22. AGREEMENT ON THE INTERNATIONAL CARRIAGE OF PERISHABLE FOODSTUFFS AND ON THE SPECIAL EQUIPMENT TO BE USED FOR SUCH CARRIAGE (ATP)¹

Geneva, 1 September 1970

ENTRY INTO FORCE: 21 November 1976, in accordance with article 11(1).


TEXT:


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**Declarations and Reservations**

(*Unless otherwise indicated, the declarations and reservations were made upon definitive signature, ratification, accession or succession. For objections thereto, see hereinafter.*)

**BULGARIA**

The People's Republic of Bulgaria declares that article 9, which entitles only States members of the Economic Commission for Europe to become Parties to the Agreement, is discriminatory. The People's Republic of Bulgaria also declares that article 14, pursuant to which a State may declare that the Agreement will also be applicable to territories for the international relations of which that State is responsible, is contrary to the General Assembly's Declaration on the Granting of Independence to Colonial Countries and Peoples of 14 December 1960.

**CZECH REPUBLIC**

"[The Government of the Hungarian People's Republic] does not consider itself bound by article 15, paragraphs 2 and 3, of the Agreement."

**HUNGARY**

**POLAND**

RUSIAN FEDERATION

The Union of Soviet Socialist Republics does not consider itself bound by the provisions of article 15, paragraphs 2 and 3, of the Agreement relating to the mandatory submission to arbitration, at the request of one of the Parties, of any dispute concerning the interpretation or application of the Agreement.

The Union of Soviet Socialist Republics deems it necessary to state that the provisions of article 9 of the Agreement, which limit the circle of possible participants to this Agreement, are of a discriminatory character, and states that, in accordance with the principles of sovereign equality among States, the Agreement should be opened for participation by all European States without any discrimination or restriction.

The provisions of article 14 of the Agreement under which Contracting Parties may extend its applicability to territories for the international relations of which they are responsible, are outmoded and contrary to the Declaration of the United Nations General Assembly on the Granting
of Independence to Colonial Countries and Peoples (resolution 1514 (XV) of 14 December 1960).

SLOVAKIA

"The Agreement does not apply to carriage in the United States of America and its territories."
Proposed by: Articles or Annexes: Depositary notification reference: Proposed by: Articles or Annexes: Depositary notification reference:
and
C.N.1180.2005.TREATIES-4 of 1 December 2005


Working party Article 2 and Annexes 1 and 2
C.N.673.2006.TREATIES-2 of 29 August 2006

* The objectionendments proposed by Germany to annex 1, appendix 2, paragraphs 6, 10 and 18 of the Agreement.

** On 11 November 1998, the Government of the Federal Republic of Germany informed the Secretary-General that “[it] had accepted the proposals, transmitted by C.N.309.1997.TREATIES-2 to amend the ATP Agreement after having fulfilled the conditions necessary for such acceptance.”

*** On 25 April 2000, the Government of Germany notified the Secretary-General that although it intended to accept the proposal, the conditions necessary for such acceptance were not yet fulfilled.

**** On 16 November 2005 the Government of Germany notified the Secretary-General that “The Federal Republic of Germany objects that the amendments dated 27 June 2005 and 13 July 2005 were not consolidated. This would have been advisable for reasons of efficiency since the two amendments were made in close succession. The amendment dated 27 June 2005 concerns Annex 1, Appendix 1, paragraphs 2 and 4 of the ATP. Both paragraphs were however redrafted by the amendment of 13 July 2005, which contains a new version of the entire Annex 1 of the ATP and did not take account of the amendments of 27 June 2005. The revised version of Annex 1 therefore does not reflect the latest changes to those paragraphs. It is thus necessary for the amendments of 27 June 2005 to be considered before the new version enters into force”.

***** On 14 August 2006, the Government of Germany notified the Secretary-General that “The Federal Republic of Germany objects to the proposal (amendments to Article 2 and Annexes 1 and2 to the ATP) transmitted by C.N.261.2006.TREATIES-1 Reissued of 5 April 2006. First of all the Federal Republic of Germany objects to the proposed deletion of Article 2, third sentence of the ATP. According to this sentence each Contracting Party can recognize the validity of certificates stating the compliance with the standards of the ATP and issued by the competent authorities of Non-Contractingy in conformity with the requirements of annex 1, appendices 1 and 2 to this Agreement. There is no apparent reason why this form of recognition should no longer apply.

The Federal Republic of Germany also objects to the amendments of the text of annexes 1 and 2 of the ATP which consist for the most part in a mere rectification. Only in a few cases do they contain significant changes such as the regulations on the Kit bodies. It is not immediately clear which amendments imply real innovations and which simply include editorial rewording. The Federal Republic of Germany therefore requests a revised version of the text of the annexes 1 and 2 to the ATP, i.e. a consolidated text without modification instructions. A new


Secretary-General Annex 1** C.N.34.1998.TREATIES-1 of 18 February 1998

Secretary-General Article 18 C.N.57.1998.TREATIES-2 of 26 February 1998


Germany Annex 1**** C.N.1177.2005.TREATIES-4 of 1

Secretary-General Article 18 C.N.673.2006.TREATIES-2 of 29 August 2006


Secretary-General Annex 1** C.N.34.1998.TREATIES-1 of 18 February 1998

Secretary-General Article 18 C.N.57.1998.TREATIES-2 of 26 February 1998


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Secretary-General Article 18 C.N.57.1998.TREATIES-2 of 26 February 1998


Germany Annex 1**** C.N.1177.2005.TREATIES-4 of 1
version will be needed in any case in order to make the ATP easier for users to read.

