 131).
4. By the addition of, for each 100 kgs. of skimmed milk powder, a minimum of 40 kgs. of undeodorized fish meal and 300 grammes of carbonate of iron or sulphate of iron.
5. By the addition of, for each 100 kgs. of skimmed milk powder, a minimum of 4.5 kgs. of fish oil or fish liver oil and 300 grammes of carbonate of iron or sulphate of iron.

The fish meal noted in processes 3 and 4 must contain at least 25 per cent of particles with dimension below 80 microns. In processes 3, 4 and 5, the iron salts have to contain at least 30 per cent of particles of a size lower than 80 microns. The colouring matters have to contain the following percentages of the pure product:

- at least 30 per cent for cochineal red A (E 124);
- at least 25 per cent for the other colouring matters: colouring matters have to contain at least 30 per cent of particles having a size lower than 80 microns; the acidity of fish oil calculated in oleic acid has to be equal to at least 10 per cent.

The products added to skimmed milk powder, according to processes 3, 4 and 5, have to be uniformly distributed as regards in particular the activated carbon, the iron salts and the colouring matters; two samples of 50 grs. each, taken at random in a lot of 25 kgs., must give by chemical determination the same results within the limits of errors admitted by the analysis method used.

6. By the addition of dye to liquid skimmed milk before drying at the rate of 2 to 3 ounces per 100 gallons of milk (12.5 to 18.7 grs. per hectolitre).

Dye to be one of the following colours:

	<u>English Standard Index Nos.</u>
Lissamine green	44.090, 42.095, 44.025
Tartrazine	19.140
combined with:	
(i) Brilliant blue F.C.F.	42.090
or	
(ii) Green B.S.	44.090
Cochineal	77.289
Brilliant blue/F.C.F.	42.090

7. By the addition of meat and bone meal in a proportion of 2:4 parts of skimmed milk powder.

8. By the addition, per 100 kgs. of skimmed milk powder, of 2.5 kgs. of lucerne meal or grass meal, containing not less than 70 per cent of particles not exceeding 300 microns, uniformly distributed throughout the mixture.

The bags or containers in which the denatured powder is packed will be labelled "For Animal Feed Only".

9. Incorporation of skimmed milk powder in compound or mixed stockfoods of a kind falling within item 23.07 of the Customs Co-operation Council Nomenclature.

EUROPEAN ECONOMIC COMMUNITY

Skimmed milk powder⁸ for use as animal feed may be exported to third countries:

- (a) either after being denatured in the customs territory of the Community in accordance with Article 2 of Regulation (EEC) No. 990/72⁹, as last amended by Regulation (EEC) No. 804/76.¹⁰

"Skimmed milk powder shall be denatured by the addition, per 100 kgs. of skimmed milk powder, of 2.5 kgs. of lucerne meal or grass meal, containing not less than 70 per cent of particles not exceeding 300 microns, uniformly distributed throughout the mixture."

This product falls within sub-heading 04.02 A II (b) 1 of the common customs tariff;

- (b) or after being incorporated in "sweetened forage; other preparations of a kind used for animal feeding", falling within sub-heading ex 23.07 B of the common customs tariff, containing skimmed milk powder;
- (c) or after being dyed by the following dyeing process:

The dyeing is to be by means of the colouring matters identified by the Colour Index numbers - most recent edition - and the designations indicated hereunder.

⁸These processes and control measures apply to buttermilk powder as well as to skimmed milk powder intended for animal feed. (See Regulation (EEC) No. 804/68, Article 10:1.)

⁹O.J. No. L 115 of 17 May 1972, page 1.

¹⁰O.J. No. L 93 of 8 April 1976, page 22.

These colouring matters

- are to be used alone or in combination, in the form of very fine impalpable powder

and

- are to be uniformly distributed in the skimmed milk powder
- in minimum quantities of 200 grs./100 kgs.

Designation of colouring matters:

<u>C.I. No.</u>	<u>Designation</u>
19140	Tartrazine ^{11/}
42090	Brilliant blue F.C.F.
42095	Lissamine green
44090	Green B.S., Lissamine green
74260	Pigment green 7
77289	Cochineal

- (d) or after denaturing in accordance with Annex III to Regulation (EEC) No. 2054/76^{12/}, as last amended by Regulation (EEC) No. 2823/78:13/

1. Homogeneous addition to the products to be denatured of 1 per cent blood meal and 1 per cent non-deodorized fish-meal; the two substances must be finely ground and 80 per cent of both must be able to pass through the mesh of a No. 60 sieve of the Tyler fine series (0.246 mm. mesh) or equivalent thereof.

The blood meal must be of a type regarded in the trade as soluble and must satisfy the following conditions: when the meal is diluted in water to 10 per cent strength and the solution has been stirred for fifteen minutes and then centrifuged for another fifteen minutes at 2,000 revolutions per minute it must not deposit more than 5 per cent sediment.

2. Homogeneous addition to the products to be denatured of 1 per cent blood meal and 1 per cent non-deodorized fish solubles.

The blood meal must present the same characteristics as required in the first procedure and the fish solubles must be as fine as required in the above procedure for blood meal and fish meal.

^{11/}This colouring matter to be used only in combination with one or more of the others included in the above list.

^{12/}O.J. No. L 228 of 20 August 1978, page 17.

^{13/}O.J. No. L 334 of 1 December 1978, page 84.

