

Abstract

In the world where trading occurs enormously, the amount of carriage of goods to be traded has been increased as well, both domestic and international. The international carriage has various methods such as the land, sea and air transports. The road carriage is one of the types of land transport, usually used in the carriage between neighboring states or between the states in region. Each carriage has the different equipment depending on the type of goods that it carries. The perishable goods are a type of goods that has the specific characteristic, requiring the specific equipment suitable to such character of the goods.

This study finds that there are international laws or agreements relating to the carriage of perishable goods by roads as follow:

1) Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be used for such Carriage (ATP) is applicable to European region which prescribes the standard of equipment to be used for perishable foodstuffs carriage and has the provisions relating to the checking and monitoring of equipment to be used for such carriage including authorizing each contracting party to take all appropriate measures to ensure observance of the provisions of this Agreement.

2) ASEAN Framework Agreement for the facilitation of Inter-State Transport has the objectives to facilitate of Inter-State transport and to simplify and harmonize transport between and among ASEAN contracting parties. However, the principle of this framework agreement is still being formulated and negotiated (Thailand is a member of ASEAN and also be in the drafting committee).

3) ASEAN Framework Agreement on the Facilitation of Goods in Transit has the provisions relating to endeavour to facilitate transport of perishable goods for reducing the damage of perishable goods and making rapid movement in methods of international transit. This framework agreement is only applicable to transit transport between and among ASEAN contracting parties. This framework agreement is already being enforced (Thailand is a member of this framework agreement).

4) GMS Cross-Border Transport Agreement, Annex 3: Carriage of Perishable Goods prescribes the standards and suitable structures of vehicle and equipment to be used for perishable goods carriage. For the purpose that depends on the unique of perishable goods and the propriety to control, collect and maintain for such goods. But this Annex is only applicable to Inter-State transport, not to transit transport. And the standards of vehicle and equipment to be used for such carriage in this Annex are just recommendations that may serve as guidance for the Contracting Parties in their regulation of the cross-border carriage. So it isn't effective, both legally and practically (Thailand is a member of this Annex).

As you can see, all the International Agreements which Thailand has joined as a member are not having the regulations about the rules and standards of vehicle and equipment using in the carriage of perishable goods.

At the same time, this study finds, Thailand has not had the specific laws or regulation on the vehicles and equipments used in carriage of perishable goods and the laws or regulations on authorizing the agency to control the equipments used in such carriage yet, but only has the general laws on goods and the general law on vehicle or the carriage. The lack of laws and regulations causes the vagueness in rules and standards of the international carriage of goods by road. For that reason, Thailand should have the specific laws on vehicles and equipments using in the carriage of perishable goods, because having mutual rules and standards of international carriage perishable goods by road will be beneficial in maintaining the condition of goods and expanding the reliability and confidence of the goods to the world stage, and more importantly they will be the regulatory pattern on standard of the carriage to the whole region.

In the making of the laws on the international carriage of perishable goods, there should be a new specific provision on the international carriage of perishable goods in the form of the Act, Ministry of Agriculture and Cooperatives, the agency that expert in such matters, should be the authorization agency by such Act, and should be a joint responsibility of the Ministry of Transportation and the Ministry of Agriculture and

Cooperatives in order for the conformity and efficiency of practical performance in carriage by road.