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Inland Transport Committee

Working Party on the Transport of Perishable Foodstuffs

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Item 4 (f) of the provisional agenda

**Status and implementation of the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be Used for such Carriage (ATP):
interpretation of ATP**

Clarifying the scope of the ATP Agreement

Transmitted by the Government of Finland

Summary

Executive summary:	Clarification to the scope of the Agreement to prevent conflicting interpretations by excluding international transport of perishable foodstuffs by Rescue Services and Defence Forces.
Action to be taken:	Addition to article 3 paragraph 3
Related documents:	ECE/TRANS/WP.11/251 Report of the Working Party on the Transport of Perishable Foodstuffs on its eightieth session 24–27 October 2023, paragraphs 41–44

Introduction

1. The introductory clauses of the ATP Agreement indicate that the scope of the agreement is aimed at international trade: “DESIROUS of improving the conditions of preservation of the quality of perishable foodstuffs during their carriage, particularly in international trade” and “CONSIDERING that the improvement of those conditions is likely to promote the expansion of trade in perishable foodstuffs.”
2. Article 3 however states that “The provisions of article 4 of this Agreement shall apply to all carriage, whether for hire or reward or for own account ... of foodstuffs.” The wording of the article is ambiguous and the status of non-commercial actors remains unclear.
3. Transport of frozen and chilled foodstuffs for Rescue Services' or the Defense Forces' own use, when abroad in international exercises or in peacekeeping or crisis management



operations, is not described in the Agreement. The status of these actors under the scope of the Agreement is unclear.

4. Foodstuffs transported by Rescue Services or the Defence Forces are meant to be consumed by their own personnel and not be made subject to trade or in other ways available for the public.

5. Finland interprets that the agreement does not apply in these cases, and transport of foodstuffs by Rescue Services or the Defence Forces fall outside the scope of the Agreement.

Proposal

6. To clarify the interpretation of the scope of the Agreement, an addition should be made to Article 3 Paragraph 3. as described below:

“3. Notwithstanding the provisions of paragraphs 1 and 2 of this article, the Contracting Parties need not apply the provisions of article 4 of this Agreement to the carriage of foodstuffs **by Rescue Services, Defence Forces, or when** not intended for human consumption.”

Justification

Cost: No cost implications

Feasibility: Member States’ Rescue Services and Defence Forces are concerned by the clarification.

Reduces conflicting interpretations.

Transitional period is not required.

Impact: No implications

Enforceability: No action needed