FINLAND

Skimmed milk powder¹⁴ may be exported from the customs territory of Finland to third countries:

- A. Either, after the competent Finnish authorities have ensured that the skimmed milk powder has been denatured according to any one of the following processes:
1. By the addition, per 100 kgs. of skimmed milk powder, of 2.5 kgs. of lucerne meal or grass meal, containing not less than 70 per cent of particles not exceeding 300 microns, uniformly distributed throughout the mixture.
 2. By the addition of finely milled alfalfa flour (98 per cent to pass mesh 60, equivalent to 50 United States standard), in a proportion of 2 to 4 parts per 100 and of phenolphthalein in a proportion of 1:20,000 (1 gr. per 20 kgs. of milk).
 3. By the addition, in the proportion of 20 per 100 by weight of the product treated (80 per 100 by weight of milk powder and 20 per cent of the denaturing agent) of a mixture composed of 80 per cent bran and 20 per cent potato flour, rice flour or other common starch (at least 10 per cent to pass mesh 60, equivalent to 50 United States standard), with phenolphthalein in the proportion of 1:20,000.
 4. By the addition of, for each 100 kgs. of skimmed milk powder, a minimum of 35 kgs. of undeodorized fish meal and 200 grs. of carbonate of iron or sulphate of iron and:
 - (a) 1.5 kgs. of activated carbon;
 - (b) or 100 grs. of mixture composed of four fifths of yellow tartrazine (E 102) and one fifth of patent blue V (E 131);

¹⁴These processes and control measures apply to buttermilk powder as well as to skimmed milk powder intended for animal feed.

- (c) or 20 grs. of cochineal red A (E 124);
 - (d) or 40 grs. of patent blue V (E 131).
5. By the addition of, for each 100 kgs. of skimmed milk powder, a minimum of 40 kgs. of undeodorized fish meal and 300 grs. of carbonate of iron or sulphate of iron.
 6. By the addition of, for each 100 kgs. of skimmed milk powder, a minimum of 4.5 kgs. of fish oil or fish liver oil and 300 grs. of carbonate of iron or sulphate of iron.

The fish meal noted in processes 4 and 5 must contain at least 25 per cent of particles with dimension below eighty microns. In processes 4, 5 and 6, the iron salts have to contain at least 30 per cent of particles of a size lower than eighty microns. The colouring matters have to contain the following percentages of the pure product:

- at least 30 per cent for cochineal red A (E 124);
- at least 25 per cent for the other colouring matters: colouring matters have to contain at least 30 per cent of particles having a size lower than eighty microns; the acidity of fish oil calculated in oleic acid has to be equal to at least 10 per cent.

The products added to skimmed milk powder, according to processes 4, 5 and 6 have to be uniformly distributed as regards in particular the activated carbon, the iron salts and the colouring matters; two samples of 50 grs. each, taken at random in a lot of 25 kgs., must give by chemical determination the same results within the limits of errors admitted by the analysis method used.

7. Dye to be added to liquid skimmed milk before drying at the rate of 2 to 3 ozs. per 100 gls. of milk (12.5 to 18.7 grs. per hectolitre). The dye to be one of the following colours:

English Standard Index Nos.

Lissamine green	44.090, 42.095, 44.025
Tartrazine	19.140
Combined with:	
(a) Brilliant blue F.C.F.	42.090
or	
(b) Green B.S.	44.090
Cochineal	77.289
Brilliant blue/F.C.F.	42.090

8. By the addition of meat and bone meal in a proportion of 2 to 4 parts of skimmed milk powder.

The bags or containers in which the denatured powder is packed will be labelled "For Animal Feed Only".

- B. Or, after its incorporation in compound or mixed stockfoods of a kind falling within item 23.07 of the Customs Co-operation Council Nomenclature.

JAPAN

Based on the provisions of Article 13 of the Customs Tariff Law, he who wants to import, with customs duty exempted, skimmed milk powder so as to produce animal feed through mixing the powder concerned with other materials shall take the following steps so that the powder concerned will not be diverted to uses other than animal feed:

1. He shall in advance make an application to the Director of Customs Office so that his factory be authorized to produce mixed feed with the duty-exempted skimmed milk powder.
2. When he (himself or through his agent) imports skimmed milk powder for purposes of animal feed, he shall go through necessary importation formalities and customs officers at a port of entry shall keep a record on the quantity of the skimmed milk powder thus imported.
3. He shall deliver the skimmed milk powder to his factory authorized under paragraph 1 above and mix it with fish meal, chrysalis meal or fish soluble.
4. After producing mixed feed, he shall submit, for inspection by the Customs Office, a report which contains, among others, information on the quantities of the skimmed milk powder used in the production and of other materials mixed therewith. The customs officers shall check how much of the quantity recorded at the time of entry has been used in the production and inspect the product concerned before its delivery from the factory.

In cases where he violates the control measures mentioned above, the authorization under paragraph 1 above shall be cancelled and the exempted customs duty shall be collected according to the provisions of the Customs Tariff Law. In addition to the above, he shall be fined or imprisoned, as the case may be, on the ground of the evasion of customs duty as provided for by the Customs Law.

