

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

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International Dairy Arrangement

COMMITTEE OF THE PROTOCOL REGARDING CERTAIN MILK POWDERS

Eighteenth Session

Draft Report

Introduction

1. The Committee of the Protocol Regarding Certain Milk Powders held its eighteenth session on 21 June 1984.

Adoption of the Agenda

2. The Committee adopted the following agenda:

1. Adoption of report on the seventeenth session

2. Information required by the Committee:

(a) Replies to Questionnaire 1;

(b) Summary tables;

(c) Other information

3. Modifications to the register of processes and control measures

4. Review of the market situation for products covered by the Protocol

5. Other business

Adoption of report on the seventeenth session

3. The Committee adopted the report on its seventeenth session. The report will be distributed as document DPC/P/27.

Information required by the Committee

(a) Replies to Questionnaire 1

4. The Committee reviewed the replies to Questionnaire 1 and requested members which had not yet communicated information for the first quarter of 1984 to do so without delay. In addition, it was pointed out that replies to Questionnaire 1 relating to the second quarter of 1984 should reach the secretariat not later than 15 September 1984.

(b) Summary tables

5. The Committee had before it a document containing revised summary tables (DPC/P/W/1/Rev.17) prepared in conformity with Rule 28 of the Rules of Procedure and reproducing the information furnished in Tables A and B of Questionnaire 1 regarding skimmed milk powder and whole milk powder. The Committee took note of document DPC/P/W/1/Rev.17.

(c) Other information

6. No other information was requested.

Modifications to the register of processes and control measures

7. It was recalled that at its seventeenth session the Committee had noted that the register of processes and control measures (Annex I(c) to the Arrangement) contained processes and control measures of countries that were not participants in the Arrangement. The Committee had noted that time was needed to consider the legal aspects of the solutions suggested, and had decided to return to the question at the current session.

8. The Committee had before it a proposal prepared by the secretariat. In the view of the Office of Legal Affairs of the secretariat that proposal was consistent with the provisions of the Arrangement. The proposal suggested that the Committee make the following amendments to the register of processes and control measures: in the introductory paragraph, second line, replace the word "participants" by "countries". Add the following text at the bottom of the page:

"Note: The processes and control measures applicable by a country that is not a participant in the Arrangement will be considered valid for the purposes of the Protocol only if the country undertakes to inform the Committee of any change which may be made in its processes and control measures or in the modalities for their application."

9. The representative of Japan said that in the view of his authorities, certain legal points needed clarification. His delegation felt some doubt as to the possibility of making such changes to the register of processes and control measures, and was therefore considering making another proposal in order to solve the problem.

10. The representative of the United States suggested that Japan present its proposal in writing and that the text should likewise include the relevant legal arguments so that delegations could examine it in detail.

11. The representative of New Zealand supported the suggestion made by the United States representative and proposed that the secretariat furnish the legal arguments underlying its proposal; the Committee could return to the matter at its next session.

12. The representative of Finland said that his delegation could support the United States and New Zealand proposals.

13. The representative of Austria said that his delegation wondered whether the Committee had authority to make the amendments proposed in the

document circulated to participants. In his view, further time for reflection was necessary and the Committee could return to the question at its next session.

14. The representative of Egypt said that his delegation also felt some hesitation about accepting the amendments proposed. The legal aspects of the matter needed further examination, and accordingly the Committee could return to the question at its next session.

15. The representative of the EEC said that replacement of the word "participants" by the word "countries" in no way changed market realities nor trade practices. In that connection, his delegation had already pointed out at the Committee's previous session that the problem was of a legal nature and had no practical implications. However, the text of Annex I(c) contained an error that it should be possible to correct. In the view of his delegation, the Committee could make such a correction.

16. The representative of New Zealand said that the text of Annex I(c) as it stood indeed contained an error that the proposal before the Committee was designed to correct. However, certain delegations had doubts regarding the legal aspects of that solution; they should nevertheless take into account that there was an error in the text of Annex I(c). With respect to the trade aspects, his delegation could agree with the EEC representative that there was no problem from the practical point of view. As stated by his delegation at the Committee's previous session, the denaturing processes in force in Spain were very strict and his authorities had confidence in the integrity of those processes and control measures.