The Federal Republic of Germany therefore suggests the following modification procedure consisting of two logical steps:

1. First of all annexes 1 and 2 to the ATP would be modified to only take account of the actual technical innovations adopted by the Working Party during the 60th and 61st sessions.

2. Subsequently, the text of annexes 1 and 2 to the ATP would be completely rectified with the objective of producing a consolidated version of annexes 1 and 2.”

In accordance with the provisions of paragraph 2 and 4 of article 18 of the Agreement, the proposal of amendments to Article 2 and Annexes 1 and 2 of the ATP is deemed not to have been accepted and is of no effect, the objection by the Government of Germany having been received by the Secretary-General before the expiry of the six-month period provided for in article 18 (2), i.e. before 29 September 2006.

5 In a communication received on 16 May 2012, the Government of Germany notified the Secretary-General, pursuant to article 18 (2) (b) of the Agreement, that although it intended to accept the proposal of amendments to the ATP transmitted by C.N.807.2011.TREATIES-8 of 23 December 2011 to amend the Agreement, the conditions necessary for such acceptance were not yet fulfilled.

6 On 25 April 2013, the Government of Germany notified the Secretary-General, pursuant to article 18 (2) (b) of the Agreement, that although it intends to accept the proposal of amendments to the ATP transmitted by C.N.142.2013.TREATIES-XI-B-22 of 13 February 2013, the conditions necessary for such acceptance are not yet fulfilled.

7 On 28 March 2014, the Government of Germany notified the Secretary-General, pursuant to article 18 (2) (b) of the Agreement, that although it intends to accept the proposal of amendments to the ATP transmitted by C.N.1049.2013.TREATIES-XI-B-22 of 31 December 2013, the conditions necessary for such acceptance are not yet fulfilled.

8 On 28 June 2016, the Government of Germany notified the Secretary-General, pursuant to article 18 (2) (b) of the Agreement, that although it intended to accept the Proposal of Amendments to the ATP transmitted by C.N.135.2016.TREATIES-XI-B.22 of 6 April 2016, the conditions necessary for such acceptance are not yet fulfilled.

9 On 12 May 2015, the Government of Germany notified the Secretary-General, pursuant to article 18 (2) (b) of the Agreement, that although it intended to accept the Proposal of Amendments to the ATP transmitted by C.N.181.2015.TREATIES-XI-B-22 of 19 March 2015, the conditions necessary for such acceptance are not yet fulfilled.

10 On 30 March 2017, the Government of Germany notified the Secretary-General, pursuant to article 18 (2) (b) of the Agreement, that although it intended to accept the Proposal of Amendments to the ATP transmitted by C.N.58.2017.TREATIES-XI-B-22 of 8 February 2017, the conditions necessary for such acceptance are not yet fulfilled.

11 On 28 February 2019, the Government of Germany notified the Secretary-General, pursuant to article 18 (2) (b) of the Agreement, that although it intended to accept the Proposal of Amendments to the ATP transmitted by C.N.19.2019.TREATIES-XI-B-22 of 31 January 2019, the conditions necessary for such acceptance are not yet fulfilled.

12 The former Yugoslavia had acceded to the Agreement on 21 November 1975. See also note 1 under “Bosnia and Herzegovina”, “Croatia”, “former Yugoslavia”, “Slovenia”, “The Former Yugoslav Republic of Macedonia” and “Yugoslavia” in the “Historical Information” section in the front matter of this volume.

13 Czechoslovakia had acceded to the Convention on 13 April 1982, with a reservation and a declaration. For the text of the reservation and the declaration, see United Nations, Treaty Series , vol. 1223, p. 419. See also note 1 under “Czech Republic” and note 1 under “Slovakia” in the “Historical Information” section in the front matter of this volume.

14 The Agreement was first signed without reservation as to ratification by the French Plenipotentiary on 20 January 1971. The signature affixed on 1 March 1971 signifies the approval of the text of the Agreement as corrected in accordance with the decision taken by the Inland Transport Committee of the Economic Commission for Europe at its thirtieth session (1 to 4 February 1971).

15 See note 1 under “Germany” regarding Berlin (West) in the “Historical Information” section in the front matter of this volume.

16 The German Democratic Republic had acceded to the Agreement on 14 April 1981 with a reservation and a declaration. For the text of the reservation and the declaration, see United Nations, Treaty Series , vol. 1223, p. 419. See also note 2 under “Germany” in the “Historical Information” section in the front matter of this volume.

17 See note 1 under "Montenegro" in the "Historical Information" section in the front matter of this volume.

18 For the Kingdom in Europe.

19 In a notification received on 6 May 1994, the Government of Bulgaria notified the Secretary-General that it had decided to withdraw the reservation made upon accession to article 15 (2) and (3). For the text of the reservation, see United Nations, Treaty Series , vol. 1066, p. 347.

20 On 16 October 1997, the Government of Poland notified the Secretary-General that it had decided to withdraw its reservation with regard to article 15, paragraphs 2 and 3 of the Agreement made upon accession. For the text of the reservation see United Nations, Treaty Series , vol. 1314, p. 287.