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INLAND TRANSPORT COMMITTEE

Working Party on the Transport of Perishable Foodstuffs

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ATP AS NATIONAL LEGISLATION

Note by the secretariat

Introduction

1. The secretariat asked ATP Contracting Parties whether ATP was also the basis of their national law relating to the transport of perishable foodstuffs.
2. Replies were received from Czech Republic, Denmark, Estonia, Finland, France, Ireland, Netherlands, Norway, Poland, Portugal, Russian Federation, Slovak Republic, Spain, Sweden, Ukraine, United Kingdom, United States of America. Of the countries that replied, only France, Slovak Republic and Spain confirmed that ATP is also the basis of their national legislation for the transport of perishable foodstuffs.
3. A map of the world showing the coverage of the ATP is shown at the end of this document. Once data are provided by more countries, a similar map could be created showing the countries where ATP is also the basis for national legislation.
4. The replies received appear below.

Czech Republic

The ATP is used only for international transport. Transport of foodstuffs is carried out under the basis of national law, but this corresponds with ATP. A proposal to incorporate ATP into national road law is underway.

Denmark

Danish national legislation is based on ATP, as the contents of ATP are included in the Danish order implementing the Treaty into national legislation. The national legislation does not extend the scope of the ATP and therefore domestic transport is not covered by this order.

Estonia

In Estonia ATP applies to international transport. Some companies require ATP classified equipment for the purposes of domestic transport.

Finland

In Finland, ATP applies only to international transport. It is possible to use it for domestic transport if the companies have agreed to use ATP classified equipment. Many companies specifically request ATP classified equipment.

France

It is the case in France where the first national regulation was issued in 1952. It was replaced in 1974 by ATP for all equipment operating in France. The complete regulation was renewed in 2007-2008. Cemafruid was appointed the ATP competent authority in France in February 2009 in application of the new regulations.

Greece

In Greece, ATP is not mandatory for national transport so far. There is though a plan that in future ATP should also be used for national transport vehicles but since most other European countries do not use ATP for national transport there is still scepticism. On the other hand distances can be significantly shorter in the case of national transport compared to international and therefore less strict limits could be applied for national transport vehicles than the limits prescribed in ATP. Inevitably insulation efficiency and thermal appliance performance are the keys for quality in transport and energy conservation, and ATP criteria slightly altered in order to meet the specific needs of national transport could be the best way to choose in order to preserve public health, protect the environment and optimize fuel consumption in refrigerated transport.

Ireland

Ireland has given legal effect (for international transport of perishable foodstuffs) to the ATP by the International Carriage of Perishable Foodstuffs Act, 1987 (No. 20 of 1987) and the International Carriage of Perishable Foodstuffs (Consolidation) Regulations, 1993 (S.I. No. 188 of 1993). However, the ATP has not been adopted as a basis for legislation covering the national domestic transport of perishable foodstuffs. National legislation covering such domestic transport is based on the relevant European Union regulations.

Ireland acceded to the Agreement in 1989 and the requirements of the Agreement have been given legal effect in the State by the International Carriage of Perishable Foodstuffs Act, 1987 (No. 20 of 1987) and the International Carriage of Perishable Foodstuffs (Consolidation) Regulations, 1993 (S.I. No. 188 of 1993).

The International Carriage of Perishable Foodstuffs Act, 1987 (Transfer Of Departmental Administration and Ministerial Functions) Order, 1993 transferred to the Minister for Agriculture, Fisheries and Food the functions and associated administration relating to the above legal instruments.

The National Standards Authority of Ireland (NSAI) has been designated as the Irish Certifying Authority and Cambridge Refrigeration Technology (CRT), Cambridge, UK has been designated (by Ministerial Order) as a Qualified Authority for the purposes of examining and testing transport equipment.

In brief the legislation applies to the international carriage of perishable foodstuffs into Ireland or from Ireland into another State which is a Contracting Party to ATP by road or rail or by a sea journey of less than 150 kilometres. Provision is made for

approval of test stations, issuing of certificates of compliance and certification plates, the appointment and powers of inspectors and the prosecution of offences.