NEW ZEALAND¹⁵

1. By the addition of finely milled alfalfa flour (98 per cent to pass mesh 60, equivalent to 50 United States standard), in a proportion of 2 to 4 parts per 100 and of phenolphthalein in a proportion of 1:20,000 (1 gr. per 20 kgs. of milk).
2. By the addition, in the proportion of 20 per 100 by weight of the product treated (80 per 100 by weight of milk powder and 20 per 100 of the denaturing agent) of a mixture composed of 80 per cent bran and 20 per cent potato flour, rice flour or other common starch (at least 10 per cent to pass mesh 60, equivalent to 50 United States standard), with phenolphthalein in the proportion of 1:20,000.
3. By the addition of, for each 100 kgs. of skimmed milk powder, a minimum of 35 kgs. of undeodorized fish meal and 200 grs. of carbonate of iron or sulphate of iron and
 - (a) 1.5 kgs. of activated carbon;
 - (b) or 100 grs. of mixture composed of four fifths of yellow tartrazine (E 102) and one fifth of patent blue V (E 131);
 - (c) or 20 grs. of cochineal red A (E 124);
 - (d) or 40 grs. of patent blue V (E 131);
 - (e) or 20 grs. of edicol lime.
4. By the addition of, for each 100 kgs. of skimmed milk powder, a minimum of 40 kgs. of undeodorized fish meal and 300 grs. of carbonate of iron or sulphate of iron.
5. By the addition of, for each 100 kgs. of skimmed milk powder, a minimum of 4.5 kgs. of fish oil or fish liver oil and 300 grs. of carbonate of iron or sulphate of iron.

¹⁵These processes and control measures apply to buttermilk powder as well as to skimmed milk powder intended for animal feed.

The fish meal noted in processes 3 and 4 must contain at least 25 per cent of particles with dimension below 80 microns. In processes 3, 4 and 5, the iron salts have to contain at least 30 per cent of particles of a size lower than 80 microns. The colouring matters have to contain the following percentages of the pure product:

- at least 30 per cent for cochineal red A (E 124);
- at least 25 per cent for the other colouring matters: colouring matters have to contain at least 30 per cent of particles having a size lower than 80 microns; the acidity of fish oil calculated in oleic acid has to be equal to at least 10 per cent.

The products added to skimmed milk powder, according to processes 3, 4 and 5, have to be uniformly distributed as regards in particular the activated carbon, the iron salts and the colouring matters; two samples of 50 grs. each, taken at random in a lot of 25 kgs., must give by chemical determination the same results within the limits of errors admitted by the analysis method used.

6. By the addition of dye to liquid skimmed milk before drying at the rate of 2 to 3 ounces per 100 gallons of milk (12.5 to 18.7 grs. per hectolitre).

Dye to be one of the following colours:

	<u>English Standard Index Nos.</u>
Lissamine green	44.090, 42.095, 44.025
Tartrazine	19.140
Combined with	
(i) Brilliant blue F.C.F.	42.090
or	
(ii) Green B.S.	44.090
Cochineal	77.289
Brilliant blue/F.C.F.	42.090

7. By the addition of meat and bone meal in a proportion of 2:4 parts of skimmed milk powder.

8. By the addition, per 100 kgs. of skimmed milk powder, of 2.5 kgs. of lucerne meal or grass meal, containing not less than 70 per cent of particles not exceeding 300 microns uniformly distributed throughout the mixture.

The bags or containers in which the denatured powder is packed will be labelled "For Animal Feed Only".

9. Incorporation of skimmed milk powder in compound or mixed stockfoods of a kind falling within item 23.07 of the Customs Co-operation Council Nomenclature.

NORWAY

Skimmed milk powder¹⁶ may be exported from the customs territory of Norway to third countries:

A. Either, after the competent Norwegian authorities have ensured that the skimmed milk powder has been denatured according to any one of the following processes:

1. By the addition, per 100 kgs. of skimmed milk powder, of 2.5 kgs. of lucerne meal or grass meal, containing not less than 70 per cent of particles not exceeding 300 microns, uniformly distributed throughout the mixture.
2. By the addition of finely milled alfalfa flour (98 per cent to pass mesh 60, equivalent to 50 United States standard), in a proportion of 2 to 4 parts per 100 and of phenolphthalein in a proportion of 1:20,000 (1 gr. per 20 kgs. of milk).
3. By the addition, in the proportion of 20 per 100 by weight of the product treated (80 per 100 by weight of milk powder and 20 per cent of the denaturing agent) of a mixture composed of 80 per cent bran and 20 per cent potato flour, rice flour or other common starch (at least 10 per cent to pass mesh 60, equivalent to 50 United States standard), with phenolphthalein in the proportion of 1:20,000.
4. By the addition of, for each 100 kgs. of skimmed milk powder, a minimum of 35 kgs. of undecolorized fish meal and 200 grs. of carbonate of iron or sulphate of iron and:
 - (a) 1.5 kgs. of activated carbon;
 - (b) or 100 grs. of mixture composed of four fifths of yellow tartrazine (E 102) and one fifth of patent blue V (E 131);

¹⁶These processes and control measures apply to buttermilk powder as well as to skimmed milk powder intended for animal feed.

(c) or 20 grs. of cochineal red A (E 124);

(d) or 40 grs. of patent blue V (E 131).

5. By the addition of, for each 100 kgs. of skimmed milk powder, a minimum of 40 kgs. of undeodorized fish meal and 300 grs. of carbonate of iron or sulphate of iron.
6. By the addition of, for each 100 kgs. of skimmed milk powder, a minimum of 4.5 kgs. of fish oil or fish liver oil and 300 grs. of carbonate of iron or sulphate of iron.

The fish meal noted in processes 4 and 5 must contain at least 25 per cent of particles with dimension below eighty microns. In processes 4, 5 and 6, the iron salts have to contain at least 30 per cent of particles of a size lower than eighty microns. The colouring matters have to contain the following percentages of the pure product:

- at least 30 per cent for cochineal red A (E 124);
- at least 25 per cent for the other colouring matters: colouring matters have to contain at least 30 per cent of particles having a size lower than eighty microns; the acidity of fish oil calculated in oleic acid has to be equal to at least 10 per cent.

The products added to skimmed milk powder, according to processes 4, 5 and 6 have to be uniformly distributed as regards in particular the activated carbon, the iron salts and the colouring matters; two samples of 50 grs. each, taken at random in a lot of 25 kgs., must give by chemical determination the same results within the limits of errors admitted by the analysis method used.

