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**Economic Commission for Europe****Inland Transport Committee****Working Party on the Transport of Perishable Foodstuffs****Sixty-ninth session**

Geneva, 8-11 October 2013

Items 5 (b) of the provisional agenda

**Proposals of amendments to the ATP: New proposals****Proposal to amend the Rules of Procedure concerning references in ATP and its annexes****Transmitted by the Government of the Netherlands***Summary*

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| <b>Executive summary:</b>  | A procedure is proposed regulating the adoption of references to documents in the ATP and its annexes. |
| <b>Action to be taken:</b> | Amendment of the rules of procedure.   |
| <b>Related documents:</b>  | ECE/TRANS/WP.11/222/Add.1.   |

**Introduction**

1. The provisions in the ATP and its annexes are legally binding. References included in the provisions are equally legally binding, even if compliance with the reference is optional.
2. The reference needs to be checked by WP.11 for compliance with the provisions of ATP before a new reference can be included or when an existing reference is updated.
3. Because references are updated regularly and may change so that they are no longer in compliance with the provisions of ATP, the designation (i.e. publication year) of an approved version of a reference shall be included.

## Proposals

### Proposal 1

4. Introduce a new paragraph 5 as follows in WP.11's rules of procedure (ECE/TRANS/WP.11/222/Add.1) and renumber the existing paragraphs 5, 6, 7, 8, 9 as 6, 7, 8, 9, 10 respectively.

"5. A proposal to include or modify a reference in the ATP or its annexes shall be accompanied by the document or a final draft. The document shall be in English or an English translation shall be provided. If the publisher of the document expresses the need for confidentiality, the secretariat shall limit the circulation of the documents available to representatives that have declared that they recognize that confidentiality."

### Proposal 2

5. It is suggested that WP.11 takes a principle decision to:

- -Set up a parallel informal working group to the WP.11, meeting outside official meetings with a mandate to evaluate references intended to be adopted and to check if existing references are still valid,
- -Mandate the IIR D2 sub commission to carry out this work.

### Proposal 3

6. It is suggested to ask CEN to make drafts of CEN standards available when the drafts are at public enquiry and formal voting stage.

## Justification

7. To become a contracting party, a country needs to enforce the agreement and its annexes in its legal system, making the provisions binding. References included in the agreement or its annexes are equally binding even if compliance with the reference is optional. Amendment of the ATP and its annexes needs approval of the contracting parties, including references.

8. The document to be referenced shall be available in order to evaluate its contents. It is not possible for the secretariat to translate Informal documents not available in English so the participant proposing the amendment shall at least provide the document in English.

9. Although the number of references at this moment is very limited, the future may see a rise in requests for references to standards which are under development in CEN. Standards do have a positive effect on harmonization to the benefit of the testing body, constructor and user.

10. In some cases, newly developed references/standards may conflict with existing legislation. In practice it will be more efficient to correct these conflicts during development rather than being confronted with the document when it is completed. For this, the assistance of CEN in Brussels is essential.

**Costs:** Since documents are nowadays sent in digital form, the additional costs will be limited. Meetings would take place as part of existing meetings, limiting additional costs.

**Feasibility:** It is essential to know the contents of the reference to be adopted. The publisher may gain additional sales or exposure of its document but in return should be prepared to offer the document for evaluation.

**Enforceability:** At the moment there is no checking of whether references are still relevant, so enforcement would improve.

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