

INTERNATIONAL DAIRY AGREEMENT

Marrakesh

15 April 1994

INTERNATIONAL DAIRY AGREEMENT^a

The *Parties* to this Agreement,

Recognizing the importance of milk and dairy products to the economy of many countries¹ 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 cooperation 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;

Determined to respect the principles and objectives of the General Agreement on Tariffs and Trade 1994² and, in carrying out the aims of this Agreement, effectively to implement the principles and objectives agreed upon in the said Tokyo Declaration;

Hereby agree as follows:

Article I

Objectives

The objectives of this Agreement shall be, in accordance with the principles and objectives agreed upon in the Tokyo Declaration of Ministers dated 14 September 1973,

- 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 Agreement applies to the dairy products sector. For the purpose of this Agreement, the term "dairy products" is deemed to include the following products, as defined in the Harmonized Commodity Description and Coding System ("Harmonized System") established by the Customs Co-operation Council³:

^a **Editorial note:** The International Dairy Agreement was terminated as of 1 January 1998, and is not included in this publication. See WTO document IDA/8.

¹ In this Agreement and in the Annex thereto, the term "country" is deemed to include the European Communities as well as any separate customs territory Member of the World Trade Organization.

² This provision shall apply only among Parties that are Members of the World Trade Organization.

³ For those Parties which have not yet implemented the Harmonized System, the following Customs Co-operation Council Nomenclature applies with respect to Article II of this Agreement and Article 1 of the Annex:

	CCCN
Milk and cream, fresh, not concentrated or sweetened	04.01
Milk and cream, preserved, concentrated or sweetened	04.02
Butter	04.03
Cheese and curd	04.04

HS Code

04.01.10-30	Milk and cream, not concentrated nor containing added sugar or other sweetening matter
04.02.10-99	Milk and cream, concentrated or containing added sugar or other sweetening matter
04.03.10-90	Buttermilk, curdled milk and cream, yogurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit or cocoa
04.04.10-90	Whey, whether or not concentrated or containing added sugar or other sweetening matter; products consisting of natural milk constituents, whether or not containing added sugar or other sweetening matter, not elsewhere specified or included
04.05.00	Butter and other fats and oils derived from milk
04.06.10-90	Cheese and curd
35.01.10	Casein

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

Article III

Information and Market Monitoring

1. Each Party shall provide regularly and promptly to the Council the information required to permit the Council 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. Developing country Parties shall furnish the information available to them. In order that these Parties may improve their data collection mechanisms, developed Parties, and any developing Parties able to do so, shall consider sympathetically any request to them for technical assistance.

3. The information that the Parties undertake to provide pursuant to paragraph 1, 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, and any other information deemed necessary by the Council. Parties 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 Party 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.

4. The Secretariat of the World Trade Organization (hereinafter referred to as "the Secretariat"), shall 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

Casein

ex 35.01

*Functions of the International Dairy Council
and Cooperation between the Parties*

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 Parties in accordance with Article III, information arising from the operation of the Annex to this Agreement on Certain Milk Products (hereinafter referred to as "the Annex") and any other information available to the Secretariat;
 - (b) review the functioning of this Agreement.
2. If after an evaluation of the world market situation and outlook, referred to in paragraph 1(a), 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 is temporary or more durable, the measures referred to in paragraph 2 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, 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 Party may raise before the Council any matter⁴ affecting this Agreement, *inter alia*, for the same purposes provided for in paragraph 2. Each Party shall promptly afford adequate opportunity for consultation regarding such matter affecting this Agreement.
6. If the matter affects the application of the specific provisions of the Annex, any Party which considers that its trade interests are being seriously threatened and which is unable to reach a mutually satisfactory solution with the other Party or Parties concerned may request the Chairman of the Committee established under paragraph 2(a) of Article VII, 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, meet within a period of not more than fifteen days to consider the matter with a view to facilitating a satisfactory solution.

Article V

*Food Aid and Transactions other than
Normal Commercial Transactions*

1. The Parties agree:
 - (a) In cooperation 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 Agreement, to furnish, within the limits of their possibilities, dairy products by way of food aid. Parties 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. Parties should also give, if possible, prior notification to the Council of any proposed amendments to the notified food-aid contributions. It is understood that contributions could be made bilaterally or through joint projects or through multilateral programmes, particularly the World Food Programme.

⁴ It is confirmed that the term "matter" in this paragraph includes any matter which is covered by Multilateral Trade Agreements annexed to the Agreement Establishing the World Trade Organization, in particular those bearing on export and import measures.