7. Dye to be added to liquid skimmed milk before drying at the rate of 2 to 3 ozs. per 100 gls. of milk (12.5 to 18.7 grs. per hectolitre). The dye to be one of the following colours:

English Standard Index Nos.

Lissamine green	44.090, 42.095, 44.025
Tartrazine	19.140
Combined with:	
(a) Brilliant blue F.C.F.	42.090
or	
(b) Green B.S.	44.090
Cochineal	77.289
Brilliant blue/F.C.F.	42.090

8. By the addition of meat and bone meal in a proportion of 2 to 4 parts of skimmed milk powder.

The bags or containers in which the denatured powder is packed will be labelled "For Animal Feed Only".

- B. Or, after its incorporation in compound or mixed stockfoods of a kind falling within item 23.07 of the Customs Co-operation Council Nomenclature.

SPAIN

The control systems applied by Spain to imports of skimmed milk powder intended for animal feed are set forth in the following texts annexed hereto:

1. Circular No. 789 of the General Directorate of Customs, establishing rules for the denaturing of milk powder (Annex 1);
2. Order of Ministry of Agriculture of 30 October 1976 establishing control and surveillance of denatured milk powder and whey powder for use in animal feed (Annex 2).

In addition, other supplementary provisions are in existence such as the Ministry of Finance Order dated 22 September 1969, determining the responsibilities of the customs authorities with respect to chemical analysis, and Customs Circular No. 626 (Official Gazette of 17 October 1969) prescribing the modalities for chemical analysis, rules for the taking of samples and the responsibility of the various laboratories.

ANNEX 1

General Directorate of Customs

Circular No. 789 (Official Gazette of 12 October 1977)
Establishing Rules for the Denaturing of Milk Powder

The denaturing of skimmed milk powder is to be effected by either of the following two processes:

1. Homogeneous addition to the products to be denatured of 1 per cent of blood flour and 1 per cent of fish flour¹⁷; both substances must be finely ground, and each must pass through a No. 60 screen of the Tyler fine series (0.246 millimetre mesh) or its standard equivalents, in a proportion of not less than 80 per cent.

The blood flour shall be of a type regarded as soluble in the trade and must meet the requirement that when diluted in water in a 10 per cent solution and when the solution is shaken for fifteen minutes and centrifuged for an additional fifteen minutes at 2,000 revolutions per minute, the sediment shall not exceed 5 per cent.

2. Homogeneous addition to the products to be denatured of 1 per cent of blood flour and 1 per cent of non-deodorized fish solubles.

The blood flour shall have the characteristics required in the previous process and the fish solubles shall also have, so far as degree of fineness is concerned, the same characteristics as those indicated in the previous process for blood flour and fish flour.

¹⁷It is the understanding of the Spanish authorities that the fish flour must be non-deodorized.

ANNEX 2

Ministry of Agriculture

Order of 30 October 1976 establishing control and surveillance of denatured milk powder and whey powder for use in animal feed

The import of denatured milk powder or whey powder under the Liberalized-Trade Régime exclusively for purposes of animal feed requires regulation of the control and surveillance of use, with the twofold objective of guaranteeing the quality of both the basic product and the denaturing agents employed and of preventing unlawful competition with domestic dairy products.

Quality standards and requirements for substances and products used in animal feed having been approved by Decree 851/1975 of 20 March and Ministerial Order of the Minister of Agriculture of 23 June 1976, it is necessary to make an order regarding procedures for testing and demanding the necessary quality in those products.

In pursuance of the instructions contained in Article 21 of the said Decree regarding the control and surveillance to be exercised by the Ministry of Agriculture over the handling, transport and storage of products for use in animal feed and by virtue of the authority vested in this Department by final provision 4 of the said Decree, I have deemed it fitting to provide as follows:

Article 1. The denatured milk powder and whey powder to be imported must meet the quality requirements laid down for those products in the Ministerial Order of 23 June 1976, taking into account any modifications in those characteristics which may result from the denaturing agent used. The products used as denaturing agents may be those approved by Circular No. 543 of the General Directorate of Customs (Boletín Oficial del Estado of 28 July 1966) or such other products as may subsequently be approved for the purpose.

The foregoing shall be tested by means of analyses performed by laboratories belonging to this Department on samples taken, prior to customs clearance, by the appropriate inspection services from the lots being imported.

Article 2. In order to ensure adequate preservation of the quality of these products, they may only be imported in sacks. Each of the sacks shall bear an appropriate label giving particulars concerning the type of product and the denaturing agent or agents used. Each sack shall be conspicuously marked with the words: "Products for use only in animal feed".

Article 3. The Customs Veterinary Inspection Services of this Department shall take the necessary samples and shall arrange for their despatch to the appropriate laboratory for analysis.

Before issuing the Certificate of Inspection, they shall verify the health documents accompanying the lot to be imported and shall obtain from the importer complete information concerning the destination of the product in question so as to supplement the particulars on the Import and Destination Form that is to accompany the goods (Annex 1). This form shall be signed by the importer or by a person duly authorized by him.

If the imported lot has different destinations, the importer or his representative shall make a declaration for each sub-lot.

Article 4. For purposes of subsequent control of these products, the Customs Veterinary Inspection Services shall send a copy of the Import and Destination Form to the appropriate provincial branch-office for agriculture so that the necessary verifications and procedures may be carried out by the Service for Fraud Prevention and Agricultural Testing and Analysis.

