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INLAND TRANSPORT COMMITTEE

Working Party on the Transport of Perishable Foodstuffs

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Item 5 (b) of the provisional agenda

**PROPOSALS OF AMENDMENTS TO THE AGREEMENT ON THE INTERNATIONAL
CARRIAGE OF PERISHABLE FOODSTUFFS AND ON THE SPECIAL EQUIPMENT TO BE
USED FOR SUCH CARRIAGE (ATP)**

New proposals

Proposal to amend Article 18*

Transmitted by the Government of Portugal

* The present document is submitted in accordance with the Programme of Work for 2008-2012 of the Inland Transport Committee (ECE/TRANS/2008/11, Item 2.11 (a)) which calls for the “Consideration of amendment proposals to ATP to ensure it is updated as necessary”.

SUMMARY

Executive summary: More than 30 years have passed since the ATP entered into force on 21 November 1976. Many countries have joined WP.11, and others will join in the future. Public demand for high quality and healthy products is a constant that must be taken seriously into account. Technology is evolving at an exponential rate, producing everyday new materials, new equipment and new control methods.

Action to be taken: Amend Article 18

Related documents: ECE/TRANS/WP.11/2007/13, TRANS/WP.11/2002/13

Introduction

1. In recent years, due to the unanimity rule, it has only been possible to introduce minor corrections to the ATP. It has not been possible to reflect new technological improvements or public demands in the Agreement. New vehicles and equipment have been introduced but the ATP remains inadequate and outdated. It is time to face up to and change this reality. We are citizens of the world and must do what is best for all countries.

Proposal

2. Amend the text of Article 18, paragraphs 4 and 5, to read as follows. New text is in bold and underlined.

“4. If an objection to the proposed amendment **to the Articles of this Agreement** is stated **or at least three objections are stated to the proposed amendment to the Annexes of this Agreement** in accordance with the terms of paragraphs 2 and 3 of this article, the amendment shall be deemed not to have been accepted and shall be of no effect.

5. If no objection to the proposed amendment **to the Articles of this Agreement** has been stated **or less than three objections have been stated to the proposed amendment to the Annexes of this Agreement** in accordance with paragraphs 2 and 3 of this article, the amendment shall be deemed to have been accepted on the date specified below:”

Justification

3. This was a request and a recommendation of the new Director of the UNECE Transport Division, addressing the Working Party at the opening of its 63rd session. The report of the session states that “...*She also urged members to do everything possible to avoid objections to amendment proposals that hindered the satisfactory development of the Agreement.*” It is also a request and recommendation of the International Institute for Refrigeration CERTE sub-commission meeting in Prague (5-6 June 2008) which the Portuguese Government fully agrees with and supports.

4. By amending Article 18 as proposed by Portugal, the technical Annexes of the ATP could be updated more easily to keep up with new technological evolutions.

Simplification

5. The introduction of the amendment to Article 18 would avoid the blocking of new amendments.

Feasibility

6. The amendment to Article 18 would dramatically improve the possibility for the ATP to keep up with new technical evolutions in a timely fashion.

Enforceability

7. No problem of enforcement is foreseen.
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