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**ECONOMIC COMMISSION FOR EUROPE**

INLAND TRANSPORT COMMITTEE

Working Party on the Transport of Perishable Foodstuffs

Sixty-fourth session

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Item 4 (b) of the provisional agenda

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

Status of amendments

Analysis of objections made to amendment proposals

Note by the secretariat

1. At the 63<sup>rd</sup> session of WP.11, the secretariat was asked to undertake an analysis of the objections made to amendment proposals in recent years (ECE/TRANS/WP.11/216, para.29).
2. The analysis appears below and is based on the table on page 3 of the present document. The depositary notifications analysed are those which appear on the website of the UNECE Transport Division, dating from 1999 (see <http://www.unece.org/trans/main/wp11/depnoti.html>).
3. In that period of nine years, there have been 11 notifications of proposed amendments, 10 sent to the United Nations Treaty Section by the secretariat and one sent directly by a country, Italy, as is allowed by Article 18 (1) of the ATP.

4. Of the 11 notifications of amendment proposals, five have been rejected as a result of an objection made by a Contracting Party, one has been accepted within the six-month period allowed, four have been accepted following a notification made under Article 18 (2) (b) of the Agreement and one has been objected to following a notification made under Article 18 (2) (b) by another country.

5. When a country makes a notification under Article 18 (2) (b), it takes advantage of the provision that “although it intends to accept the proposal, the conditions necessary for such acceptance are not yet fulfilled in its country”. As a consequence, the six-month period referred to in Article 18 is extended by an additional nine months, unless the country subsequently accepts or rejects the amendments within the original six-month period.

6. The five objections made have been to proposed amendments to Annex 1; Annex 1, Appendices 1-4; Annex 2, Appendix 1; Article 2, Annexes 1 and 2; Annex 1, Appendix 1; Article 18, paras. 4 and 5 ; and Annex 3. The following are examples of reasons that have been given for objections: “the new wording ... is ambiguous for manufacturers”, “the new wording ... is unclear and vague”, “the accuracy indicated in the new amendment is incorrect”, “the new proposals show no added value compared to the existing text”, “there is no necessity to include such a regulation in the ATP”, “it is not immediately clear which amendments imply real innovations and which simply include editorial rewording”.

7. One problem is that the United Nations Treaty Section treats any objection to an amendment in a list of amendments as an objection to the whole list. In the future, it may be possible to avoid this by assigning each amendment proposal a number. In this way a country making an objection can clearly indicate the numbers it objects to and those that it does not object to and it would be easier for the Treaty Section to indicate which proposed amendments are rejected and which are accepted. However, such a procedure would have to be first approved by the Treaty Section.

<b>Proposal of amendments notified</b> <b>CN Number, Date</b> <b>WP.11 report</b> <b>Part of ATP concerned</b>	<b>Notification under Article 18 (2)</b> <b>CN Number, date (country in parenthesis)</b>	<b>Objection/Acceptance</b> <b>CN Number, Date</b> <b>(Objecting country in parenthesis)</b>
C.N.525.2007.TREATIES-2 1 May 2007 ECE/TRANS/WP.11/214/Add.1 and Add.2 Annex 1; Annex 1, Appendices 1-4; Annex 2, Appendix 1		Objection (Germany) C.N.1065.2007.TREATIES-5 29 October 2007
C.N.261.2006.TREATIES-1 (Reissued) 5 April 2006 TRANS/WP.11/212/Add.1 Article 2, Annexes 1 and 2		Objection (Germany) C.N.673.2006.TREATIES-2 5 April 2006
C.N.481.2005.TREATIES-2 13 July 2005 TRANS/WP.11/2005/2, Annex 1 C.N.500.2005.TREATIES-3 27 June 2005 TRANS/WP.11/210, Annex 1, Appendix 1		Objection (Germany) C.N.1180.2005.TREATIES-5 16 November 2005
C.N.1535.2003.TREATIES-7 19 December 2003 TRANS/WP.11/208 Annex 1, Appendix 2		Acceptance C.N.646.2004.TREATIES-1 19 June 2004
C.N.228.2003.TREATIES-2 12 March 2003 TRANS/WP.11/206 Annexes 1 and 3	C.N.663.2003.TREATIES-6 (Germany) 27 June 2003	Acceptance C.N.616.2004.TREATIES-1 12 June 2004
C.N.257.2003.TREATIES-3 Italy, 27 March 2003 TRANS/WP.11/2002/13 Article 18, paras. 4 and 5		Objection (Germany) C.N.521.2003.TREATIES-4 29 May 2003
C.N.106.2002.TREATIES-1 7 February 2002 TRANS/WP.11/204 Annex 1, Appendix 1	C.N.703.2002.TREATIES-2 (Germany) 10 July 2002	Acceptance C.N.363.2003.TREATIES-4 7 May 2003
C.N.63.2001.TREATIES-1 15 February 2001 TRANS/WP.11/202 Annex 1, Appendices 2, 3	C.N.768.2001.TREATIES-4 (Germany) 15 August 2001	Acceptance C.N.651.2002.TREATIES-2 20 June 2002
C.N.919.1998.TREATIES-6 27 July 1999 TRANS/WP.11/198 Article 18, Annex 1, Appendix 4	C.N.1241.1999.TREATIES-5 (Netherlands), 7 February 2000 C.N.83.2000.TREATIES-3 (Germany), 6 February 2000 C.N.55.2000.TREATIES-1 (Germany), 7 February 2000	Adoption C.N.1001.2000.TREATIES-4 27 October 2000 Objection (Germany) C.N.83.2000.TREATIES-3 6 February 2000
C.N.1038.1999.TREATIES-3 5 November 1999 Amendments attached Annex 3	C.N.256.2000.TREATIES-4 (Germany) 2 May 2000	Objection (Spain) C.N.347.2000.TREATIES-7 5 June 2000