Netherlands

In the Netherlands ATP is not mandatory for national carriage. The EU has drafted a number of food hygiene regulations which deal with the whole food chain. In these regulations transport temperatures for certain foodstuffs are given, and ATP is in line with these. For equipment used no specific requirements are made in these regulations but the industry uses ATP approved equipment on a voluntary basis where needed to prove proper care in case of problems. So ATP acts more like a technical standard for equipment used for transport operations within the EU. The use of ATP for national transport could present problems because the needs are different for national transport (such as the loss of cold from frequent door openings) than long distance hauling. The delegate of the Netherlands is therefore in favour of having separate requirements for the two different applications.

Norway

According to Norwegian legislation ATP is only mandatory for transport to and from countries participating in ATP. However some big retailers and companies in the food industry require ATP approved vehicle also for their domestic transport.

Poland

The ATP is not the basis for Polish national domestic transport legislation for perishable foodstuffs. It is applicable only for international transportation.

Portugal

At present, Portugal only uses ATP for international transport of perishable foodstuffs, or national transport equipment which is wider than the standard 1.55 m. The Ministry of Transport has studied and proposed to the Government a Portuguese Law in which ATP will be adopted at national level too. Government approval and publication of this law is pending.

Russian Federation

The ATP has not yet been adopted in the Russian Federation as national law.

Slovak Republic

The ATP has been adopted as the basis for national domestic transport legislation for perishable foodstuffs.

Spain

National legislation on perishable foodstuffs is based on the ATP, with the exception of health issues which are regulated by the European Union.

Sweden

In Sweden the ATP provisions apply to transport to and from all countries participating in the ATP, but not to domestic transport.

The Swedish Customs or the Swedish State Railways are responsible for the official control at the borders between Sweden and ATP countries except EU/EEA Member States. Transport between Sweden and EU/EEA Member States is under the regular

official food control of local municipal authorities.

Ukraine

Ukraine is carrying out the harmonization of national legal acts with ATP provisions for their implementation on its territory. As a result of this, work on the assessment of road vehicle isothermal characteristics and issuing of ATP certificates is not performed currently. Moreover, there are no testing stations, expert organizations and experts approved by the competent authority to perform work within the framework of ATP.

United Kingdom

The United Kingdom has not implemented the ATP for the domestic transport of perishable foodstuffs. This transport is governed in the United Kingdom by food safety legislation, which applies to the whole production, distribution and supply chain.

As a point of interest some of the bigger retailers of perishable foodstuffs insist that the vehicles they use for domestic transport are ATP plated. However this is done to ensure the highest residual value for the vehicles when they are sold on, rather than for any food safety reasons.

United States of America

ATP is voluntary in the United States. It does not apply to trade with Mexico and Canada.

Several laws prohibit the selling, transport, offer for sale or transportation, or receiving for transportation, in commerce, of adulterated foodstuffs: *Federal Food, Drug, and Cosmetic Act*, *Federal Meat Inspection Act*, *Poultry Products Inspection Act*, and the *Egg Products Inspection Act*. Foodstuffs can become adulterated if transported at improper temperatures. Contracts, audits, inspections, temperature indicators, recorders, and measuring devices, and *Sanitation Performance Standards* are utilized to prevent adulteration.

Federal guidelines adopted by States specify the receiving conditions and maximum temperatures for potentially hazardous perishable foodstuffs: *Food Code 2005*; *Grade A Pasteurized Milk Ordinance*; *National Shellfish Sanitation Guide of Control of Molluscan Shellfish*. The U.S. Department of Agriculture, International Institute of Refrigeration, International Air Transport Association, universities, ocean carriers, and trade associations provide handbooks, guides, brochures, and Web sites with recommended temperatures for the transport of perishable foodstuffs.

Under the *International Carriage of Perishable Foodstuffs Act and Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be Used for such Carriage (ATP)*; *Inspection, Testing, and Certification of Special Equipment* regulations, trailer and container manufacturers may receive ATP certificates based on inspections, tests, and reports. *Truck Trailer Manufacturers Association Recommended Practice Number 38-07—Method of Testing and Rating Heat Transmission of Controlled-Temperature Vehicle/Domestic Containers*, and mechanical refrigerating appliance manufacturer test reports are used as well.

Perishable Foodstuffs (ATP), 1970