Article 5. Imported denatured dairy products shall be used exclusively in animal feed and accordingly, after clearance by Customs, they shall be consigned exclusively to fodder or additive plants, wholesale warehouses or stock-farmers, all of whom shall preserve the documentation accompanying the goods since its entry in Customs. The subsequent movement of these products shall be restricted to authorized industrial and warehousing enterprises, which must ensure that the goods are always accompanied by documents or invoices certifying the origin thereof. The consignee of the goods shall hold the original of these documents at the disposal of the inspection services for one year, and the consignor shall hold the copy or counterfoil for the same period of time and for the same purpose.

Article 6. The removal or total or partial elimination of the denaturing substances incorporated in the dairy products referred to in this Order, and likewise any other practice that would annul effects indicative of the presence of such substances, shall be prohibited.

Article 7. The inspection services of the Department shall ensure strictest compliance with the provisions of this Order, and any movement or possession of the said products in circumstances other than those authorized by this Order shall be deemed clandestine.

Article 8. Infringements of the provisions laid down in this Order shall be punished in accordance with the provisions of Decree 2177/1973, of 12 July, governing penalties for fraud in respect of agricultural products.

Article 9. The General Directorate of Agrarian Industries and the General Directorate of Agrarian Production are hereby empowered to establish additional rules for the implementation of the present Order.

Communicated for your information and action.

Madrid, 30 October 1976.

SWITZERLAND

Skimmed milk powder may be exported from the customs territory of Switzerland to third countries:

- A. Either, after the competent Swiss authorities have ensured that the skimmed milk powder has been denatured according to any one of the following processes:
1. By the addition, per 100 kgs. of skimmed milk powder, of 2.5 kgs. of lucerne meal or grass meal, containing not less than 70 per cent of particles not exceeding 300 microns, uniformly distributed throughout the mixture.
 2. By the addition of finely milled alfalfa flour (98 per cent to pass mesh 60, equivalent to 50 United States standard), in a proportion of 2 to 4 parts per 100 and of phenolphthalein in a proportion of 1:20,000 (1 gr. per 20 kgs. of milk).
 3. By the addition, in the proportion of 20 per 100 by weight of the product treated (80 per 100 by weight of milk powder and 20 per cent of the denaturing agent) of a mixture composed of 80 per cent bran and 20 per cent potato flour, rice flour or other common starch (at least 10 per cent to pass mesh 60, equivalent to 50 United States standard), with phenolphthalein in the proportion of 1:20,000.
 4. By the addition of, for each 100 kgs. of skimmed milk powder, a minimum of 35 kgs. of undeodorized fish meal and 200 grs. of carbonate of iron or sulphate of iron and:
 - (a) 1.5 kgs. of activated carbon;
 - (b) or 100 grs. of mixture composed of four fifths of yellow tartrazine (E 102) and one fifth of patent blue V (E 131);

- (c) or 20 grs. of cochineal red A (E 124);
 - (d) or 40 grs. of patent blue V (E 131).
5. By the addition of, for each 100 kgs. of skimmed milk powder, a minimum of 40 kgs. of undeodorized fish meal and 300 grs. of carbonate of iron or sulphate of iron.
 6. By the addition of, for each 100 kgs. of skimmed milk powder, a minimum of 4.5 kgs. of fish oil or fish liver oil and 300 grs. of carbonate of iron or sulphate of iron.

The fish meal noted in processes 4 and 5 must contain at least 25 per cent of particles with dimension below eighty microns. In processes 4, 5 and 6, the iron salts have to contain at least 30 per cent of particles of a size lower than eighty microns. The colouring matters have to contain the following percentages of the pure product:

- at least 30 per cent for cochineal red A (E 124);
- at least 25 per cent for the other colouring matters: colouring matters have to contain at least 30 per cent of particles having a size lower than eighty microns; the acidity of fish oil calculated in-oleic acid has to be equal to at least 10 per cent.

The products added to skimmed milk powder, according to processes 4, 5 and 6 have to be uniformly distributed as regards in particular the activated carbon, the iron salts and the colouring matters; two samples of 50 grs. each, taken at random in a lot of 25 kgs., must give by chemical determination the same results within the limits of errors admitted by the analysis method used.

7. Dye to be added to liquid skimmed milk before drying at the rate of 2 to 3 ozs. per 100 gls. of milk (12.5 to 18.7 grs. per hectolitre). The dye to belong of the following colours:

English Standard Index Nos.

Lissamine green	44.090, 42.095, 44.025
Tartrazine	19.140
Combined with	
(a) Brilliant blue F.C.F.	42.090
or	
(b) Green B.S.	44.090
Cochineal	77.289
Brilliant blue/F.C.F.	42.090

8. By the addition of meat and bone meal in a proportion of 2 to 4 parts of skimmed milk powder.

The bags or containers in which the denatured powder is packed will be labelled "For Animal Feed Only".

- B. Or, after its incorporation in compound or mixed stockfoods of a kind falling within item 23.07 of the Customs Co-operation Council Nomenclature.

ANNEX II

Protocol Regarding Milk Fat

PROTOCOL REGARDING MILK FAT

PART ONE

Article 1 - Product Coverage

1. This Protocol applies to milk fat falling under CCCN heading No. 04.03, having a milk fat content equal to or greater than 50 per cent by weight.

PART TWO

Article 2 - Pilot Products

1. For the purpose of this Protocol, minimum and maximum export prices shall be established for the pilot products of the following descriptions:

(a) Designation: Anhydrous milk fat

Milk fat content: 99.5 per cent by weight

(b) Designation: Butter

Milk fat content: 80 per cent by weight

Packaging: In packages normally used in the trade, of a net content by weight of not less than 25 kgs. or 50 lbs., as appropriate.