17. The representative of Japan said that he would be communicating the text of his delegation's proposal very shortly. In the view of his delegation, the legal aspects of the solutions envisaged needed further examination. Before returning to the question at the next session, it would be useful if interested delegations could hold informal consultations.

18. The Committee found that it needed time for reflection regarding the legal aspects of the solutions proposed. It noted that the Japanese delegation would be communicating a proposal, and requested the secretariat to prepare a note setting forth the arguments underlying the proposal it had made. The Committee agreed to return to the matter at its next session, and that informal consultations should take place meanwhile.

19. The observer of Canada recalled that at the previous meeting of the Committee the question was asked whether the Canadian authorities could undertake to report to the Committee any changes that might be made in the processes and control measures of Canada appearing in Annex I(c) of the Arrangement. He said that upon instructions from his authorities, his delegation had the intention to inform the Committee formally by letter that his authorities would undertake to notify promptly to the Committee any changes in the processes and control measures of Canada appearing in Annex I(c) of the Arrangement. The precise text of the letter was still being considered. He added that Canada had not exported any denatured skimmed milk powder since 1978 and that no such sales were foreseen at this time.

20. The observer for Spain recalled that at the Committee's previous session, a question had been put to his delegation regarding notification of any changes in the control measures which Spain had registered. He had received verbal instructions from his authorities to inform the Committee that his country would indeed undertake to notify any changes to the processes and control measures of Spain set forth in Annex I(c) to the Arrangement. His delegation hoped to transmit a written communication on that subject in the near future.

Review of the market situation for products covered by the Protocol

21. The representative of the United States estimated that production of skimmed milk powder might reach some 600,000 tons in 1984 as compared to 691,000 tons in 1983. It was expected that consumption would increase in 1984. Total stocks at the end of 1984 might decline and reach the level of

579,000 tons as compared to 633,000 tons at the beginning of the year. It was estimated that in 1984, exports would increase and reach the level of 275,000 tons. In the spring of 1984, skimmed milk powder prices on international markets had been between US\$640 and US\$740 per ton f.o.b. North European and selected major world ports. International prices for skimmed milk powder appeared to have stabilized since the autumn of 1983 and might continue near current levels over the next several months.

22. The representative of the EEC asked the United States representative for information about destinations of exports in 1984. He noted that following the very steep increase in food aid exports of skimmed milk powder by the United States, commercial exports of the product had diminished. In particular, EEC exports had declined very substantially. The EEC was making very costly efforts to dispose of skimmed milk powder for animal feed within the Community. Skimmed milk powder for pig and poultry feed was being sold at prices between ECU 25 and ECU 27 per 100 kg. whereas the intervention price was ECU 165.88 per 100 kg. As a result of those financial efforts, some 400,000 tons had already been disposed of in that sector in the five first months of 1984. In addition, some 1,200,000 to 1,300,000 tons of skimmed milk powder were sold at reduced prices each year for feeding calves. Exports of the product, even at very low prices, would be less costly for the Community than internal disposal programmes. He reiterated that the EEC had adopted a responsible attitude in regard to exports in order not to disrupt the international market. Participants must realize, however, that the EEC could not continue to allow its share of the skimmed milk powder market to decline.

23. The representative of the United States said that he did not have the information requested by the EEC representative regarding destinations of exports in 1984. With respect to domestic consumption of skimmed milk powder, donations of the product in the United States would increase to 70,000 tons in 1984, as against 40,000 tons in 1983. Consumption for animal feed would likewise increase to some 45,000 tons in 1984 as against 28,000 tons in 1983.

