INTERNATIONAL DAIRY PRODUCTS COUNCIL

REVIEW OF THE RULES OF PROCEDURE

Note by the Secretariat

It has been suggested that modification of the Rules of Procedure adopted by the International Dairy Products Council at its meeting 4 and 5 February 1980 (DPC/1) should be considered.

According to Article VII:1(a) of the Arrangement, the Council shall establish its own rules of procedure, and it is suggested that this also means that the Council may revise or modify such rules.

The Rules of Procedure have been unchanged since 1980 and it might now be timely to undertake a review of them. The item will be included in the agenda for the regular Council meeting in September 1992 and the present note is intended to facilitate the consideration of the matter at that meeting by indicating some changes that might be appropriate.

Also for the convenience of delegates, a copy of the current Rules of Procedure is annexed to this note.
REVISIONS TO THE RULES OF PROCEDURE

The following specific revisions and related comments are suggested for consideration by the Council. However, this list is not necessarily intended to be complete.

**Rule 3:** Change the March and September dates for Council meetings to read:

"The Council shall normally meet in the spring and autumn of each year..."

**COMMENT:** This would provide greater flexibility in setting the actual meeting dates, taking into account other activities of GATT and other relevant bodies. Some delegations have met with difficulties in meeting deadlines for notification of information.

**Rule 8:** Second sentence, change the period for presenting corrections on the draft report to fifteen working days, rather than thirty. In fourth sentence, qualify that the Secretariat shall communicate any substantive corrections received to other participants.

**COMMENT:** In practice, the Secretary receives very few corrections to its draft reports and the long delay in issuing the report is not warranted. Further, there should be no need to further delay issuance of the report by requiring the circulation of non-substantive comments, or merely editorial changes, to all participants.

**Rule 11:** Delete the phrase "which participated in the Multilateral Trade Negotiations and".

**COMMENT:** This change would permit any non-signatory countries not contracting parties which are interested in following the proceedings of the Council and Protocol Committees to request observer status. Given the growing interest of many developing countries in world trade, and the changes in Central and Eastern Europe and the former Soviet Union, it is possible that a number of countries which did not participate in the Tokyo Round may be interested in the International Dairy Arrangement. The Council would retain the right to decide on each request.

**Rule 15:** In both the first and second sentences, delete the phrase "and a Vice-Chairman".

**COMMENT:** Actual practice in the GATT is that whenever a Chairman of a body is unable to Chair, the Chairman of the parent body can assume the task, in this case the Chairman of the Council.
Rule 16: Change the text as follows:

"The Committees shall normally meet in the spring and autumn each year (usually in conjunction with the meeting of the Council), and, at the request of participants, also in the summer and/or winter. The dates of the meetings will be determined by the Chairman in consultation with the participants...."

COMMENT: This would provide greater flexibility in the scheduling of Protocol Committee meetings, to match that proposed for the Council.

Rule 22: Change the text so it begins:

"The Committees shall adopt its reports to the Council at its regular sessions."

COMMENT: This would be consistent with the proposed change in Rule 16.

Rule 23: The deadlines for submission of questionnaires may need revision in light of when the data solicited is actually available.

With respect to Questionnaire 5, it may be appropriate to replace the first sentence with:

"Information on domestic policies and trade measures shall be furnished in [May] [June] of [1995] and subsequently in each third calendar year, and for new participants, within four months following their acceptance. Any changes...."

In terms of Questionnaire 4, it would be useful to request milk production and deliveries data on a quarterly basis, while maintaining the semi-annual collection schedule for other products not covered by the Protocols.

Rule 29: Change the deadlines for distribution of the Status Report to 1 May and 1 October of each year.

COMMENT: This would match the proposed changes in the meeting dates for the Council, would allow for more complete submission of first half-year data by participants, and would avoid the requirement of preparation and printing of the report at a time when GATT translation and processing facilities are normally understaffed or overloaded.
Rule 1

Each participant to the Arrangement shall indicate to the secretariat the name of one (or more) representative(s) at Geneva to whom communications are to be addressed. Any participant may make other arrangements for this purpose.

Rule 2

The International Dairy Products Council (hereinafter referred to as "the Council") shall elect a Chairman and a Vice-Chairman. The election shall take place at the beginning of the first regular session of the year and shall take immediate effect. The Chairman and the Vice-Chairman shall be elected for a one-year term which may be renewed once.

Rule 3

The Council shall normally meet in March and in September of each year, at a date to be determined by the Chairman in consultation with the participants. The convening notice, together with a draft agenda prepared by the secretariat in consultation with the Chairman, shall be despatched at least three weeks before the date of the session.

Rule 4

The Chairman may call a special session of the Council with less than three weeks' notice. Any request by the Committee of one of the Protocols for a special session to be covered must be made by the Chairman of that Committee.

Rule 5

Unless the Council decides otherwise, all its meetings shall be private and its records treated accordingly.

Rule 6

At any time, the Council may decide to amend the agenda or to give priority to certain matters.

