

Treaties in the Field of Transit Transport: Depositary Presentation

Office of Legal Affairs
Treaty Section



Overview

- What type of treaty actions can be undertaken?
- Which States can participate?
- What are the requirements for a valid instrument?
- Are there any other requirements under the treaty concerned?
- Where and How?



Participation

- All treaties listed are closed for signature.
- Eligible States may become parties to the treaties by expressing their consent to be bound through either:
 - Ratification, acceptance or approval: if a State has signed a treaty, it may become a party by depositing an instrument of ratification, acceptance or approval with the Secretary-General; OR
 - Accession: if a State has not signed a treaty, it may become a party by depositing an instrument of accession with the Secretary-General.



Participation

- **Note that for certain Agreements, parties may become automatically bound to adopted regulations and rules, e.g.:**
 - Agreement concerning the Adoption of Uniform Technical Prescriptions for Wheeled Vehicles, Equipment and Parts which can be fitted and/or be used on Wheeled Vehicles and the Conditions for Reciprocal Recognition of Approvals Granted on the Basis of These Prescriptions, 1958, as amended; and
 - Agreement concerning the Adoption of Uniform Conditions for Periodical Technical Inspections of Wheeled Vehicles and the Reciprocal Recognition of such Inspections, 1997.



Participation

Agreement concerning the Adoption of Uniform Conditions for Periodical Technical Inspections of Wheeled Vehicles and the Reciprocal Recognition of such Inspections, 1997.

- A newly adopted Rule enters into force for all Contracting Parties to the Agreement which did not notify their disagreement thereto, in accordance with 2 (3).
- States parties to the Agreement not applying the Rule may, at any time, notify the Secretary-General that they intend to apply it, and the Rule will then enter into force for such States on the sixtieth day after such notification, in accordance with article 2(6) of the Agreement.
- States that become parties to the Agreement subsequent to the entry into force of the Rule, which do not notify their disagreement thereto, apply the Rule as from the date of entry into force of the Agreement for such States.



Eligible States

- All States.
 - E.g.: International Convention on the Harmonization of Frontier Control of Goods 1982.
- Vienna Formula (States members of UN, its specialized agencies, members of IAEA or parties to Statute of ICJ).
 - E.g.: Convention on Road Traffic 1968.
- States members of UNECE or admitted to the Commission in a consultative capacity.
 - E.g.: Convention on the Contract for the International Carriage of Goods by Road 1956.



Other Conditions

- Most protocols provide that a State wishing to become a party to a protocol must also be a party to the “parent agreement” to which that protocol relates, e.g.:
 - Protocol to the Convention on the Contract for the International Carriage of Goods by Road, 1978 (CMR); and
 - Protocol amending article 1(a), article 14(1) and article 14(3)(b) of the European Agreement of 30 September 1957 concerning the International Carriage of dangerous Goods by Road, 1993 (ADR)



Regional Economic Integration Organizations

- Some treaties provide for participation by regional economic integration organizations, e.g.:
 - International Convention on the Harmonization of Frontier Control of Goods 1982.



Requirements for a valid instrument of ratification, acceptance, approval or accession

- Treaty must be identified
- Declaration of undertaking
 - Expression of intent of the Government to be bound by the treaty and to undertake faithfully to observe and implement its provisions.
- Issued and signed
 - Head of State or Government or the MFA or by a person exercising the power of one of these authorities *ad interim*.
- Dated



Model of an instrument of ratification, acceptance or approval

WHEREAS the [title of treaty] was [concluded, adopted, etc.] at [place] on [date],

AND WHEREAS the said [treaty] has been signed on behalf of the Government of [name of State] on [date],

NOW THEREFORE I, [name and title of the Head of State or Government or MFA], declare that the Government of [name of State], having considered the above mentioned [treaty], ratifies [accepts, approves] the same and undertakes faithfully to perform and carry out the stipulations therein contained.

IN WITNESS WHEREOF I have signed this instrument of [ratification, acceptance, approval] at [place] on [date].

[Signature]



Model of an instrument of accession

WHEREAS the [title of treaty] was concluded [adopted, etc.] at [place] on [date],

NOW THEREFORE I, [name and title of the head of State or Government or MFA), declare that the Government of [name of State], having considered the above mentioned [treaty], accedes to the same and undertakes faithfully to perform and carry out the stipulations therein contained.

