

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

Spec(80)8
6 May 1980

International Dairy Arrangement

COMMITTEE OF THE PROTOCOL REGARDING CERTAIN MILK POWDERS

FIRST SESSION

Draft Report

Introduction

1. The Committee of the Protocol Regarding Certain Milk Powders, established under Article VII:2(a) of the International Dairy Arrangement held its first session on 21 April 1980.

Adoption of the agenda

2. The Committee had before it airgram GATT/AIR/1616, proposing the following agenda:

1. Adoption of the agenda.
2. Election of the chairman and the vice-chairman.
3. Information required by the Committee:
 - (a) Replies to Questionnaire 1.
 - (b) Summary tables.
 - (c) Situation of contracts concluded prior to entry into force of the Arrangement.
 - (d) Other information.
4. Register of processes and control measures - amendment.
5. Review of the market situation for products covered by the Protocol.
6. Other business.

3. The representative of the ETC felt that confidential information would be exchanged during the consideration of items 3(c) and 5, as well as possibly of items 3(d) and 6, proposed in airgram GATT/AIR/1616. Consequently, his delegation proposed that a special session should be held to deliberate on those items in accordance with Rule 13 of the Rules of Procedure of the Arrangement (DPC/1, Annex). In the opinion of his delegation, participation in the special session should be limited to the signatories of the Arrangement.

4. The observer of Canada pointed out that Rule 13 of the rules of procedure of the Arrangement did not provide that special restricted sessions should be limited to signatories of the Arrangement. Canada was not a signatory of the Arrangement but it had submitted all the available information requested in the questionnaires. His delegation was prepared to discuss this information on a confidential basis in a special restricted session. He asked whether the Committee was prepared to discuss the questionnaires in a preliminary way in the full Committee.

5. The representative of the EEC pointed out that it was for the signatories of the Arrangement to decide which countries should participate in a special restricted session. Although Canada had submitted replies to questionnaires, it had not committed itself to fulfilment of certain obligations prescribed in the Arrangement. In his opinion it would be difficult, in discussing items 3(c) and 5 of the proposed agenda, to separate confidential and non-confidential information. Accordingly, his delegation proposed that those items should not be discussed in plenary session.

6. The representative of the United States pointed out that the rules of procedure of the Arrangement were carefully drafted to allow the Council and the Committees to deliberate on confidential matters in special restricted sessions with the participation of countries that had met certain criteria. It was to the Committees or to the Council to determine these criteria. However the Arrangement provided that each Committee shall reach its decisions by consensus. In the view of his delegation, it would be desirable that a major country involved in the trade of dairy products should participate in the proceedings of a special restricted session if it had submitted confidential information and if it was ready to exchange such information. He expressed the view that Canada would have been encouraged to sign the Arrangement if it had been invited to participate in the special restricted session proposed by the EEC. The special restricted sessions should be held among those countries which had exchanged and were willing to exchange confidential data. However, the Committee could decide to include whoever it wanted in a special restricted session. He hoped that the EEC would reconsider its position with regard to one particular observer and that the situation created by the EEC proposal would not be permanent.

7. The Committee adopted the agenda proposed in airgram GATT/AIR/1616. It was understood, however, that items 3(c) and 5 would be discussed in special restricted session, in accordance with Rule 13 of the Rules of Procedure. It was also understood that participation in the special session would be limited to signatories of the Arrangement.

8. The observer of Canada recalled that his country was not a signatory of the Arrangement but it had submitted all the available information requested in the questionnaires. His delegation was prepared to discuss this information on a confidential basis either in the Committee itself or in a special restricted session. He emphasized that Rule 13 of the rules of procedure of the Arrangement did not provide that special restricted sessions should be limited to signatories of the Arrangement. The decision to exclude observers from such a restricted session was interpreted by his delegation as an indication that signatories did not wish to discuss the information submitted by Canada. It was the understanding of his authorities that, in submitting this information, his delegation would be given an opportunity to exchange information and views with signatories and other observers who might be prepared also to exchange information. He expressed his serious concern about this development. Under these circumstances, his country would not continue to submit replies to the questionnaires. All the information already submitted under the questionnaires should be withdrawn from circulation and this information should not be discussed in the restricted special session. He noted the helpful comments of the representative of the United States. The observer of Canada requested that his statement be recorded in the report of the meeting.

Election of the Chairman and the Vice-Chairman

9. The Committee invited the secretariat to assume responsibility for the functions of Chairman and Vice-Chairman. It entrusted the Chairmanship to Mr. Jean-Marc Lucq. Mrs. Francine Hubert was appointed Vice-Chairman.