Terms of sale: F.o.b. from the exporting country or free-at-frontier exporting country.

By derogation from this provision, reference points are designated for the countries listed in Annex II a. The Committee established in pursuance of Article VII:2(a) of the Arrangement (hereinafter referred to as the Committee) may amend the contents of that Annex.

Prompt payment against documents.

PART TWO (cont'd)

Article 3 - Minimum and Maximum Prices

Level and observance of minimum and maximum prices

1. Participants undertake to take the steps necessary to ensure that the export prices of the products defined in Article 2 of this Protocol shall not be less than the minimum prices nor more than the maximum prices applicable under the present Protocol. If the products are exported in the form of goods in which they have been incorporated, participants shall take the steps necessary to avoid the circumvention of the price provisions of this Protocol.
 2. (a) The minimum price levels set out in the present Article take account, in particular, of the current market situation, dairy prices in producing participants, the need to ensure an appropriate relationship between the minimum prices established in the Protocols to the present Arrangement, the need to ensure equitable prices to consumers, and the desirability of maintaining a minimum return to the most efficient producers in order to ensure stability of supply over the longer term.
(b) The minimum prices provided for in paragraph 1 of the present Article applicable at the date of entry into force of this Protocol are fixed at:
 - (i) US\$1,100 per metric ton for the anhydrous milk fat defined in Article 2 of this Protocol.
 - (ii) US\$925 per metric ton for the butter defined in Article 2 of this Protocol.
- The maximum prices provided for in paragraph 1 of the present Article applicable at the date of entry into force of this Protocol are fixed at:
- (i) US\$1,800 per metric ton for the anhydrous milk fat defined in Article 2 of this Protocol.
 - (ii) US\$1,500 per metric ton for the butter defined in Article 2 of this Protocol.

PART TWO (cont'd)

Article 3 (cont'd)

3. (a) The levels of the minimum and maximum prices specified in the present Article can be modified by the Committee, taking into account, on the one hand, the results of the operation of the Protocol and, on the other hand, the evolution of the situation of the international market.

(b) The levels of the minimum prices specified in the present Article shall be subject to review at least once a year by the Committee. The Committee shall meet in September of each year for this purpose. In undertaking this review the Committee shall take account in particular, to the extent relevant and necessary, of costs faced by producers, other relevant economic factors of the world market, the need to maintain a long-term minimum return to the most economic producers, the need to maintain stability of supply and to ensure acceptable prices to consumers, and the current market situation and shall have regard to the desirability of improving the relationship between the levels of the minimum prices set out in paragraph 2(b) of the present Article and the dairy support levels in the major producing participants.

Adjustment of minimum and maximum prices

4. If the products actually exported differ from the pilot products in respect of the fat content, packaging or terms of sale, the minimum and maximum prices shall be adjusted so as to protect the minimum and maximum prices established in this Protocol for the products specified in Article 2 of this Protocol according to the following provisions:

Milk fat content: If the milk fat content of the product defined in Article 1 of the present Protocol differs from the milk fat content of the pilot products as defined in Article 2 of the present Protocol then, if the milk fat content is equal to or greater than 82 per cent or less than 80 per cent, the minimum price of this product shall be, for each full percentage point by which the milk fat content is more than or less than 80 per cent, increased or reduced in proportion to the difference between the minimum prices established for the pilot products defined in Article 2 of the present Protocol.¹

¹See Annex II b, "Schedule of price differentials according to milk fat content".

PART TWO (cont'd)

Article 3 (cont'd)

- Packaging:** If the products are offered otherwise than in packages normally used in the trade, of a net content by weight of not less than 25 kgs. or 50 lbs., as appropriate, the minimum and maximum prices shall be adjusted so as to reflect the difference in the cost of packaging from the type of package specified above.
- Terms of sale:** If sold on terms other than f.o.b. from the exporting country or free-at-frontier exporting country², the minimum and maximum prices shall be calculated on the basis of the minimum and maximum f.o.b. prices specified in paragraph 2(b) of this Article, plus the real and justified costs of the services provided; if the terms of the sale include credit, this shall be charged for at the prevailing commercial rates in the country concerned.

Special conditions of sales

5. Participants undertake within the limit of their institutional possibilities to ensure that practices such as those referred to in Article 4 of this Protocol do not have the effect of directly or indirectly bringing the export prices of the products subject to the minimum price provisions below the agreed minimum prices, nor of raising the export prices of the products subject to the maximum price provisions above the agreed maximum prices.

Field of application

6. For each participant, this Protocol is applicable to exports of the products specified in Article 1 of this Protocol manufactured or repacked inside its own customs territory.

Transactions other than normal commercial transactions

7. The provisions of paragraphs 1 to 6 of this Article shall not be regarded as applying to donated exports to developing countries or to exports destined for relief purposes or food-related development purposes or welfare purposes in developing countries or to concessional sales.

²See Article 2.

PART TWO (cont'd)

Article 4 - Provision of Information

1. In cases where prices in international trade of the products covered by Article 1 of this Protocol are approaching the minimum prices mentioned in Article 3:2(b) of this Protocol, and without prejudice to the provisions of Article III of the Arrangement, participants shall notify to the Committee all the relevant elements for evaluating their own market situation and, in particular, credit or loan practices, twinning with other products, barter or three-sided transactions, refunds or rebates, exclusivity contracts, packaging costs and details of the packaging, so that the Committee can make a verification.

Article 5 - Obligations of Exporting Participants

1. Exporting participants agree to use their best endeavours, in accordance with their institutional possibilities, to supply on a priority basis the normal commercial requirements of developing importing participants, especially those used for food-related development purposes and welfare purposes.