24. The representative of Sweden said that in the first quarter of 1984 output of skimmed milk powder had reached 15,000 tons, i.e. 500 tons more than in the corresponding period of 1983. As consumption and exports had declined in the first quarter of 1984, stocks at 1 April 1984 had been substantially higher than at 1 January 1984. In the second quarter of 1984 production could remain stable, consumption could increase and exports could drop back further in relation to the corresponding period of 1983. In June 1984, average export prices had been in a bracket between US\$643 and US\$656 per ton f.o.b.

25. Referring to the export prices mentioned by the Swedish representative, the representative of the EEC said that Community operators were able to export skimmed milk powder at prices between US\$690 and US\$700 per ton f.o.b. In the view of his delegation, Sweden could contribute to improving the world market for skimmed milk powder by increasing its prices slightly.

26. The representative of Sweden said that he would convey to his authorities the remarks made by the EEC representative.

27. The representative of Norway said that production and stocks of skimmed milk powder were declining and, as a consequence, Norway would probably not be exporting the product in the three last quarters of 1984. In the first quarter of the year exports had declined steeply, to total only 300 tons as against 800 tons in the first quarter of 1983. In that period export prices had reached US\$700 per ton f.o.b.

28. The representative of Finland estimated that output of skimmed milk powder in 1984 could be below the previous year's level. In the first quarter of 1984, average export prices had reached US\$690 per ton f.o.b. for skimmed milk powder and US\$1,116 per ton f.o.b. for whole milk powder.

29. The representative of South Africa said that as a result of unusually large milk production in 1983, production of skimmed milk powder had increased. In turn, this increase had resulted in large stocks of

skimmed milk powder. Efforts had been made in order to reduce stocks in a way which would be the least disruptive in the international market. South Africa was trying to decrease its stocks by promoting local consumption and by exports. It was hoped that by the end of 1984 dairy production would return to a normal level and stocks of skimmed milk powder would decline to the normal level of 10,000 tons.

30. The representative of the EEC asked the South African representative for information regarding quantities exported and destinations of exports in 1984.

31. The representative of South Africa replied that in the first quarter of 1984 some 2,600 tons of skimmed milk powder had been exported. It was envisaged that in the second quarter of 1984, exports would reach some 3,600 tons. He said that the participants were aware that South Africa had used a channel to export skimmed milk powder through the New Zealand Dairy Board, the main destinations being in the Far East. This deal had been mutually beneficial to both South Africa and New Zealand. His country had been able to take advantage of the New Zealand Dairy Board's expertise in dairy marketing because it had certain problems in reaching certain markets.

32. The representative of the EEC asked the representatives of South Africa and New Zealand whether they could furnish information regarding the price at which that transaction had taken place.

33. The representative of New Zealand said that the sale had been made at current international prices and substantially above the minimum price applicable under the Protocol. He explained that this action had been taken to protect a section of the international market, the objective of the purchase being to control and carefully manage the disposal of the unusually large seasonal South African surplus in such a way as to avoid damage to the market and to current pricing levels. The quantity purchased had been 6,000 tons of skimmed milk powder, the period of delivery being April to September 1984.

34. The representative of the EEC explained that his delegation was not criticising the transaction between South Africa and New Zealand but wished to know on what terms the transaction had taken place and, in particular, the price levels for transactions of that kind.

35. The representative of South Africa recalled that the deal had been concluded in order to avoid a disruption of the market. At the moment there was no price fixed except a guide-price or a book-keeping price of US\$615 per ton. He stressed that this was not the price at which the powder would be sold as such. The New Zealand Dairy Board would sell the product at current market prices: the difference between the guide-price and the selling price by New Zealand would be split between the two Boards.

36. The representative of the EEC noted that from the legal aspect South Africa had observed the minimum price provisions of the Protocol. Nevertheless, with respect to the market situation, his delegation felt keen concern over such a transaction because it disrupted the market. Even though trade in the product totalled 850,000 to 900,000 tons, a transaction in respect of 6,000 tons could be considered important. Furthermore, his concern was further strengthened by the price level at which the transaction was to take place.