Rule 7

The text of Council decisions must be adopted in the course of the session at which the said decisions are made.
Rule 8

After each session of the Council, a draft report shall be sent to the participants. Any participant wishing to make corrections to the draft shall present them to the secretariat within thirty working days following the date of distribution of the draft. If within that period the secretariat receives no corrections, the report shall be deemed to be approved. The secretariat shall communicate to the participants any corrections received by it within that period. If no further remarks are made by any participant within fifteen working days following the date of circulation of such corrections, the revised report shall be deemed to be approved. Any new amendment proposal shall be subject to the same procedure.

Rule 9

The Council and the Committees of the Protocols may establish any subsidiary organs that may be necessary.

Rule 10

Representatives of contracting parties which are not signatories may follow the proceedings of the Council and the Committees of the Protocols in an observer capacity.

Rule 11

Representatives of non-signatory countries not contracting parties, which participated in the Multilateral Trade Negotiations and which are interested in following the proceedings of the Council and the Committees of the Protocols in an observer capacity, should communicate a request to the Director-General of the GATT indicating their desire to do so. The Council shall decide on each request.

Rule 12

Observers may participate in the discussions but decisions shall be taken only by signatories.

Rule 13

The Council and the Committees of the Protocols may deliberate on confidential matters in special restricted sessions.

Rule 14

The Council may invite, as appropriate, international organizations to follow particular issues of the Council or the Committees of the Protocols in an observer capacity. In addition, requests from international organizations to follow particular issues within the Council or the Committees of the Protocols in an observer capacity shall be considered on a case-by-case basis by the Council.
Rule 15

Each Committee of the Protocols (hereinafter referred to as "the Committee") shall elect a Chairman and a Vice-Chairman. The election shall take place at the beginning of the first regular session of the year and shall take immediate effect. The Chairman and the Vice-Chairman shall be elected for a one-year term which may be renewed once.

Rule 16

Each Committee shall normally meet in March, June, September and December of each year, at a date to be determined by the Chairman in consultation with the participants. The convening notice, together with a draft agenda prepared by the secretariat in consultation with the Chairman, shall be despatched at least fifteen days before the date of the session.

Rule 17

The Chairman may call a special session of the Committee with not less than two working days' notice.

Rule 18

Unless the Committee decides otherwise, all its meetings shall be private and its records treated accordingly.

Rule 19

At any time, the Committee may decide to amend the agenda or to give priority to certain matters.

Rule 20

The text of Committee decisions must be adopted in the course of the session at which the said decisions are made.

Rule 21

After each session of the Committee, a draft report shall be prepared by the secretariat. The report shall be approved by the Committee at its next session.

Rule 22

At its second and fourth regular sessions of the year, the Committee shall adopt the report it must make to the Council under Article VII:2(a) of the Arrangement. The report may be supplemented orally at the session of the Council.
Rule 23

(a) The participants are agreed that the information to be furnished under Article III of the Arrangement will be communicated on the basis of questionnaires. These questionnaires have been adopted on a trial basis and may be revised in the light of the date provided.

Replies to these questionnaires are to be furnished as follows:

- Questionnaires 1, 2 and 3 - quarterly, i.e.:
  
  data for January-March - 15 June at the latest
  April-June - 15 September at the latest
  July-September - 15 December at the latest
  October-December - 15 March at the latest

- Questionnaire 4: annual data shall be furnished two and a half months after the end of the period concerned. Six months after these data have been furnished, information on developments therein shall be communicated.

- Questionnaire 5: within four months following the entry into force of the Arrangement or, for new participants, within four months following their acceptance. Any changes in domestic policies and trade measures likely to affect international trade in dairy products shall be communicated as early as possible, and in any case in July of each year.

(b) Information not furnished within the context of these questionnaires can be exchanged between participants.

Rule 24

In accordance with the provisions of Article V:1(b) of the Arrangement, the participants agree to furnish as soon as possible information regarding their proposed contributions of food aid and likewise any proposed amendments to food-aid programmes.

Rule 25

In the event that any participant has recourse to the possibility provided under Article V:3 of requesting information on the transactions defined in that paragraph, the participant concerned by such request shall furnish to the secretariat, within fifteen days, detailed information regarding those transactions.

Rule 26

In accordance with the provisions of Article 4 of the Protocol Regarding Certain Milk Powders, Article 4 of the Protocol Regarding Milk Fat, and Article 4 of the Protocol Regarding Certain Cheeses, i.e. in cases where prices in international trade of the products covered are approaching
the minimum prices, participants shall notify, within not more that twenty days, all the relevant elements for evaluating their own market situation and, in particular, those listed in the said Articles.

Rule 27

Each Committee shall determine any additional information that it may need, in particular to take account of the evolution of prices in international trade in other products of the dairy sector having implications for the trade in products covered by the Protocol concerned.

Rule 28

Each Committee shall establish a summary table of the information in its possession; the table shall be distributed every three months to all the participants to the Arrangement.

Rule 29

The status report on the world market for dairy products, to be prepared by the secretariat every six months in pursuance of Article IV:1(a) of the Arrangement, shall be distributed not later than 1 March and 1 September of each year. The secretariat shall likewise 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; the full text of the inventory shall be distributed to participants at the beginning of each three-year period and partially revised meanwhile to take account of any changes, as and when made.

Rule 30

The secretariat shall likewise keep up-to-date information regarding food aid and transactions other than normal commercial transactions, and shall inform the Council thereof.