Information required by the Committee

(a) Replies to Questionnaire 1

10. The Committee requested members which had not yet communicated information in reply to Questionnaire 1 to do so without delay. It was also pointed out that the replies to Questionnaire 1 relating to the first quarter of 1980 should reach the secretariat not later than 15 June 1980.

(b) Summary tables

11. The Committee agreed that every three months the secretariat should prepare summary tables incorporating the data provided in Table A of Questionnaire 1. It was suggested that the first summary tables might include data relating to the latest three years on the basis of information communicated by participants.

(c) Situation of contracts concluded prior to the entry into force of the Arrangement

12. This agenda item was discussed in special restricted session.

(d) Other information

13. No other information was requested.

Register of processes and control measures - amendment

14. The Committee approved amendments to the processes and control measures registered by the European Economic Community. The text of the amendments was circulated as document L/4971.

Review of the market situation for products covered by the Protocol

15. This agenda item was discussed in special restricted session.

Other business

16. The representative of Japan recalled that according to the interpretative statement appearing in the Appendix to the Arrangement, his country had accepted Article 3:5 of the Protocol on the understanding that advance

notification of its intention to make use of the provisions of that paragraph could be made globally for a given period and not separately for each transaction. He informed the Committee that an import quota for the first six months of the fiscal year beginning 1 April 1980 had as yet not been established. He would, however, promptly communicate to the Committee the amount of that quota. He added that for the first six months of the 1979/80 fiscal year the import quota had amounted to 45,000 tonnes of skimmed milk powder. It was likely that the import quota for the first six months of the 1980/81 fiscal year would be the same as that of the preceding year.

Report to the Council

17. It was pointed out that the report the Committee was to make to the Council under Article VII:2(a) of the Arrangement would be adopted at the Committee's second and fourth session each year. It was noted that, during the current year, there would be a session of the Council following the first session of the Committee. The Committee invited the Chairman to make an oral report at the next session of the Council.

Date of the next session

18. The Committee decided to hold its next session on 30 June 1980, subject to confirmation by the secretariat. It was noted that the draft agenda prepared by the secretariat would, as far as possible, indicate the agenda items that might be dealt with in special restricted session.

ANNEXE

LIST OF REPRESENTATIVES - LISTE DES REPRESENTANTS
LISTA DE REPRESENTANTES

Chairman:
Président: Mr. J.-M. Lucq (Secretariat)
Presidente:
Vice-Chairman:
Vice-Président: Mrs. F. Hubert (Secretariat)
Vicepresidente:

PARTICIPANTS
PARTICIPANTES

ARGENTINA

Representante Sr. J.C. Raimondi
Ministro (Asuntos Económicos),
Misión Permanente ante la Oficina de las
Naciones Unidas en Ginebra

AUSTRALIA

Representatives Mr. John C. Lloyd
Minister (Commercial),
Permanent Mission to the Office of the
United Nations at Geneva

Mr. Charles O'Hanlon
Counsellor (Commercial),
Permanent Mission to the Office of the
United Nations at Geneva

Mr. Robert E. Moore
Australian Dairy Corporation in London

AUSTRIA

Representatives Mr. Paul Barberger
Federal Ministry of Agriculture and Forestry

Mr. Walter Mucera
Federal Economic Chamber

Secretary: Mr. L. Apalaci, C.W.R., Tel.Ext.2150
Conference Officer: Miss S. Niklaus, C.W.R., Tel.Ext. 2350

COMMUNAUTES EUROPEENNES

COMMISSION

Représentants

M. Alberto Barsuglia
Direction générale de l'Agriculture

M. Hector de Baere
Direction générale de l'Agriculture

M. V. Allocco
Délégation permanente à Genève

ITALIE

M.R. Trioli
Directeur général,
Mission permanente auprès de l'Office
des Nations Unies à Genève

LUXEMBOURG

Mme Jacqueline Ancel-Lenners
Représentant permanent adjoint auprès
de l'Office des Nations Unies à Genève

PAYS-BAS

M. J.C. Logger
Ministère de l'Agriculture

M. M. Hoogesteger
Ministère de l'Agriculture

ROYAUME-UNI DE
GRANDE-BRETAGNE
ET DE L'IRLANDE
DU NORD

Mr. P.K. Williams
Counsellor,
Permanent Mission to the Office of the
United Nations at Geneva

Mr. R.C. Lowson,
First Secretary,
Permanent Mission to the Office of the
United Nations at Geneva

BELGIQUE

M. Hubert van Houtte
Représentant permanent adjoint auprès
de l'Office des Nations Unies à Genève

M. Maurice Malbrecq
Ministère des Affaires étrangères

M. Herman Hooyberghs
Ingénieur agricole,
Ministère de l'Agriculture

COMMUNAUTES EUROPEENNES (suite)

DANEMARK

M. H. Bang Bendz
Chef de Section,
Ministère de l'Agriculture

REPUBLIQUE FEDERALE
D'ALLEMAGNE

M. Gerhard Schröder
Ministère fédéral de l'Alimentation,
de l'Agriculture et des Forêts

M. J. Wenzel
Mission permanente auprès de l'Office des
Nations Unies à Genève

M. J. Steffen
Mission permanente auprès de l'Office des
Nations Unies à Genève

FRANCE

M. R. Louzé
Administrateur civil,
Ministère de l'Economie

M. M. Leflon
Attaché commercial,
Représentation permanente auprès du GATT

IRLANDE

Mr. Ronald Long
First Secretary,
Permanent Mission to the Office of the
United Nations at Geneva

CONSEIL DE MINISTRES

Secrétariat général

M. A. Seguso
Administrateur principal

FINLAND

Representatives

Mr. M. Pullinen
First Secretary,
Permanent Mission to the Office of the
United Nations at Geneva

Mr. Antti Kuosmanen
Attaché,
Permanent Mission to the Office of the
United Nations at Geneva

Mr. Antti Nikkola
Assistant Director,
Ministry for Agriculture and Forestry

Mr. Jouko Siren
Research Specialist,
Ministry for Agriculture and Forestry

HUNGARY

Representative

Dr. Sándor Szabó
Second Secretary,
Permanent Mission to the Office of the
United Nations at Geneva

Alternates
Representatives

Mrs. Jolan Magyar
Chief of Section,
Ministry for Foreign Trade

Dr. Istvan Regoczi
Chief of Section,
Ministry for Foreign Trade

JAPAN

Representatives

Mr. H. Ueno
Counsellor,
Permanent Mission to the Office of the
United Nations at Geneva

Mr. M. Iwamura
First Secretary,
Permanent Mission to the Office of the
United Nations at Geneva

Mr. O. Nozaki
First Secretary,
Permanent Mission to the Office of the
United Nations at Geneva

NEW ZEALAND

Representatives

Mr. J. Yenbsley
Counsellor (Economic),
Permanent Mission to the Office of the
United Nations at Geneva

Mr. Evan Rogerson
Second Secretary,
Mission to the European Communities in Brussels

Mr. Charles Patrick
Assistant General Manager,
New Zealand Dairy Board

NORWAY

Representative

Mr. S. Kvakkestad
Counsellor,
Ministry of Agriculture

SOUTH AFRICA

Representatives

Mr. D.J. Bezuidenhout
Counsellor (Economic),
Permanent Mission to the Office of the
United Nations at Geneva

Mr. H. Steynberg
Counsellor (Agricultural Economics),
Mission to the European Communities in Brussels

SUISSE

Représentants

M. Michel Besson
Chef de Section,
Office fédéral des affaires économiques
extérieures

M. G.-A. Stünzi
Adjoint scientifique,
Office fédéral des affaires économiques
extérieures

M. V. Herrmann
Chef de Section,
Office fédéral de l'Agriculture

SWEDEN

Representatives

Mr. B. Nilsson
Assistant Head of Section,
National Agriculture Marketing Board

Mr. H. Ander
First Secretary,
Permanent Mission to the Office of the
United Nations at Geneva

UNITED STATES OF AMERICA

Representative

Mr. Anthony Cruik
Agricultural Attaché,
Office of the Trade Representative
Vice-Chairman of Council

OBSERVERS/OBSERVATEURS/OBSERVADORES

CANADA

Representative

Mr. R.G. Wright
First Secretary,
Permanent Mission to the Office of the
United Nations at Geneva

COTE D'IVOIRE

Représentant

Mme Yvonne M'Bahia
Conseiller,
Mission permanente auprès de l'Office des
Nations Unies à Genève

EGYPT

Representative

Mr. Alaa E. Shalaby
Second Secretary (Commercial Affairs),
Permanent Mission to the Office of the
United Nations at Geneva

ESPAÑA

Representantes

Sr. José Jiménez Rosado
Representante permanente adjunto
para los asuntos comerciales

Sr. Miguel Angel Díaz Mier
Consejero Comercial,
Misión permanente ante la Oficina
de las Naciones Unidas en Ginebra

NIGERIA

Representative

Mr. J.O.H. Ume
First Secretary (Commercial Affairs),
Permanent Mission to the Office of the
United Nations at Geneva

POLAND

Representative

Mr. Janusz Florczak
Deputy Director,
Foreign Trade Enterprise,
Hortex-Polcoop

TUNISIE

Représentant

Mme A. Benajmia
Secrétaire,
Mission permanente auprès de l'Office des
Nations Unies à Genève

TURQUIE

Représentant

Mr. Oktay Özüye
Conseiller,
Mission permanente auprès de l'Office
des Nations Unies à Genève