- (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, exports destined for relief purposes or welfare purposes, and other transactions which are not normal commercial transactions shall be effected in accordance with Article 10 of the Agreement on Agriculture. The Council shall cooperate closely with the FAO 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 Subsidies and Countervailing Measures.

Article VI

Annex

Without prejudice to the provisions of Articles I to V, the products listed below shall be subject to the provisions of the Annex:

Milk powder and cream powder, excluding whey powder

Milk fat

Certain cheeses

Article VII

Administration

1. International Dairy Council

- (a) An International Dairy Council shall be established within the framework of the World Trade Organization (hereinafter referred to as the "WTO"). The Council shall comprise representatives of all Parties to the Agreement and shall carry out all the functions which are necessary to implement the provisions of the Agreement. The Council shall be serviced by the Secretariat. The Council shall establish its own rules of procedure. The Council may, as appropriate, establish subsidiary working groups or other bodies.
- (b) *Regular and special meetings*

The Council shall normally meet as appropriate, but not less than twice each year. The Chairman may call a special meeting of the Council either on his own initiative, at the request of the Committee established under paragraph 2(a), or at the request of a Party to this Agreement.
- (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) *Cooperation with other organizations*

The Council shall make whatever arrangements are appropriate for consultation or cooperation with intergovernmental and non-governmental organizations.
- (e) *Admission of observers*
 - (i) The Council may invite any non-Party government to be represented at any meeting as an observer and may determine rules on the rights and obligations of observers, in particular with respect to the provision of information.

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

2. *Committee on Certain Milk Products*

- (a) The Council shall establish a Committee on Certain Milk Products (hereinafter referred to as "the Committee") to carry out all the functions which are necessary to implement the provisions of the Annex. This Committee shall comprise representatives of all Parties. The Committee shall be serviced by the Secretariat. It shall report to the Council on the exercise of its 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, so that the Committee may keep under constant review the situation in and the evolution of the international market for the products covered by the Annex, and the conditions under which the provisions of the Annex are applied by Parties, 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 the Annex.

- (c) *Regular and special meetings*

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

- (d) *Decisions*

The Committee shall reach its decisions by consensus. The 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.

Article VIII

Final Provisions

1. *Acceptance*

- (a) This Agreement is open for acceptance, by signature or otherwise, by any State or separate customs territory possessing full autonomy in the conduct of its external commercial relations and of the other matters provided for in the Agreement Establishing the WTO (hereinafter referred to as the "WTO Agreement"), and by the European Communities.
- (b) Any government⁵ accepting this Agreement may at the time of its acceptance make a reservation with regard to the application of the Annex with respect to any product(s) specified therein. Reservations may not be entered in respect of any of the provisions of the Annex without the consent of the other Parties.
- (c) Acceptance of this Agreement shall carry denunciation of the International Dairy Arrangement done at Geneva on 12 April 1979, which entered into force on 1 January 1980, for Parties having accepted that Arrangement. Such denunciation shall take effect on the date of entry into force of this Agreement for that Party.

2. *Entry into force*

- (a) This Agreement shall enter into force, for those Parties having accepted it, on the date of entry into force of the WTO Agreement. For Parties accepting this Agreement 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 Agreement shall not be affected by this Agreement.

⁵ For the purpose of this Agreement, the term "government" is deemed to include the competent authorities of the European Communities.

3. *Validity*

This Agreement shall remain in force for three years. The duration of this Agreement shall be extended for further periods of three years at a time, unless the Council, at least eighty days prior to each date of expiry, decides otherwise.

4. *Amendment*

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

5. *Relationship between the Agreement and the Annex and Attachments*

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

- the Annex mentioned in Article VI;
- the lists of reference points mentioned in Article 2 of the Annex and contained in Attachment A;
- the schedules of price differentials according to milk fat content mentioned in paragraph 4 of Article 3 of the Annex and contained in Attachment B;
- the register of processes and control measures referred to in paragraph 5 of Article 3 of the Annex and contained in Attachment C.

6. *Relationship between the Agreement and Other Agreements*

Nothing in this Agreement shall affect the rights and obligations of Parties under the General Agreement on Tariffs and Trade and the WTO Agreement.⁶

7. *Withdrawal*

- (a) Any Party may withdraw from this Agreement. Such withdrawal shall take effect upon the expiration of 60 days from the date on which written notice of withdrawal is received by the Director-General of the WTO.
- (b) Subject to such conditions as may be agreed upon by the Parties, any Party may withdraw its acceptance of the application of the provisions of the Annex with respect to any product(s) specified therein. Such withdrawal shall take effect upon the expiration of 60 days from the date on which written notice of withdrawal is received by the Director-General of the WTO.