IN WITNESS WHEREOF I have signed this instrument of accession at [place] on [date].

[Signature]



Other requirements

- Reservations
- Declarations and Notifications



Reservations

- A reservation is any statement – however phrased or named – which purports to exclude or modify the legal effect of a treaty provision.
- Legally binding and must be included in a duly signed instrument of ratification, acceptance, etc. or, if a separate document, it must be signed in its own right.
- Must be made at the time of deposit of instrument of ratification, etc.
- If made at the time of signature, it must be confirmed upon ratification, acceptance or approval.



Reservations

■ Silent

- E.g.: Customs Convention on Containers 1972

■ Authorized reservations

- E.g.: Convention on Customs Treatment of Pool Containers used in International Transport 1994 (Reservations are permitted to paragraph 2 of article 6 and 7 concerning the requirements of customs documents and security).

■ Reservations prohibited

- E.g.: Customs Convention on the Temporary Importation of Commercial Road Vehicles 1956 (All reservations prohibited except regarding settlement of dispute provision).



Declarations and Notifications

- Declarations can be interpretative or can be in the nature of a binding instrument.
- If binding, declarations must be signed by one of the three authorities.
- Notifications typically provide information as required under a treaty. They are not legally binding and do not need to be signed.



Declarations and Notifications

- E.g.: Article 46(2)(a) of the Convention on Road Signs and Signals, 1968 provides that upon the deposit of an instrument of ratification or accession every State shall declare which of the models it chooses as a danger warning sign and which models it chooses as a stop sign.
- E.g.: Article 45(4) of the Convention on Road Traffic, 1968 – States are required to notify to the depositary a description of the sign selected for display on vehicles registered by it upon ratification, acceptance, approval or accession.
- E.g.: Article 10 of the European Agreement Concerning the International Carriage of dangerous Goods by Road, 1957 (ADR) – Territorial Applications.



Model Reservation/Declaration

I, [name and title of the Head of State or Government, or MFA],

HEREBY DECLARE that the Government of [name of State] makes the following [reservation/declaration] in relation to article(s) [...] of the [title and date of the adoption of the treaty concerned]:

[Substance of reservation/declaration]

IN WITNESS WHEREOF, I have hereunto set my hand and seal.

Done at [place] on [date].

[Signature and title]



Model Notification

The Permanent Representative of [name of State] to the United Nations presents [his/her] compliments to the Secretary-General of the United Nations, and, in accordance with the provisions of article [...] of the [name of treaty] hereby notifies the Secretary-General of the following:

[Substance of notifications]

[Date]

[Initials]



Website

<http://untreaty.un.org>

- Information and documentation concerning:
 - Focus 2004
 - Status of Multilateral Treaties Deposited with the S-G
 - Texts of Recently Deposited Multilateral Treaties
 - Treaty Handbook
 - Technical Assistance



Contact Information

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Convention on Road Traffic

Vienna, 8 November 1968

- Entry into force: 21 May 1977, in accordance with article 47 (1).
- States eligible to become Parties:
 - States Members of the UN or of any UN specialized agencies, members of the IAEA, parties to the ICJ, or any other State invited by the GA to become a party (see article 45).



Convention on Road Traffic

Vienna, 8 November 1968

■ Declarations, Notifications and Reservations:

–Mandatory Notification: Required upon deposit of instrument of ratification, acceptance, approval or accession describing the sign selected for display on vehicles registered by it (see article 45 (4)).

–Optional Declarations/Notifications: States may specify which territories are bound by the Convention (see article 46). Every state may declare that for the purpose of this Convention, it treats mopeds as motor cycles (see article 54).

–Reservations with regard to the settlement of disputes provision are permitted (see article 54).

–Other reservations are permitted, if they are formulated in writing with instrument of ratification or accession (see article 54).



Convention on Road Signs and Signals

Vienna, 8 November 1968

- Entry into force: 6 June 1978, in accordance with article 39 (1).
- States eligible to become Parties:
 - States Members of the UN or of any UN specialized agencies, members of the IAEA, parties to the ICJ, or any other State invited by the GA to become a party (see article 37).



