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C.N.469.1992.TREATIES-5 (Depositary Notification)

REFERENCE:

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

AMENDMENTS PROPOSED BY GERMANY TO ANNEX 1, APPENDIX 2
(PARAGRAPHS 6, 8, 10, 12, 18 AND 27) OF THE AGREEMENT

OBJECTION BY ITALY TO THE AMENDMENTS PROPOSED BY GERMANY AS THEY
APPLY TO ANNEX 1, APPENDIX 2 (PARAGRAPHS 6, 8, 10 AND 18)
OF THE AGREEMENT

ACCEPTANCE OF THE PROPOSED AMENDMENTS AS THEY APPLY TO ANNEX 1,
APPENDIX 2 (PARAGRAPHS 12 AND 27) OF THE AGREEMENT

The Secretary-General of the United Nations, acting in his capacity as depositary and with reference to depositary notification C.N.85.1992.TREATIES-2 of 15 June 1992 concerning the amendments proposed by the Government of Germany to Annex 1, Appendix 2 (paragraphs 6, 8, 10, 12, 18 and 27) of the Agreement, communicates the following:

I

On 9 December 1992, the Secretary-General received from the Government of Italy the following objections to parts of the Amendments proposed by Germany, i.e. to Annex 1, Appendix 2, Paragraphs 6, 8, 10 and 18 of the above-mentioned Agreement:

(Original: English)

"The Permanent Mission of Italy to the United Nations, according to Article 18, para. 2 of the said Agreement, has the honour to notify the following objections to the amendments proposed by Germany to Annex 1, Appendix 2 (paragraphs 6, 8, 10 and 18) of the said Agreement:

1) the new rules would set a difference in the testing of the means of transport approved up to now and of the means of transport to be approved, without providing for any kind of gradual application of the new provisions and without taking into account the fact that the equipment already used would be subject, at the moment of renewal of the certificate of compliance, to new modalities for testing;

2) the provision of the new paragraph 6 on the use of the mean values of the temperatures of the last six hours of the steady state period in K coefficient calculation penalizes the means of transport that are controlled by laboratories operating at constant power in the last twelve hours of the test. In order to avoid that the calculated K coefficient is different according to the period deemed as valid for the test, it is

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



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necessary to use the mean values of an adequate time interval, i.e. of a period which is proportionate to the typical operation of the system. It is a matter of methods to which the operator of the laboratory must resort in order to conform his survey to the performances of the system;

3) the provision of the new paragraph 8, fifth line, does not introduce substantial changes to the effective value of the K coefficient, and creates however operational conditions that are difficult, as a result of the climatic conditions, for facilities situated in the States of the mediterranean area;

4) the provision of the new paragraph 10 penalizes at present the inspections and tests on transport equipment presently used that has a global coefficient which allows its inclusion in the class for which has been built but may present during inspections and tests, due to wear, visible thermal bridges for which the internal temperature may exceed, in the point of measurement, the new required limits;

5) the provision of the new paragraph 18 calls for the same observations made above under No. 2. In any case, an harmonization of the testing temperatures of tankers and other types of transport equipment is desirable."

An objection having been received by the Secretary-General concerning the above-mentioned proposed amendments to annex 1, appendix 2, paragraphs 6, 8, 10 and 18, prior to the expiry of the six month period provided for in article 18 (2) of the Agreement, the said proposed amendments are deemed not to have been accepted and shall have no effect, in accordance with paragraph 4 of that same article 18.

II

As concerns the remaining proposed amendments by Germany, i.e. those to annex 1, appendix 2, paragraphs 12 and 27, by 15 December 1992, that is to say, on the expiry of a period of six months following the date of the above-mentioned depositary notification, none of the Contracting Parties to the Agreement had notified an objection to the proposed amendments. These have therefore been deemed accepted and, in accordance with article 18 (6) of the Agreement, shall enter into force on 15 June 1993, i.e. at the end of a further period of six months.

31 December 1992

A handwritten signature in dark ink, appearing to be 'H. J.' or similar, located at the bottom right of the page.

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