37. The representative of New Zealand said that his delegation believed that the representative of the EEC was unnecessarily concerned at this point. He stressed that the price at which the powder would be sold had not yet been set. He reiterated that the purpose of this deal had been to protect the market, not to undermine it. His delegation was prepared to provide full information to the Committee at its next session in September when it would be possible to have a clear picture of this deal.

38. The representative of New Zealand said that production of skimmed milk powder and whole milk powder had increased substantially in the first quarter of 1984 reflecting the upsurge in milk production. International prices for skimmed milk powder for human consumption uses were currently between US\$700 and US\$740 per ton f.o.b. while pressure on some

international markets from small suppliers had been relieved by sales for stock-feed in Japan and elsewhere in South-East Asia at around US\$650 per ton f.o.b. Users of skimmed milk powder for milk recombining and other human food purposes were prepared to pay a premium for the quality of product necessary for their business. With regard to whole milk powder, he said that production internationally was closely aligned to demand and prices appeared stable at around US\$1,000 per metric ton f.o.b.

39. The representative of the EEC said that his delegation was concerned over the establishment of a dual market for skimmed milk powder. Such a dual market, with different prices for skimmed milk powder intended for human consumption and skimmed milk powder intended for animal feed, could create some confusion on the world market, all the more so because the product was the same and sometimes the destinations were likewise the same.

40. In reply, the representative of New Zealand said that his delegation could admit that this was not an encouraging development. However, he wished to emphasize that New Zealand had been responding to a market situation. On the other hand, the quality of the product sold for human consumption was different from that sold for animal feed purposes. He stressed that his delegation was sharing the concerns expressed by the representative of the EEC. He would certainly report back to his authorities the comments made by the representative of the EEC. His delegation recognized the tenuous nature of the world skimmed milk powder market. Consequently, he emphasized the need for careful management of stocks and close co-operation and discipline between the participants.

41. The representative of the EEC asked the New Zealand representative whether he could give a breakdown of skimmed milk powder sales for human consumption and sales of the product for animal feed.

42. The representative of New Zealand replied that he did not have the information requested but would try to procure it in time for the Committee's next session.

43. The representative of Japan, referring to his country's imports of skimmed milk powder, noted that in the first half of 1983 imports had been lower than in the first half of 1982; however in the second half of 1983 imports had recovered and for the year 1983, imports had been at the same level as in 1982. From January to April 1984, imports had increased by 2 per cent as compared to the corresponding period of 1983. Present import prices were at low levels and averaged US\$755 per ton c.i.f. In reply to a question he said that out of the 92,000 tons imported in 1983, some 72,000 tons had been imported for animal feed purposes and some 20,000 tons for human consumption. In 1983, import prices of powder for animal feed purposes had averaged US\$787 per ton f.o.b. while those of powder for human consumption had averaged US\$1,017 per ton c.i.f. In the period January to April 1984, those prices had been respectively around US\$712 per ton c.i.f. and US\$902 per ton c.i.f.

44. The representative of the EEC noted that most of the powder imported by Japan was intended for animal feed. Having regard to the substantial quantities of powder imported for that purpose at prices about US\$200 per ton lower than those of powder intended for human consumption, EEC exports to the Japanese market could be seen to have declined considerably because the Community sold powder at a single price and did not quote different prices according to the end use. That finding confirmed the concern already expressed by his delegation: creation of a dual market according to end use led inevitably to a general decline in prices.

45. The representative of Hungary said that output of skimmed milk powder had declined slightly in the first quarter of 1984 while consumption had remained stable. In that same period, as well as during 1983, imports and exports of the product had been nil.

46. The representative of Bulgaria said that, as he had already indicated at the Committee's previous session, his country had no imports nor exports of milk powders. Production of milk powders was used exclusively for domestic consumption.