8. *Deposit*

Until the entry into force of the WTO Agreement, the text of this Agreement shall be deposited with the Director-General to the CONTRACTING PARTIES to GATT who shall promptly furnish a certified copy thereof and a notification of each acceptance thereof to each Party. The texts of this Agreement in the English, French and Spanish languages shall all be equally authentic. This Agreement, and any amendments thereto, shall, upon the entry into force of the WTO Agreement, be deposited with the Director-General of the WTO.

9. *Registration*

This Agreement shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Marrakesh this fifteenth day of April nineteen hundred and ninety-four.

⁶ This provision shall apply only among Parties that are Members of the WTO or GATT.

ANNEX ON CERTAIN MILK PRODUCTS

Article 1

Product Coverage

1. This Annex applies to:

- (a) milk powder and cream powder falling under HS heading Nos. 04.02.10-99 and 04.03.10-90;
- (b) milk fat falling under HS heading No. 04.05.00, having a milk fat content equal to or greater than 50 per cent by weight; and
- (c) cheeses falling under HS heading No. 04.06.10-90, 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.

Field of application

2. For each Party, this Annex is applicable to exports of the products specified in paragraph 1 manufactured or repacked inside its own customs territory.

Article 2

Pilot Products

The minimum export prices established under Article 3 shall be established with respect to the pilot products of the following specifications:

- (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 powder*¹
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
- (d) Designation: *Anhydrous milk fat*
Milk fat content: 99.5 per cent by weight
- (e) Designation: *Butter*
Milk fat content: 80 per cent by weight
- (f) Designation: *Cheese*

Packaging:

In packages normally used in the trade, of a net content by weight of not less than 25 kgs. or 50 lbs., except for cheese, of 20 kgs. or 40 lbs., respectively, as appropriate.

Terms of sale:

F.o.b. from the exporting Party or free-at-frontier exporting Party.

By derogation from this provision, reference points for the Parties listed in Attachment A may be as provided therein.

Prompt payment against documents.

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

Article 3

Minimum Prices

Level and observance of minimum prices

1. Each Party shall take the steps necessary to ensure that the export prices of the products defined in Article 2 shall not be less than the minimum prices applicable under this Annex. If the products are exported in the form of goods in which they have been incorporated, Parties shall take the steps necessary to avoid circumvention of the price provisions of this Annex.
2.
 - (a) The minimum price levels set out in this Article take account, in particular, of the current market situation, dairy prices in producing Parties, the need to ensure an appropriate relationship between the minimum prices established in the Annex, 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 applicable at the date of entry into force of this Agreement are fixed at:
 - (i) US\$1,200 per metric ton for the skimmed milk powder defined in Article 2(a);
 - (ii) US\$ 1, 250 per metric ton for the whole milk powder defined in Article 2(b);
 - (iii) US\$ 1,200 per metric ton for the buttermilk powder defined in Article 2(c);
 - (iv) US\$1,625 per metric ton for the anhydrous milk fat defined in Article 2(d);
 - (v) US\$1,350 per metric ton for the butter defined in Article 2(e);
 - (vi) US\$1,500 per metric ton for the cheese defined in Article 2(f).
3.
 - (a) The levels of the minimum prices specified in this Article may be modified by the Committee, taking into account, on the one hand, the results of the operation of the Annex and, on the other hand, the evolution of the situation of the international market.
 - (b) The levels of the minimum prices specified in this Article shall be subject to review at least once a year by the Committee. 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) and the dairy support levels in the major producing Parties.

Adjustment of minimum 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 prices shall be adjusted so as to protect the minimum prices established in this Annex for the products specified in Article 2 of this Annex, according to the following provisions:

Milk fat content:

Milk powders. If the milk fat content of the milk powders falling under Article 1(a), excluding buttermilk powder², differs from the milk fat content of the pilot products as specified in Article 2(a) and Article 2(b), then for each full percentage point of milk fat as from 2 per cent, the minimum price shall be adjusted in proportion to the difference between the minimum prices in force for the pilot products as specified in Article 2(a) and Article 2(b).³

² As defined in Article 2(c) of this Annex.

³ See Attachment B, "Schedule of Price Differentials According to Milk Fat Content".

Milk fats. If the milk fat content of the milk fat falling under Article 1(b) differs from the milk fat content of the pilot products as specified in Article 2(d) or Article 2(e) 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 in force for the pilot products as specified in Article 2(d) or Article 2(e), respectively.

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., or for cheese, of not less than 20 kgs. or 40 lbs., respectively, as appropriate, the minimum prices shall be adjusted so as to reflect the difference in the cost of packaging relative to the cost of the type of package specified above.

