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**ECONOMIC COMMISSION FOR EUROPE**

**INLAND TRANSPORT COMMITTEE**

Working Party on the Transport of Perishable Foodstuffs

Sixty-fifth session

Geneva, 27-30 October 2009

Items 5 (b) and 6 of the provisional agenda

**PROPOSALS OF AMENDMENTS TO THE AGREEMENT ON THE INTERNATIONAL  
CARRIAGE OF PERISHABLE FOODSTUFFS AND ON THE SPECIAL EQUIPMENT  
TO BE USED FOR SUCH CARRIAGE (ATP)  
AND ATP HANDBOOK**

Annex 1, Appendix 3\*

Transmitted by the Government of the Netherlands

**SUMMARY**

<b>Executive summary:</b>	Transitional measure for the use of the certificate of compliance of equipment issued before the new format was adopted.
<b>Action to be taken:</b>	Adoption of transitional measure.
<b>Related documents:</b>	ECE/TRANS/WP.11/218/Add.1.

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\* The present document is submitted in accordance with the Programme of Work for 2008-2012 of the Inland Transport Committee (ECE/TRANS/2008/11, Item 2.11 (a)) which calls for the "Consideration of amendment proposals to ATP to ensure it is updated as necessary".

## **Introduction**

1. During the sixty-fourth session of the Working Party on the Transport of Perishable Foodstuffs (WP.11) a new format for the certificate of compliance of equipment was adopted. This proposed amendment is currently in the process of being approved and will probably enter into force on 2 April 2010 (6 months after 2 October 2009).

2. However, no provisions are included in these proposed amendments to allow the use of the old style model certificates issued before the coming into force of these amendments.

## **Proposal**

3. Introduce the following text after the heading in Annex 1, Appendix 3, A of the agreement:

"Certificates of compliance of equipment of which the lay-out and contents are in compliance with the model in force up to [2 April 2010] shall remain valid until their original date of expiry."

4. Introduce a comment after the heading in Annex 1, Appendix 3, A of the ATP Handbook:

*"Comment:*

*Certificates of compliance of equipment of which the lay-out and contents are in compliance with the model in force up to [2 April 2010] shall remain valid until their original date of expiry."*

## **Justification**

5. The intention was that certificates issued before the new format was adopted should be able to be used till the end of their expiry date. This would prevent unnecessary administrative burden for users and competent authorities. The use until the end of the expiry date is, however, not reflected in the text of the proposed amendments and differences of legal interpretation could lead to action by enforcers. Transitional measures need to be included as soon as possible.

6. Because the proposed amendments adopted at the sixty-fourth session of WP.11 will enter into force before the proposed wording in this document can be introduced in the Annex to the ATP, a comment should be included in the ATP Handbook, which can be done at short notice. The secretariat should be requested to include this comment in the ATP Handbook (when approved by WP.11) at the same time as the new format of the certificate is introduced.

Cost: Neutral.

Feasibility: No problem.

Enforceability: The proposed amendment will benefit the enforceability.

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