Convention on Road Signs and Signals

Vienna, 8 November 1968

■ Declarations, Notifications and Reservations:

- Mandatory Declaration: In accordance with article 46 (2) (a), upon deposit of an instrument of ratification or accession, every State shall declare which of the models it chooses as a danger warning sign (see article 9 (1)) and which of the models it chooses as a stop sign (see article 10 (3)).
- Optional Declarations/Notifications: States may specify which territories are bound by the Convention (see article 38). Every state may declare that for the purpose of this Convention, it treats mopeds as motor cycles (see article 46 (2)(b)).
- Reservations with regard to the settlement of disputes provision are permitted (see article 46).
- Other reservations are permitted, if they are formulated in writing with instrument of ratification or accession (see article 46).



Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention)

Geneva, 14 November 1975

- Entry into force: 20 March 1978, in accordance with article 53 (1).
- States eligible to become Parties:
 - States Members of the UN or of any UN specialized agencies, or members of the IAEA or parties to the ICJ (see article 52).
 - Customs or economic unions may also become Contracting Parties to the Convention, either together with all of their member States or after all of their member States have become Contracting Parties (see article 52 (3)).



Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention)

Geneva, 14 November 1975

- Declarations, Notifications and Reservations:
 - Pursuant to (see article 58 (1)), States may declare themselves not bound by the provisions in article 57, paragraphs 2 through 6 on settlement of disputes. No other reservations permitted under the TIR Convention.



Customs Convention on the Temporary Importation of Commercial Road Vehicles

Geneva, 18 May 1956

- Entry into force: 8 April 1959 by exchange of letters, in accordance with article 34.
- States eligible to become Parties:
 - States members of the Economic Commission for Europe and States admitted to the Commission in a consultative capacity under paragraph 8 of the Commission's terms of reference (see article 33 (1)). States that may participate in certain activities of the Commission pursuant to paragraph 11 of the Commission's terms of reference may also accede after entry into force.



Customs Convention on the Temporary Importation of Commercial Road Vehicles

Geneva, 18 May 1956

- Declarations, Notifications and Reservations:
 - Optional Declaration: States may specify which territories are bound by the Convention (see article 37).
 - Reservations: Reservations with regard to the settlement of disputes provision (article 38) are permitted (see article 39 (1)). No other reservations permitted under the Convention.



International Convention on the Harmonization of Frontier Control of Goods *Geneva, 21 October 1982*

- Entry into force: 15 October 1985, in accordance with article 17 (1).
- States eligible to become Parties:
 - All States and by regional economic integration organizations constituted by sovereign States which have competence to negotiate, conclude and apply international agreements on matters covered by the Convention (see article 16 (1)).



International Convention on the Harmonization of Frontier Control of Goods

Geneva, 21 October 1982

- Declarations, Notifications and Reservations:
 - Reservations: Pursuant to article 21 (1), States may declare themselves not bound by the provisions in article 20, paragraphs 2 through 7 on settlement of disputes. No other reservations permitted under the Convention.



Convention on the Contract for the International Carriage of Goods by Road (CMR)

Geneva, 19 May 1956

- Entry into force: 2 July 1961, in accordance with article 43.
- States eligible to become Parties:
 - States members of the Economic Commission for Europe and States admitted to the Commission in a consultative capacity under paragraph 8 of the Commission's terms of reference (see article 42 (1)). States that may participate in certain activities of the Commission pursuant to paragraph 11 of the Commission's terms of reference may also accede after entry into force (see article 42 (2)).



Convention on the Contract for the International Carriage of Goods by Road (CMR)

Geneva, 19 May 1956

■ Declarations, Notifications and Reservations:

- Optional Declaration: States may specify which territories are bound by the Convention (see article 46).
- Reservations: Reservations with regard to the settlement of disputes provision (article 47) are permitted (see article 48 (1)). No other reservations permitted under the Convention (see article 48 (3)).



Protocol to the Convention on the Contract for the International Carriage of Goods by Road (CMR)

Geneva, 5 July 1978

- Entry into force: 28 December 1980, in accordance with article 4 (1).
- States eligible to become Parties:
 - States who are parties to the Convention and are either members of the Economic Commission for Europe or States admitted to the Commission in a consultative capacity under paragraph 8 of the Commission's terms of reference (see article 3). States that may participate in certain activities of the Commission pursuant to paragraph 11 of the Commission's terms of reference which have acceded to the Convention may also accede to this Protocol after its entry into force (see article 3).