Terms of sale:

If sold on terms other than f.o.b. from the exporting Party or free-at-frontier exporting Party⁴, the minimum prices shall be calculated on the basis of the minimum f.o.b. prices specified in paragraph 2(b), 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 exporting Party 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, a Party 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 Annex for these products. A Party may make use of this possibility only to the extent that it ensures that the products exported or imported are subjected 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 it⁵. A Party wishing to make use of the provisions of this paragraph shall give advance notification of its intention to do so to the Committee which shall meet, at the request of any Party, to examine the market situation. The Parties 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. Parties undertake, within the limit of their institutional possibilities, to ensure that practices such as those referred to in Article 4 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.

Transactions other than normal commercial transactions

7. The provisions of paragraphs 1 to 6 shall not be regarded as applying to donated exports or to exports destined for relief purposes or food-related development purposes or welfare purposes, provided these have been notified to the Council as provided for in Article V of the Agreement.

⁴ See Article 2 of this Annex.

⁵ See Attachment 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 shall also inform the Committee.

Article 4

Provision of Information

In cases where prices in international trade of the products covered by Article 1 are approaching the minimum prices mentioned in paragraph 2(b) of Article 3, and without prejudice to the provisions of Article III of the Agreement, Parties 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 Parties

Exporting Parties 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 Parties, especially those used for food-related development purposes and welfare purposes.

Article 6

Cooperation of Importing Parties

1. Parties which import products covered by Article 1 undertake in particular:
 - (a) to cooperate in implementing the minimum price objective of this Annex and to ensure, as far as possible, that the products covered by Article 1 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 Agreement and Article 4 of this Annex, to supply information concerning imports of products covered by Article 1 from non-Parties;
 - (c) to consider sympathetically proposals for appropriate remedial action if imports at prices inconsistent with the minimum prices threaten the operation of this Annex.
2. Paragraph 1 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 paragraph 5 of Article 3.

Article 7

Derogations

1. Upon request by a Party, the Committee shall have the authority to grant derogations from the provisions of paragraphs 1 to 5 of Article 3 in order to remedy difficulties which observance of minimum prices could cause certain Parties. The Committee shall take a decision on such a request within three months from the date of the request.
2. The provisions of paragraphs 1 to 4 of Article 3 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. Parties exporting such cheese shall notify the Secretariat in advance of their intention to do so. Parties shall also notify the Committee quarterly of all sales of cheese effected under this provision, specifying in respect of each transaction the quantities, prices and destinations involved.

Article 8

Emergency Action

Any Party which considers that its interests are seriously endangered by a country not bound by this Annex 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 Party concerned are likely to be materially prejudiced, that Party may take unilateral action to safeguard its position, on the condition that any other Parties 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 call a special meeting of the Committee at the earliest possible moment.

ATTACHMENT A

List of Reference Points

In accordance with the provisions of Article 2 of this Annex, the following reference points are designated for the countries listed below. The Committee established in paragraph 2(a) of Article VII of this Agreement may modify the contents of this Attachment as appropriate.

- | | |
|----------|---|
| Finland: | Antwerp, Hamburg, Rotterdam
Basle: for butter exports to Switzerland |
| Norway: | Antwerp, Hamburg, Rotterdam |
| Sweden: | Antwerp, Hamburg, Rotterdam
Basle: for butter exports to Switzerland |
| Poland: | Antwerp, Hamburg, Rotterdam |

ATTACHMENT B

Schedule of Price Differentials According to Milk Fat Content

<i>Milk Fat Content</i> <i>(per cent)</i>					<i>Minimum Price</i> <i>US\$ per metric ton</i>
Less than 2					1,200 Skimmed milk powder
Equal to or more than 2, less than 3					1,202
"	"	3	"	4	1,204
"	"	4	"	5	1,206
"	"	5	"	6	1,208
"	"	6	"	7	1,210
"	"	7	"	8	1,212
"	"	8	"	9	1,214
"	"	9	"	10	1,216
"	"	10	"	11	1,218
"	"	11	"	12	1,220
"	"	12	"	13	1,222
"	"	13	"	14	1,224
"	"	14	"	15	1,226
"	"	15	"	16	1,228
"	"	16	"	17	1,230
"	"	17	"	18	1,232
"	"	18	"	19	1,234
"	"	19	"	20	1,236
"	"	20	"	21	1,238
"	"	21	"	22	1,240
"	"	22	"	23	1,242
"	"	23	"	24	1,244
"	"	24	"	25	1,246
"	"	25	"	26	1,248
"	"	26	"	27	1,250 Whole milk powder
"	"	27	"	28	1,252

ATTACHMENT B (cont'd)

