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REFERENCE: C.N.248.1981.TREATIES-5 (Depositary Notification)

AGREEMENT ON THE INTERNATIONAL CARRIAGE OF PERISHABLE FOODSTUFFS  
AND ON THE SPECIAL EQUIPMENT TO BE USED FOR SUCH CARRIAGE (ATP)  
DONE AT GENEVA ON 1 SEPTEMBER 1970

AMENDMENTS PROPOSED BY DENMARK TO ANNEX 3 TO THE AGREEMENT

The Secretary-General of the United Nations, acting in his capacity as depositary of the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be used for such Carriage (ATP) done at Geneva on 1 September 1970, communicates the following:

In a communication received by the Secretary-General on 4 September 1981, the Government of Denmark, in accordance with the provisions of article 18 of the above-mentioned Agreement, has proposed certain amendments to annex 3 of the Agreement with regard to the temperature conditions for the international carriage of milk and butter. The proposed text reads as follows:

- "...
- Butter + 6°C<sup>4/</sup>
- Milk (raw or pasteurized)  
in tanks for immediate consumption + 4°C<sup>3/4/</sup>
- Industrial Milk + 6°C<sup>3/4/</sup>
- ...

4/ These temperature provisions are subject to bilateral or multilateral agreements that may be less stringent than those prescribed in this annex."

The text of comments by the Government of Denmark explaining the ..... reasons for the proposed amendments is attached herewith.

Attention: Treaty Services of Ministries of Foreign Affairs and of international organizations concerned



- 2 -

Reference is made to the provisions of article 18 (2) of the Agreement which provide that within a period of six months following the date on which the proposed amendments are communicated by the Secretary-General, any Contracting Party may inform the Secretary-General (a) that it has an objection to the amendments proposed, or (b) that, although it intends to accept the proposal, the conditions necessary for such acceptance are not yet fulfilled in its country.

If the proposed amendments are deemed to be accepted in accordance with the provisions of article 18 (5) of the Agreement, they will enter into force six months after the date on which they are deemed to have been accepted.

29 September 1981

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COMMENTS ON THE DANISH PROPOSAL REGARDING ANNEX 3.

The question of harmonizing the temperatures prescribed in annex 3 of the agreement has been thoroughly examined at several sessions of the Group of Experts on the Transport of Perishable Foodstuffs.

A profound survey of developments in international trade with foodstuffs, both raw materials and end products for direct human consumption, and the changes in trade patterns since 1970 where the ATP-agreement was done, has been given by the Government of the Netherlands in document TRANS/GE.11/R.27/Add.2.

The explanatory notes to the proposals to rise the maximum temperatures for milk and butter during transport clearly states the inconveniences and waste of energy and economic resources that is a consequence of the maintenance of maximum temperatures which are unnecessarily low for the purpose of preserving the wholesomeness and quality of the goods transported.

As a means of solving the problems involved and at the same time reconcile customs' practices in the member states regarding inspection and the wording of the agreement the Government of the United Kingdom in the documents TRANS/GE.11/R.27/Add. 3 and 6, has proposed certain changes in the introductory sentences of annexes 2 and 3 of the agreement.

Some governments have been opposed to the proposals presented by a number of other countries to raise the requisite temperatures for the carriage of perishable goods.

Some hesitation have been felt among member states before the concept of a general admission to enter into bilateral or multilateral agreement of a less stringent character than laid down in the agreement as to both equipment and transport temperature.

The aim of the following proposal as stated in the report of the group of experts on its thirtythird session in 1978 (TRANS/GE.11/13) paragraph 53, is to allow governments, which feel themselves unable to adopt the recommended rise in maximum temperatures to protect their legitimate interest in protecting the health of their consumers without hindering normal conditions of carriage between other member countries under a long-established practice which those countries felt should be maintained.

To this end the admission of entering into bilateral or multilateral agreements of a less stringent character should be confined solely to transport temperatures for milk and butter.

As stated in the report of the group of experts on its thirtyfifth session (TRANS/GE.11/17, paragraph 68), several representatives said that they were in favour of such a solution, but the group of experts was not in a position to propose a wording for such a provision.

The proposed wording should cover the intentions to which the group of experts consented.

111 MEMBER STATES plus 6 NON-MEMBERS

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