Protocol to the Convention on the Contract for the International Carriage of Goods by Road (CMR)

Geneva, 5 July 1978

■ Declarations, Notifications and Reservations:

- Optional Declaration: Any State may specify which of its territories are bound by the Convention (see article 7).
- Reservations: Reservations with regard to the settlement of disputes provision (article 8) are permitted (see article 9(1)). No other reservations permitted under the Convention (see article 9 (3)).



Convention concerning Customs Facilities for Touring

New York, 4 June 1954

- Entry into force: 11 September 1957 by the exchange of letters, in accordance with article 16.
- States eligible to become Parties:
 - States Members of the UN and any other State invited to attend the UN Conference on Customs Formalities for the Temporary Importation of Private Road Motor Vehicles and for Tourism (see articles 14 and 15). Open also for accession by any other State so invited by the Economic and Social Council of the UN and on behalf of any Trust Territory administered by the UN (see article 15 (1)).



Convention concerning Customs Facilities for Touring

New York, 4 June 1954

■ Declarations, Notifications and Reservations:

- Optional Declaration: Any State may specify which of its territories are bound by the Convention (see article 19).
- Reservations: Reservations made after the signing of the Final Act (4 June 1954) shall not be admitted if objection is expressed by one-third of the Signatory States or the Contracting States (see article 20).
- Objections to reservations by Signatory States shall cease to have effect if, within a period of 9 months of making its objection, the objecting State has not ratified the Convention. Reservations should be submitted at the time of the deposit of an instrument of ratification or accession (see article 20 (3)).



Convention concerning Customs Facilities for Touring

New York, 4 June 1954

■ Declarations, Notifications and Reservations:

- Any State that had submitted a rejected reservation may withdraw the reservation, within a period of twelve months from the date of the notification from the Secretary-General stating that the Reservation had been rejected (see article 20 (5)).



Customs Convention on the Temporary Importation of Private Road Vehicles

New York, 5 June 1954

- Entry into force: 15 December 1957 by the exchange of letters, in accordance with article 35.
- States eligible to become Parties:
 - States Members of the UN and any other State invited to attend the UN Conference on Customs Formalities for the Temporary Importation of Private Road Motor Vehicles and for Tourism (see articles 33 and 34).
Open also for accession by any other State so invited by the Economic and Social Council of the UN and on behalf of any Trust Territory administered by the UN (see article 34 (1)).



Customs Convention on the Temporary Importation of Private Road Vehicles

New York, 5 June 1954

■ Declarations, Notifications and Reservations:

- Optional Declaration: Any State may specify which of its territories are bound by the Convention (see article 38).
- Reservations: Reservations made after the signing of the Final Act of the Convention (4 June 1954) shall not be admitted if objection is expressed by one-third of the Signatory States or the Contracting States (see article 39).
- Objections to reservations by Signatory States shall cease to have effect if, within a period of 9 months of making its objection, the objecting State has not ratified the Convention. Reservations should be submitted at the time of the deposit of an instrument of ratification or accession (see article 39 (4)).



Customs Convention on the Temporary Importation of Private Road Vehicles

New York, 5 June 1954

■ Declarations, Notifications and Reservations:

- Any State that had submitted a rejected reservation may withdraw the reservation, within a period of twelve months from the date of the notification from the Secretary-General stating that the reservation had been rejected (see article 39 (5)).



International Convention to Facilitate the Crossing of Frontiers for Passengers and Baggage carried by Rail

Geneva, 10 January 1952

- Entry into force: 1 April 1953, in accordance with article 14.
- States eligible to become Parties:
 - States participating in the work of the Economic Commission for Europe (see article 12).
- Declarations, Notifications and Reservations:
 - The Convention is silent on declarations, notifications and reservations.



International Convention to Facilitate the Crossing of Frontiers for Goods Carried by Rail

Geneva, 10 January 1952

- Entry into force: 1 April 1953, in accordance with article 14.
- States eligible to become Parties:
 - States participating in the work of the Economic Commission for Europe (see article 12).
- Declarations, Notifications and Reservations:
 - The Convention is silent on declarations, notifications and reservations.