Schedule of Price Differentials According to Milk Fat Content

<i>Milk Fat Content</i> <i>(per cent)</i>				<i>Minimum Price</i> <i>US\$ per metric ton</i>
Equal to or more than , less than				
"	"	79	" 80	1,336.25
"	"	80	" 82	1,350.00 Butter
"	"	82	" 83	1,377.50
"	"	83	" 84	1,391.25
"	"	84	" 85	1,405.00
"	"	85	" 86	1,418.75
"	"	86	" 87	1,432.50
"	"	87	" 88	1,446.25
"	"	88	" 89	1,460.00
"	"	89	" 90	1,473.75
"	"	90	" 91	1,487.50
"	"	91	" 92	1,501.25
"	"	92	" 93	1,515.00
"	"	93	" 94	1,528.75
"	"	94	" 95	1,542.50
"	"	95	" 96	1,556.25
"	"	96	" 97	1,570.00
"	"	97	" 98	1,583.75
"	"	98	" 99	1,597.50
"	"	99	" 99.5	1,611.25
"	"	99.5		1,625.00 Anhydrous milk fat

ATTACHMENT C

Register of Processes and Control Measures – Milk Powders

In accordance with the provisions of paragraph 5 Article 3 of this Annex, the following processes and control measures are approved for the Parties listed below. The Committee established in paragraph 2(a) of Article VII of the Agreement may modify the contents of this Attachment as appropriate.

	Page
Australia	19
Canada	21
European Communities	23
Finland	25
Hungary	27
Japan	33
New Zealand	34
Norway	36
Poland	38
Switzerland	40

AUSTRALIA

Skimmed milk powder¹ 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);
 - (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.

¹ These processes and control measures apply to buttermilk powder as well as to skimmed milk powder intended for animal feed.

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:

	<i>English Standard Index Nos.</i>
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 23.09 of the Harmonized System.

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 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).
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.

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:

Lissamine green		<i>English Standard Index Nos.</i>
Tartrazine		44.090, 42.095, 44.025
		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

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 23.09 of the Harmonized System.

EUROPEAN COMMUNITIES

Skimmed milk powder¹ 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 2:1 of Regulation (EEC) No. 1725/79² as last amended by Regulation (EEC) No. 3411/93³:

"Skimmed milk powder shall be denatured by the addition, per 100 kgs. of skimmed milk powder, of either:

method A:

- (i) 9 kgs. of lucerne meal or grass meal containing at least 50 per cent (m/m) of particles not exceeding 300 microns;
and
- (ii) 2 kgs. of starch or puffed starch,
uniformly distributed in the mixture;

or:

method B:

- (i) 5 kgs. of lucerne meal or grass meal containing at least 50 per cent (m/m) of particles not exceeding 300 microns;
and
- (ii) 12 kgs. of fish meal, non-deodorized or with a strong smell, containing at least 30 per cent (m/m) of particles not exceeding 300 microns; and
- (iii) 2 kgs. of starch or puffed starch,
uniformly distributed in the mixture;

- (b) or after being incorporated in "preparations of a kind used for animal feeding", falling within sub-heading ex 23.09.10 and ex 23.09.90 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.

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.

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

² OJ No. L 199 of 7 August 1979, page 1.

³ OJ No. L 310 of 14 December 1993, page 28.

Designation of colouring matters:

<i>C.I. No.</i>	<i>Designation</i>
19140	Tartrazine ⁴
42090	Brilliant blue F.C.F.
42095	Lissamine green
44090 E 142	Green B.S., Lissamine green
74260	Pigment green 7
77289	Cochineal

⁴ This colouring matter to be used only in combination with one or more of the others included in the above list.

FINLAND

Skimmed milk powder¹ 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 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 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.

¹ These processes and control measures apply to buttermilk powder as well as to skimmed milk powder intended for animal feed.

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:

		<i>English Standard Index Nos.</i>
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 23.09 of the Harmonized System.

HUNGARY

Directive
No. 14/1981/KkE 14 /KKM of the Minister
of Foreign Trade

On the implementation of Decree No. '36/1980./3.IX./MT on the promulgation of the International Dairy Arrangement, done at Geneva on 12 April 1979.

By virtue of powers conferred by the provisions of Section 3 of Decree No. 36/1980./3.IX /MT on the promulgation of the International Dairy Arrangement (hereinafter: the Arrangement) - the following are decreed:

Section 1

When importing or exporting products enumerated in Annexes I-III of the Arrangement, the provisions for minimum prices contained in the Annexes should be applied by the company authorized to carry on foreign trade activity, in determining the contents of the foreign trade contract.