47. The representative of the EEC estimated that output of skimmed milk powder in 1984 could be 7.6 per cent below the previous year's level. Thereafter, output in 1985 could be 12.3 per cent below the 1984 level. At 14 June 1984, stocks of skimmed milk powder had totalled 953,306 tons. With respect to the international market situation, the continuing decline in exports by the Community were causing keen concern. In 1983, exports of skimmed milk powder (including food aid) had declined for the third consecutive year. The EEC had adopted a responsible attitude as regards exports; other participants, however, were trying to sell the product at any price and were thus increasing their exports. Community operators could currently export skimmed milk powder at prices between US\$690 and US\$700 per ton f.o.b. The EEC did not practice different prices according to the end use of the product. With respect to whole milk powder, output in 1984 could show an increase by 3.2 per cent in relation to 1983, in which year production had been about 10 per cent below the 1982 level. The increase expected in 1984, however, would depend on export possibilities because output of the product was determined by orders from third countries. According to certain projections, production in 1985 could be 2 per cent below the 1984 level. Exports had declined further in 1983 and the EEC market share had diminished. Export prices of whole milk powder quoted by Community operators were currently in a bracket between US\$980 and US\$1,000 per ton f.o.b. It was possible, however, that some sales might have been made at US\$970 per ton f.o.b.

48. The representative of Argentina said that production of skimmed milk powder had remained unchanged in 1983 in relation to 1982. Exports of milk powders were mainly to other Latin American countries. In the fourth quarter of 1983, the lowest export prices had been of the order of US\$760 to US\$780 per ton for skimmed milk powder and US\$1,220 per ton for whole milk powder.

49. The representative of Australia said that total production of skimmed milk powder and buttermilk powder for the first nine months of 1983/84 season had been 31 per cent above the corresponding period in the previous season. As a result of anticipated increased butter production

Australian Dairy Corporation's estimate of 1983/84 of skimmed milk powder and buttermilk powder production of 130,900 tons represented an increase of 30 per cent on the 1982/83 level. Domestic sales of skimmed milk powder and buttermilk powder were expected to be around 37,500 tons and export availability was expected to be around 100,000 tons given desirable closing stocks. Actual exports were likely to be well below availability. The international market for skimmed milk powder continued to be highly price competitive and prices of major suppliers were generally in the range of US\$720-760 per ton f.o.b. with the usual variations due to relative currency movements to the US dollar. Eastern European powder was reportedly being offered well below these prices. With regard to whole milk powder, she said that production in the July 1983-March 1984 period at 40,600 tons had been 12.6 per cent below the corresponding months in the previous season. Due to reduced export demand and intense international market pricing competition, the Australian Dairy Corporation's 1983/84 production estimate of 43,000 tons was well below (14.7 per cent) the 1982/83 level. Export availability of 31,500 tons was likely to be close to estimated actual exports. International market prices were reported to be currently in the range of US\$970-1,100 f.o.b. with bulk product representing the lower end of the price range.

50. The observer for Canada said that in the first quarter of 1984, production and exports of skimmed milk powder had declined while apparent consumption had increased in relation to the first quarter of 1983. Stocks at 1 April 1984 had been considerably lower than one year earlier.

51. The Committee noted the high level of stocks of skimmed milk powder and underlined that having regard to the market situation, close co-operation among participants and a responsible attitude on their part were essential.

Other business

Adoption of report to the Council

52. In accordance with Article VII:2(a) of the Arrangement and Rule 22 of the Rules of Procedure, the Committee adopted its report to the Council. That report, on the work at the Committee's eighteenth session, will be distributed as document DPC/P/28.

Date of next session

53. In accordance with the preliminary calendar, it has been decided that the Committees will hold their nineteenth sessions consecutively on 24, 25 and 26 September 1984, subject to confirmation by the secretariat. The session of the Committee of the Protocol Regarding Certain Cheeses will be followed by the session of the Committee of the Protocol Regarding Milk Fat and then by the session of the Committee of the Protocol Regarding Certain Milk Powders.

ANNEX/ANNEXE/ANEXO

LIST OF REPRESENTATIVES - LISTE DES REPRESENTANTS -
LISTA DE REPRESENTANTES

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