Customs Convention on Containers

Geneva, 2 December 1972

- Entry into force: 6 December 1975, in accordance with article 19.
- States eligible to become Parties:
 - States Members of the UN or of any UN specialized agencies, members of the IAEA, parties to the ICJ, or any other State invited by the GA to become a party (see article 18).
- Declarations, Notifications and Reservations:
 - The Convention is silent on declarations, notifications and reservations.



Convention on Customs Treatment of Pool Containers used in International Transport

Geneva, 21 January 1994

- Entry into force: 17 January 1998, in accordance with article 16 (1).
- States eligible to become Parties:
 - States Members of the UN or its specialized agencies (see article 14).
- Declarations, Notifications and Reservations:
 - Reservations: reservations are permitted to paragraph 2 of articles 6 and 7, concerning the requirement of Customs document and security. Reservations may be withdrawn by notification to the depositary specifying date on which withdrawal takes effect (see article 15).



Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be used for such Carriage (ATP)

Geneva, 1 September 1970

- Entry into force: 21 November 1976, in accordance with article 11 (1).
- States eligible to become Parties:
 - States members of the Economic Commission for Europe and States admitted to the Commission in a consultative capacity under paragraph 8 of the Commission's terms of reference (see article 9 (1)). States that may participate in certain activities of the Commission pursuant to paragraph 11 of the Commission's terms of reference may also accede after entry into force (see article 9 (2)).



Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be used for such Carriage (ATP)

Geneva, 1 September 1970

■ Declarations, Notifications and Reservations:

- Optional Declaration: Any State may specify which of its territories outside of Europe are bound by the Agreement (see article 10).
- Reservations: Reservations with regard to the settlement of disputes provision (article 15, paragraphs 1 and 2) are permitted (see article 16 (1)). No other reservations are permitted (see article 16 (3)).



European Agreement Concerning the International Carriage of Dangerous Goods by Road (ADR)

Geneva, 30 September 1957

- Entry into force: 29 January 1968, in accordance with article 7.
- States eligible to become Parties:
 - States members of the Economic Commission for Europe and States admitted to the Commission in a consultative capacity under paragraph 8 of the Commission's terms of reference (see article 6 (1)). States that may participate in certain activities of the Commission pursuant to paragraph 11 of the Commission's terms of reference may also accede after entry into force (see article 6 (2)).



European Agreement Concerning the International Carriage of Dangerous Goods by Road (ADR)

Geneva, 30 September 1957

■ Declarations, Notifications and Reservations:

- Optional Declaration: Any State may specify which of its territories are bound by the Agreement (see article 10).
- Reservations: Reservations with regard to the settlement of disputes provisions in article 11 are permitted (article 12) as are those in the Protocol of signature to the Agreement. No other reservations to the Agreement are permitted (see article 16 (2)).



**Protocol amending article 1(a), article 14(1) and article 14(3)(b) of the European Agreement of 30 September 1957 concerning the International Carriage of Dangerous Goods by Road (ADR)
*Geneva, 28 October 1993***

- Not yet in force.
- States eligible to become Parties: Contracting Parties to the European Agreement of 30 September 1957.
- Declarations, Notifications and Reservations: The Protocol is silent on declarations, notifications and reservations.



European Agreement Concerning the Work of Crews of Vehicles engaged in International Road Transport (AETR)

Geneva, 1 July 1970

- Entry into force: 5 January 1976, in accordance with article 16 (4).
- States eligible to become Parties:
 - States members of the Economic Commission for Europe and States admitted to the Commission in a consultative capacity under paragraph 8 of the Commission's terms of reference (see article 16 (1)).
- Declarations, Notifications and Reservations:
 - Optional Declaration: Any State may specify which of its territories are bound by the Agreement (see article 19).



European Agreement Concerning the Work of Crews of Vehicles engaged in International Road Transport (AETR)

Geneva, 1 July 1970

■ Declarations, Notifications and Reservations:

- Reservations: Reservations with regard to the settlement of disputes provisions in article 20 are permitted (article 21). Reservations other than those permitted under article 21 are accepted only if no States Parties object within six months after such proposed reservations are circulated by the Secretary-General (see article 21 (2)) or if in the Protocol of signature to the Agreement.