Section 2

The company authorized to carry on foreign trade activity will be directly informed of modifications effected in the minimum prices according to paragraph 3(a) of Article 3 of Annex I of the Arrangement.

Section 3

Skimmed milk powder and buttermilk powder, denatured or otherwise made unfit for human consumption, for purposes of animal feed, may be imported also at prices below the minimum price.

Section 4

1. Skimmed milk powder and buttermilk powder, not denatured or otherwise made unfit for human consumption, can be imported at prices below the minimum price for purposes of animal feed only. Skimmed milk powder imported at prices below the minimum price must be denatured or otherwise made unfit for human consumption after customs clearance, before consumption.
2. Denaturing or otherwise making unfit for human consumption can be effected by adding meat, bone, blood, fish, lucerne (alfalfa), soya or other fodder meals, or fats of animal and vegetable origin, or any other procedure which results in the forage falling under Tariff No. 23.09 of the Trade Customs Tariff.
3. Customs clearance for home use of the dutiable goods specified in paragraph 1 above can be initiated only at the customs office regionally competent according to the premises of the company which carries out denaturing, mixing, or preparation for purposes of animal feed. The person presenting the customs declaration should indicate that the purchase was effected below the minimum price, and should declare that the dutiable goods will be used for purposes of animal feed only.
4. In the case of a declaration according to paragraph 3 above, the dutiable goods will be classified by the customs office in heading No. 04.02-03 of the Trade Customs Tariff ("Powdered milk and cream, unfit for human consumption, whether or not denatured, not containing added sugar"); and in a clause inserted on the declaration form, the customs office stipulates that in accordance with the provisions of the present Directive, it is prohibited to use the goods before carrying out denaturing or otherwise making the goods unfit for human consumption.
5. Denaturing or otherwise making the dairy products specified in paragraph 1 unfit for human consumption must be reported to the regionally competent customs office not later than 10 days before starting the procedure, indicating at the same time the proportion of materials to be used, the way, place and time of the procedure. On the basis of this notification, denaturing is checked by the customs office on the premises of the company.

6. If milk powder cleared at the customs with the obligation of denaturing or otherwise making it unfit for human consumption is used without fulfilling this obligation, the person concerned will be held responsible under the law on minor offences, or the criminal law, according to the specific case.

Section 5

This Directive comes into force on the day of its promulgation.

Appendix to the Hungarian Notification

In Hungary, skimmed milk powder used for animal feeding is denatured or made unfit for human consumption not in two, but only in one step because of practical reasons. The denaturing takes place right when mixing or preparing the animal feedstuff, according to the standards and methods here attached.

In Hungary the following methods should be applied to prepare animal feedstuff with the use of skimmed milk powder.

Methods to prepare feedstuff for pigs with skimmed milk powder:

1. No. 21 - I - 101 - 24

Maize	21%
Barley	15%
Wheat	10%
Soya (48%)	20%
Fish meal	5.3%
Wheat bud	4%
Skimmed milk powder	12.2%
Mixture with 50% of industrial fat content	8%
MCP ¹	1.1%
CaCO ₃ CaCO ₃	1.3%
Salt	0.4%
Fermin-6	1.2%
Premix	0.5%

2. No. 21 - II - 106 - 24

Maize	21%
Barley	15%
Wheat	10%
Soya (40%)	20%
Fish meal (70%)	5.3%
Wheat bud	4%
Skimmed milk powder	12.2%
Mixture with 50% of industrial fat content	8%
MCP	1.1%
CaCO ₃	1.3%
Salt	0.4%
Fermin-6	1.2%
Premix	0.5%

3. No. 28 - I - 105 - 24

Maize	28%
Barley	15%
Wheat	10%
Linseed	2%
Soya (40%)	20.3%
Fish meal (70%)	5%
Wheat bud	2%
Skimmed milk powder	6.7%
Mixture with 50% of industrial fat content	8%
MCP	0.9%
CaCO ₃	1.2%
Salt	0.4%
Premix	0.5%

¹ MCP = mixture with calcium and phosphate content.

