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REFERENCE: C.N.54.1997.TREATIES-1 (Depositary Notification)

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 1970OBJECTION BY FINLAND TO THE AMENDMENTS PROPOSED BY GERMANY
TO ANNEX 3 OF THE AGREEMENTACCEPTANCE OF THE PROPOSED AMENDMENTS BY GERMANY
AS THEY APPLY TO ANNEX 1 OF THE AGREEMENT

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

I

On 2 January 1997, the Secretary-General received from the Government of Finland, the following objection to parts of the Amendments proposed by the Government of Germany, i.e. the amendments to Annex 3 of the above Agreement. (Reference is made to depositary notification C.N.213.1996.TREATIES-3 of 12 July 1996.):

(Original: English)

"The amendments proposed by Germany to Annex 3 clarify the classification of foodstuffs and temperatures. However, due to unclear definitions and lack of grounds the Government of Finland cannot accept the amendments in the proposed form. The Government of Finland would especially like to point out the following facts:

Concerning two groups of foodstuffs, the maximum temperature refers to temperature indicated on the label and or on transport documents. In this respect the meaning remains unclear. The packing, for example, may indeed affect the allowed temperature of the foodstuffs during carriage, but it is questionable to leave the real maximum temperature open. In case the idea is that the temperature indicated on the label and or on transport documents shall be followed when it is lower than the required temperature otherwise would be, the text should clearly mention this.

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



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It also remains unclear on which grounds butter has been left out of the list. In the opinion of the Government of Finland, it could be added to group III, for example after fresh dairy products.

The list includes a new type of product, fish products, in group III, which is good. Fish products have not, however, been defined in regard to untreated fish in group VII etc. For example gutting or filleting of fish does not improve its conditions of preservation to such extent that there would be grounds to allow carriage at +6°C. Both untreated fish, molluscs and crustaceans and fish products should be defined in order to distinguish one from the other clearly enough.

The maximum temperature concerning products in group VII has been defined as 'on melting ice or at temperature of melting ice'. Carriage on melting ice does not, however, always guarantee that the temperature remains at a sufficiently low level. Also, carriage at temperature of melting ice does not guarantee the preservation of humidity which is important for the products in question. In this respect the proposed amendment cannot be accepted."

An objection having been received by the Secretary-General, to the above proposed amendments to annex 3, prior to the expiry of the six month period provided for in article 18 (2) of the Agreement, the proposed amendments to Annex 3, in accordance with article 18 (4), are deemed not to have been accepted and shall be of no effect.

II

With regard to the proposed amendments by Germany to annex 1, by 12 January 1997, that is to say, on the expiry of a period of six months following the date of the above depositary notification, none of the Contracting Parties to the Agreement had notified an objection. These have therefore been accepted and, in accordance with article 18 (6) of the Agreement, shall enter into force of 12 July 1997, i.e. at the end of a further period of six months.

31 March 1997

A handwritten signature in black ink, appearing to be 'G/L'.