2. Exporting participants agree to exempt their exports to developing importing participants from the minimum prices applicable under the present Protocol.

Article 6 - Co-operation of Importing Participants

1. Participants which import products covered by Article 1 of this Protocol undertake in particular:

- (a) to co-operate in implementing the minimum prices objective of this Protocol and to ensure, as far as possible, that the products covered by Article 1 of this Protocol are not imported at less than the appropriate customs valuation equivalent to the prescribed minimum prices;
- (b) without prejudice to the provisions of Article III of the Arrangement and Article 4 of this Protocol, to supply information concerning imports of products covered by Article 1 of this Protocol from non-participants;
- (c) to consider sympathetically proposals for appropriate remedial action if imports at prices inconsistent with the minimum prices threaten the operation of this Protocol.

2. Paragraph 1(a) of this Article shall not apply to imports by developing countries.

PART THREEArticle 7 - Derogations

1. Upon request by a participant, the Committee shall have the authority to grant derogations from the provisions of Article 3, paragraphs 1 to 4 of this Protocol in order to remedy difficulties which observance of minimum prices could cause certain participants. The Committee shall pronounce on such a request within three months from the date of the request.

Article 8 - Emergency Action

1. Any participant, which considers that its interests are seriously endangered by a country not bound by this Protocol, can request the Chairman of the Committee to convene an emergency meeting of the Committee within two working days to determine and decide whether measures would be required to meet the situation. If such a meeting cannot be arranged within the two working days and the commercial interests of the participant concerned are likely to be materially prejudiced, that participant may take unilateral action to safeguard its position, on the condition that any other participants likely to be affected are immediately notified. The Chairman of the Committee shall also be formally advised immediately of the full circumstances of the case and shall be requested to call a special meeting of the Committee at the earliest possible moment.

ANNEX II a

Protocol Regarding Milk Fat

List of Reference Points

In accordance with the provisions of Article 2 of this Protocol, the following reference points are designated for the countries listed below:

Austria: Antwerp, Hamburg, Rotterdam

Finland: Antwerp, Hamburg, Rotterdam.
Basle: for butter exports to Switzerland

Norway: Antwerp, Hamburg, Rotterdam

Sweden: Antwerp, Hamburg, Rotterdam.
Basle: for butter exports to Switzerland

ANNEX II b

Protocol Regarding Milk Fat

Schedule of Price Differentials According to
Milk Fat Content

Milk fat content				Minimum price
%				US\$/metric ton
Equal to or more than ..., less than
"	..	"
"	79	"	80	916.25
"	80	"	82	<u>925</u>
"	82	"	83	942.50
"	83	"	84	951.25
"	84	"	85	960
"	85	"	86	968.75
"	86	"	87	977.50
"	87	"	88	986.25
"	88	"	89	995
"	89	"	90	1,003.75
"	90	"	91	1,012.50
"	91	"	92	1,021.25
"	92	"	93	1,030
"	93	"	94	1,038.75
"	94	"	95	1,047.50
"	95	"	96	1,056.25
"	96	"	97	1,065
"	97	"	98	1,073.75
"	98	"	99	1,082.50
"	99	"	99.5	1,091.25
"	99.5			<u>1,100</u>

ANNEX III

Protocol Regarding Certain Cheeses

PROTOCOL REGARDING CERTAIN CHEESES

PART ONE

Article 1 - Product Coverage

1. This Protocol applies to cheeses falling under CCCN heading No. 04.04, having a fat content in dry matter, by weight, equal to or more than 45 per cent and a dry matter content, by weight, equal to or more than 50 per cent.

PART TWO

Article 2 - Pilot Product

1. For the purpose of this Protocol, a minimum and a maximum export price shall be established for the pilot product of the following description:

Designation:	Cheese
Packaging:	In packages normally used in the trade of a net content by weight of not less than 20 kgs. or 40 lbs., as appropriate.
Terms of sale:	F.o.b. from the exporting country or free-at-frontier exporting country.

By derogation from this provision, reference points are designated for the countries listed in Annex IIIa. The Committee established in pursuance of Article VII:2(a) of the Arrangement (hereinafter referred to as the Committee) may amend the contents of that Annex.

Prompt payment against documents.

PART TWO (cont'd)

Article 3 - Minimum and Maximum Prices

Level and observance of minimum price and maximum price

1. Participants undertake to take the steps necessary to ensure that the export prices of the products defined in Articles 1 and 2 of this Protocol shall not be less than the minimum price nor more than the maximum price applicable under the present Protocol. If the products are exported in the form of goods in which they have been incorporated, participants shall take the steps necessary to avoid the circumvention of the price provisions of this Protocol.

2. (a) The minimum price level set out in the present Article takes account, in particular, of the current market situation, dairy prices in producing participants, the need to ensure an appropriate relationship between the minimum prices established in the Protocols to the present Arrangement, the need to ensure equitable prices to consumers, and the desirability of maintaining a minimum return to the most efficient producers in order to ensure stability of supply over the longer term.

(b) The minimum price provided for in paragraph 1 of the present Article applicable at the date of entry into force of this Protocol is fixed at US\$800 per metric ton.

The maximum price provided for in paragraph 1 of the present Article applicable at the date of entry into force of this Protocol is fixed at US\$1,280 per metric ton.

3. (a) The level of the minimum price and of the maximum price specified in the present Article can be modified by the Committee, taking into account, on the one hand, the results of the operation of the Protocol and, on the other hand, the evolution of the situation of the international market.