4. No. 28 - II - 107 - 24

Maize	28%
Barley	15%
Wheat	10%
Linseed	2%
Soya (40%)	20.3%
Fish meal (70%)	5%
Wheat bud	2%
Skimmed milk powder	6.7%
Mixture with 50% of industrial fat content	8%
MCP	0.9%
CaCO ₃	1.2%
Salt	0.4%
Premix	0.5%

5. No. 21 - I - 103 - 26

Maize	29%
Wheat	15%
Barley	25%
Linseed	4.7%
Soya (48%)	18%
Meat-meal (54%)	2.4%
Skimmed milk powder	3%
MCP	1%
CaCO ₃	1.1%
Salt	0.3%
Premix	0.5%

6. No. 21 - II - 109 - 26

Maize	29%
Wheat	15%
Barley	25%
Linseed	4.7%
Soya	18%
Meat-meal (54%)	2.4%
Skimmed milk powder	3%
MCP	1%
CaCO ₃	1.1%
Salt	0.3%
Premix	0.5%

7. No. I - 102 - 22

Soya (47%)	60.4%
Meat-meal (62%)	18%
Skimmed milk powder	16%
MCP	1%
CaCO ₃	0.6%
Salt	1.6%
Premix	1.6%
Premixture with methoniam content	0.8%

8. No. II - 104 - 22

Soya (47%)	60.4%
Meat-meal (62%)	18%
Skimmed milk powder	16%
MCP	1%
CaCO ₃	0.6%
Salt	1.6%
Premix	1.6%
Premixture with methoniam content	0.8%

Methods to prepare feedstuff for calves with skimmed milk powder:

9. No. 11 - 102 - 22

Maize	57%
Soya (48%)	14.5%
Sunflower-groats	5%
Alfalfa-meal	6%
Skimmed milk powder	7%
Yeast	2%
Linseed	4.4%
MCP	1.2%
CaCO ₃	1.3%
Salt	0.5%
Premix	0.5%

10. No. 11 - 502 - 22

Soya (48%)	33.7%
Linseed	10.7%
Skimmed milk powder	12.5%
Alfalfa-meal	15.3%
MCP	2.8%
CaCO ₃	3%
Salt	1.2%
Premix	1.2%

Methods to prepare feedstuff for sheep with skimmed milk powder:

11, No. 102 - 22

Maize	20%
Barley	20%
Wheat	32%
Soya (47%)	9%
Alfalfa-meal	9.9%
Skimmed milk powder	3.5%
Linseed	3%
MCP	0.8%
CaCO ₃	0.8%
Salt	0.5%
Premix	0.5%

12. No. 41 - 502 - 22

Soya (47%)	32.1 %
Linseed	10.7%
Skimmed milk powder	12.5%
Alfalfa-meal	35.3%
MCP	2.9%
CaCO ₃	2.9%
Salt	1.8%
Premix	1.8%

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 ZEALAND¹

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.

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:

Lissamine green	<i>English Standard Index Nos.</i>
Tartrazine	44.090, 42.095, 44.025
	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

¹ These processes and control measures apply to buttermilk powder as well as to skimmed milk powder intended for animal feed.

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 23.09 of the Harmonized System.

NORWAY

Skimmed milk powder¹ 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 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 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.

¹ These processes and control measures apply to buttermilk powder as well as to skimmed milk powder intended for animal feed.

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:

	<i>English Standard Index Nos.</i>
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 23.09 of the Harmonized System.

POLAND

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

- A. Either, after the competent Polish 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 production of feed milk surrogate MS-93:

INFORMATION
ON THE PRODUCTION OF FEED MILK SURROGATE MS-93

(a) Product description:

Feed milk surrogate MS-93 is produced from skimmed milk and whey in the proportion 1+1, buttermilk powder, animal fat or fat used for feed milk surrogates, rape-seed or soybean lecithin, vitamins, mineral salts and antibiotics in the form of Polfamix 1C. Skimmed milk can be substituted by buttermilk up to 20 per cent.

(b) Quantity composition of ready product:

- dry fatless matter	-	82.0	%
- water not more than	-	5.0	%
- fat not less than	-	12.0	%
- Polfamix 1C	-	1.0	%
- rape-seed or soybean lecithin	-	ca 0.5	%

(c) Quality composition of ready product:

- acidity not more than 9° SH
- Coli group bacteria absent in 0.01 gr.
- total number of microorganisms in 1 gr. not more than 250,000

(d) Technological operations:

Production of "MS-93" preparation includes following operations:

- consolidation of skimmed milk, whey and buttermilk up to 45-48 per cent of dry matter,
- dissolution of lecithin and Polfamix at the temperature of ca 40° C,
- binding of the mixture, with fat components and Polfamix at the temperature of 70-75°C by intensive mixing in flow,
- drying and packaging.

- B. Or, after its incorporation in compound or mixed stockfoods of a kind falling within item 23.09 of the Harmonized System.

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 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 25kgs., 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:

Lissamine green	<i>English Standard Index Nos.</i>
Tartrazine	44.090, 42.095, 44.025
	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 23.09 of the Harmonized System.

APPENDIX

Interpretative Statements

Japan undertakes to implement the provisions of this Agreement fully within the limit of its institutional possibilities.

