
International Dairy Arrangement

PROTOCOL REGARDING CERTAIN MILK POWDERS

Amendments proposed to the Register of Processes
and Control Measures contained in
Annex I c to the Arrangement

Note by the Secretariat

1. The proposal prepared by the secretariat (Spec(84)33) suggested that the Committee make the following amendments to the register of processes and control measures:

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."

2. The register of processes and control measures referred to in Article 3:5 of the Protocol Regarding Certain Milk Powders, contained in Annex I c, is deemed to be an integral part of the Arrangement (Article VIII:6, fourth sub-paragraph of the Arrangement).¹

¹ Article VIII: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 register of processes and control measures referred to in Article 3:5 of the Protocol Regarding Certain Milk Powders, contained in Annex I c."

3. The provisions regarding the procedure for amending the Arrangement stipulate that "the Council may recommend an amendment ..." and that "the proposed amendment shall enter into force upon acceptance by the governments of all participants", but specifies that this procedure shall not apply "where provision for modification is made elsewhere in this Arrangement" (Article VIII:5 of the Arrangement).¹

4. The latter phrase ("... where provision ... Arrangement") covers amendments made to the register of processes and control measures, since Article 3:5 of the Protocol Regarding Certain Milk Powders states that the register is established by the Committee of the Protocol (Protocol Regarding Certain Milk Powders, Article 3:5, third sentence).²

5. It should be noted that the Committee has already amended the register of processes and control measures on three occasions.

- At its meeting on 21 April 1980, the Committee approved formal amendments to the processes and control measures already registered by the EEC.

- At its meeting on 22 June 1982, the Committee approved the processes and control measures presented by Hungary and agreed to record them in the register.

¹ Article VIII: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".

² Protocol Regarding Certain Milk Powders, Article 3:5, third sentence: exports and imports of skimmed milk powder and buttermilk powder for purposes of animal feed

"... These processes and control measures shall have been approved by the Committee and recorded in a register established by it. ..."

- At its meeting on 27 June 1983, the Committee approved amendments to the processes and control measures of the EEC.

6. These amendments to the register were adopted in the Committee by consensus. In the context of reports to the Council, the latter has been informed of these amendments on each occasion and has taken note of them. In addition, these amendments have been communicated in the following documents:

- Decision of 21 April 1980 (formal amendments to the processes and control measures already registered by the EEC): document L/4971.
- Decision of 22 June 1982 (processes and control measures presented by Hungary): document L/5338 and certified true copy of the Seventh Procès-Verbal relating to the Arrangement (Let/1324).
- Decision of 27 June 1983 (amendments to the processes and control measures of the EEC): document L/5514 and certified true copy of the Eighth Procès-Verbal relating to the Arrangement (Let/1368).

7. It should also be noted that the list in the introduction to the register of processes and control measures at present includes Hungary whose processes and control measures were approved by the Committee on 22 June 1982.

8. The present text of the register of processes and control measures, as set forth in Annex I c to the Arrangement, contains a factual error in its introduction. At the time when the Arrangement was being negotiated, several negotiators including Canada and Spain had their processes and control measures approved and recorded in the register. The introductory paragraph to Annex I c to the Arrangement, as published on 12 April 1979, states that "the following processes and control measures are approved for the participants listed below". However, the list includes Canada and Spain which have not signed the Arrangement.

9. Under the amendments proposed (see paragraph 1), the existing error would be corrected if the word "participants" were replaced by "countries". Furthermore, addition of the note at the bottom of the page would solve any problems resulting from amendment by Canada and/or Spain of the processes and control measures that they have had registered or the modalities of their application.