(b) The level of the minimum price specified in the present Article shall be subject to review at least once a year by the Committee. The Committee shall meet in September of each year for this purpose. In undertaking this review the Committee shall take account in particular, to the extent relevant and necessary, of costs faced by producers, other relevant economic factors of the world market, the need to maintain a long-term minimum return to the most economic producers, the need to maintain stability of supply and to ensure acceptable prices to consumers, and the current market situation and shall have regard to the desirability of improving the relationship between the level of the minimum price set out in paragraph 2(b) of the present Article and the dairy support levels in the major producing participants.

PART TWO (cont'd)

Article 3 (cont'd)

Adjustment of minimum price and of maximum price

4. If the products actually exported differ from the pilot product in respect of the packaging or terms of sale, the minimum price and the maximum price shall be adjusted so as to protect the minimum price and the maximum price established in this Protocol, according to the following provisions:

Packaging:

If the products are offered otherwise than in packages as specified in Article 2, the minimum price and the maximum price shall be adjusted so as to reflect the difference in the cost of packaging from the type of package specified above.

Terms of sale:

If sold on terms other than f.o.b. from the exporting country or free-at-frontier exporting country¹, the minimum price and the maximum price shall be calculated on the basis of the minimum f.o.b. price and the maximum f.o.b. price specified in paragraph 2(b) of this Article, plus the real and justified costs of the services provided; if the terms of the sale include credit, this shall be charged for at the prevailing commercial rates in the country concerned.

Special conditions of sale

5. Participants undertake within the limit of their institutional possibilities to ensure that practices such as those referred to in Article 4 of this Protocol do not have the effect of directly or indirectly bringing the export prices of the products subject to the minimum price provisions below the agreed minimum price, nor of raising the export prices of the products subject to the maximum price provisions above the agreed maximum price.

Field of application

6. For each participant, this Protocol is applicable to exports of the products specified in Article 1 of this Protocol manufactured or repacked inside its own customs territory.

¹See Article 2.

PART TWO (cont'd)

Article 3 (cont'd)

Transactions other than normal commercial transactions

7. The provisions of paragraphs 1 to 6 of this Article shall not be regarded as applying to donated exports to developing countries or to exports destined for relief purposes or food-related development purposes or welfare purposes in developing countries or to concessional sales.

Article 4 - Provision of Information

1. In cases where prices in international trade of the products covered by Article 1 of this Protocol are approaching the minimum price mentioned in Article 3:2(b) of this Protocol, and without prejudice to the provisions of Article III of the Arrangement, participants shall notify to the Committee all the relevant elements for evaluating their own market situation and, in particular, credit or loan practices, twinning with other products, barter or three-sided transactions, refunds or rebates, exclusivity contracts, packaging costs and details of the packaging, so that the Committee can make a verification.

Article 5 - Obligations of Exporting Participants

1. Exporting participants agree to use their best endeavours, in accordance with their institutional possibilities, to supply on a priority basis the normal commercial requirements of developing importing participants, especially those used for food-related development purposes and welfare purposes.

2. Exporting participants agree to exempt their exports to developing importing participants from the minimum price applicable under the present Protocol.

Article 6 - Co-operation of Importing Participants

1. Participants which import products covered by Article 1 of this Protocol undertake in particular:

(a) to co-operate in implementing the minimum price objective of this Protocol and to ensure, as far as possible, that the products covered by Article 1 of this Protocol are not imported at less than the appropriate customs valuation equivalent to the prescribed minimum price;

(b) without prejudice to the provisions of Article III of the Arrangement and Article 4 of this Protocol, to supply information concerning imports of products covered by Article 1 of this Protocol from non-participants;

PART TWO (cont'd)

Article 6 (cont'd)

(c) to consider sympathetically proposals for appropriate remedial action if imports at prices inconsistent with the minimum price threaten the operation of this Protocol.

2. Paragraph 1(a) of this Article shall not apply to imports by developing countries.

PART THREE

Article 7 - Derogations

1. Upon request by a participant, the Committee shall have the authority to grant derogations from the provisions of Article 3, paragraphs 1 to 4 of this Protocol in order to remedy difficulties which observance of minimum prices could cause certain participants. The Committee shall pronounce on such a request within thirty days from the date of the request.

2. The provisions of Article 3:1 to 4 shall not apply to exports, in exceptional circumstances, of small quantities of natural unprocessed cheese which would be below normal export quality as a result of deterioration or production faults. Participants exporting such cheese shall notify the GATT secretariat in advance of their intention to do so. Participants shall also notify the Committee quarterly of all sales of cheese effected under the provisions of this paragraph, specifying in respect of each transaction, the quantities, prices and destinations involved.

Article 8 - Emergency Action

1. Any participant, which considers that its interests are seriously endangered by a country not bound by this Protocol, can request the Chairman of the Committee to convene an emergency meeting of the Committee within two working days to determine and decide whether measures would be required to meet the situation. If such a meeting cannot be arranged within the two working days and the commercial interests of the participant concerned are likely to be materially prejudiced, that participant may take unilateral action to safeguard its position, on the condition that any other participants likely to be affected are immediately notified. The Chairman of the Committee shall also be formally advised immediately of the full circumstances of the case and shall be requested to call a special meeting of the Committee at the earliest possible moment.

ANNEX III 8

Protocol Regarding Certain Cheeses

List of Reference Points

In accordance with the provisions of Article 2 of this Protocol, the following reference points are designated for the countries listed below:

<u>Austria:</u>	Antwerp, Hamburg, Rotterdam
<u>Finland:</u>	Antwerp, Hamburg, Rotterdam
<u>Norway:</u>	Antwerp, Hamburg, Rotterdam
<u>Sweden:</u>	Antwerp, Hamburg, Rotterdam
<u>Poland:</u>	Antwerp, Hamburg, Rotterdam