Japan has accepted paragraph 5 of Article 3 of the Annex on the understanding that advance notification of its intention to make use of the provisions of that paragraph may be made globally for a given period and not separately for each transaction.

The Nordic countries have accepted paragraph 3 of Article V of the Agreement with the understanding that it does not in any way prejudge their position with regard to the definition of (other than) normal commercial transactions.

Switzerland has indicated that it is reserving the right to request at a later date the designation of two or three European ports as reference points under Article 2 of the Annex in the event that its exports made this necessary.

New Zealand has indicated that the annual quantities of its exports under paragraph 2 of Article 7 of the Annex should normally be of the order of 1 thousand metric tons and could, in exceptional circumstances, amount to some 2 thousand metric tons.

For the People's Democratic Republic of Algeria:

For the Republic of Angola:

For Antigua and Barbuda:

For the Argentine Republic:

For Australia:

For the Republic of Austria:

For the State of Bahrain:

For the People's Republic of Bangladesh:

For Barbados:

For the Kingdom of Belgium:

For Belize:

For the Republic of Benin:

For the Republic of Bolivia:

For the Republic of Botswana:

For the Federative Republic of Brazil:

For Brunei Darussalam:

For the Republic of Bulgaria:

For Burkina Faso:

For the Republic of Burundi:

For the Republic of Cameroon:

For Canada:

For the Central African Republic:

For the Republic of Chad:

For the Republic of Chile

For the People's Republic of China:

For the Republic of Colombia:

For the Republic of the Congo:

For the Republic of Costa Rica:

For the Republic of Côte d'Ivoire

For the Republic of Cuba:

For the Republic of Cyprus:

For the Czech Republic:

For the Kingdom of Denmark:

For the Commonwealth of Dominica:

For the Dominican Republic:

For the Arab Republic of Egypt:

For the Republic of El Salvador:

For the European Communities:

For the Republic of Fiji:

For the Republic of Finland:

For the French Republic:

For the Gabonese Republic:

For the Republic of the Gambia:

For the Federal Republic of Germany:

For the Republic of Ghana:

For the Hellenic Republic:

For Grenada:

For the Republic of Guatemala:

For the Republic of Guinea-Bissau:

For the Republic of Guyana:

For the Republic of Haiti:

For the Republic of Honduras:

For Hong Kong:

For the Republic of Hungary:

For the Republic of Iceland:

For the Republic of India:

For the Republic of Indonesia:

For Ireland:

For the State of Israel:

For the Italian Republic:

For Jamaica:

For Japan:

For the Republic of Kenya:

For the Republic of Korea:

For the State of Kuwait:

For the Kingdom of Lesotho:

For the Principality of Liechtenstein:

For the Grand Duchy of Luxembourg:

For Macau:

For the Republic of Madagascar:

For the Republic of Malawi:

For Malaysia:

For the Republic of Maldives:

For the Republic of Mali:

For the Republic of Malta:

For the Islamic Republic of Mauritania:

For the Republic of Mauritius:

For the United Mexican States:

For the Kingdom of Morocco:

For the Republic of Mozambique:

For the Union of Myanmar:

For the Republic of Namibia:

For the Kingdom of the Netherlands:

For New Zealand:

For the Republic of Nicaragua:

For the Republic of Niger:

For the Federal Republic of Nigeria:

For the Kingdom of Norway:

For the Islamic Republic of Pakistan:

For the Republic of Paraguay:

For the Republic of Peru:

For the Republic of the Philippines:

For the Republic of Poland:

For the Portuguese Republic:

For the State of Qatar:

For Romania:

For the Rwandese Republic:

For Saint Kitts and Nevis:

For Saint Lucia:

For Saint Vincent and the Grenadines:

For the Republic of Senegal:

For the Republic of Sierra Leone:

For the Republic of Singapore:

For the Slovak Republic:

For the Republic of South Africa:

For the Kingdom of Spain:

For the Democratic Socialist Republic of Sri Lanka:

For the Republic of Suriname:

For the Kingdom of Swaziland:

For the Kingdom of Sweden:

For the Swiss Confederation:

For the United Republic of Tanzania:

For the Kingdom of Thailand:

For the Togolese Republic:

For the Republic of Trinidad and Tobago:

For the Republic of Tunisia:

For the Republic of Turkey:

For the Republic of Uganda:

For the United Arab Emirates:

For the United Kingdom of Great Britain and Northern Ireland:

For the United States of America:

For the Eastern Republic of Uruguay:

For the Republic of Venezuela:

For the Republic of Zaire:

For the Republic of Zambia:

For the Republic of Zimbabwe: