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Working Party on the Transport of Perishable Foodstuffs

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Item 5 (a) of the provisional agenda

Proposals of amendments to the ATP: Pending proposals

Amendments to ATP article 3, ATP annex 2 and appendices 1 and 2 of ATP annex 2, extending the requirements of annex 2 to chilled foodstuffs. Deletion of ATP annex 3

Transmitted by the Government of the Russian Federation

Summary

Executive summary:

Article 3 divides the scope of application of ATP into the carriage of quick (deep)-frozen and frozen foodstuffs referred to in annex 2 and chilled foodstuffs referred to in annex 3.

Annex 2 covers the selection of equipment and temperature conditions to be observed for the carriage of quick (deep)-frozen perishable foodstuffs only.

Annex 2, appendix 1, concerns air temperature monitoring during the carriage of quick-frozen perishable foodstuffs only.

Annex 2, appendix 2, specifies the procedure for the sampling and measurement of temperature for the carriage both of chilled and of frozen and quick-frozen perishable foodstuffs.

Annex 3 concerns the selection of transport equipment and temperature conditions to be observed for the carriage of chilled foodstuffs only.

The Russian Federation regards this division as impractical, as there are no significant differences in the principle behind the requirements of annex 2 and annex 3. This division is an obstacle to the future extension of the scope of application of ATP (for example when new goods are included).

ATP must apply to the transport of all perishable foodstuffs without exception, including both frozen and chilled.

The principle behind the selection of transport equipment and temperature conditions to be observed for the carriage of quick (deep)-frozen and frozen foodstuffs or chilled foodstuffs is one and the same.

The air temperature in the transport equipment must be monitored during carriage of all perishable foodstuffs, not just quick-frozen ones.

Action to be taken: Prepare new versions of ATP article 3, ATP annex 2 and appendices 1 and 2 to ATP annex 2.

Delete annex 3 to ATP.

Related documents: None.

I. Introduction

1. In the framework of the Working Party on the Transport of Perishable Foodstuffs (WP.11), the Russian Federation is actively working to improve ATP, including by making the terminology used in the Agreement more clear.

At the sixty-seventh session of WP.11, the Russian Federation submitted an informal document on the consolidation of annexes 2 and 3 and the removal of annex 3 from ATP.

The Russian Federation was requested to submit a working document on the subject at the sixty-eighth session of WP.11.

2. In the opinion of the Russian experts, the fact that the requirements of annex 2 apply only to the carriage of quick (deep)-frozen and frozen foodstuffs while those of annex 3 apply only to chilled foodstuffs is the result of an artificial distinction.

ATP should apply to the international carriage of any perishable foodstuffs. In our opinion, the selection of transport equipment and air temperature monitoring during carriage should be governed by uniform requirements, including for foodstuffs that may be newly included in ATP in the future.

3. On the basis of the above, the Russian Federation is proposing in this document the first specific measures to thus improve ATP:

- In article 3, remove the distinction between quick (deep)-frozen and frozen foodstuffs on the one hand and chilled foodstuffs on the other hand
- In annexes 2 (except for appendix 2) and 3, replace the specific designations of groups of perishable foodstuffs with the term “perishable foodstuffs”, used in ATP
- Correct annex 2 and annex 2, appendices 1 and 2, so that the requirements of annex 3 are consolidated therein
- Delete annex 3

4. The Russian Federation is also submitting an informal document to the sixty-ninth session of WP.11 for the inclusion in article 3 of a definition of the term “perishable foodstuffs”.

If WP.11 agrees with the Russian Federation on the need to include in ATP a definition of the term “perishable foodstuffs” and the lack of significant differences between the requirements for preserving the quality of quick (deep)-frozen, frozen and chilled

foodstuffs during their carriage then we can move on to the next steps to extend the scope of application of ATP:

- Including in ATP a definition of the term “perishable foodstuffs”, which would make it possible to apply the requirements in the new version of annex 2 to the carriage of any perishable foodstuffs, without indicating specific designations (the use of specific denominations of foodstuffs unjustifiably narrows the Agreement’s scope of application)
 - Standardizing requirements for the carriage of perishable foodstuffs regardless of their thermal condition (quick (deep)-frozen, frozen or chilled), in particular extending the requirement to monitor the air temperature in transport equipment to cover the carriage of all perishable foodstuffs (as is done for quick (deep)-frozen and frozen foodstuffs)
5. The Russian Federation submits herewith the corresponding working document for consideration.

II. Proposals

6. Recast article 3, paragraph 1, of ATP as follows:

“1. The provisions of article 4 of this Agreement shall apply to all carriage of **perishable foodstuffs — quick (deep)-frozen, frozen and chilled — referred to in Annex 2 of this Agreement**, whether for hire or reward or for own account, carried out exclusively — subject to the provisions of paragraph 2 of this article — by rail, by road or by a combination of the two,

~~quick (deep) frozen and frozen foodstuffs, and of~~

~~foodstuffs referred to in annex 3 to this Agreement even if they are neither quick (deep) frozen nor frozen,~~

if the point at which the goods are, or the equipment containing them is, loaded on to a rail or road vehicle and the point at which the goods are, or the equipment containing them, is, unloaded from that vehicle are in two different States and the point at which the goods are unloaded is situated in the territory of a Contracting Party.

In the case of carriage entailing one or more sea crossings other than sea crossings as referred to in paragraph 2 of this article, each land journey shall be considered separately.”

7. Recast annex 2¹ as follows, including the title:

“Selection of equipment and temperature conditions to be observed for the carriage of quick (deep)-frozen and frozen perishable foodstuffs

1. ~~For the carriage of the following quick (deep) frozen and frozen foodstuffs~~
The transport equipment has to be selected and used in such a way that **during carriage of quick (deep)-frozen and frozen foodstuffs** the highest temperature of the foodstuffs at any point of the load ~~during carriage~~ does not exceed the indicated temperature **and during carriage of chilled foodstuffs the temperature of the foodstuffs at any point of the load does not exceed the indicated limits.**

¹ Based on the Russian text of ATP as amended 2 January 2011.

~~By that means~~ The equipment used for the transport of ~~quick-frozen~~ **perishable** foodstuffs shall be fitted with the ~~device~~ **instrument** referred to in appendix 1 to this annex. If however one should proceed to the verification of the temperature of the **perishable** foodstuffs, this shall be done according to the procedure laid down in appendix 2 to this annex.

2. Accordingly, **the temperature of the quick (deep)-frozen and frozen foodstuffs** at any point in the load must be at or below the indicated value on loading, during carriage and/or on unloading **and the temperature of chilled foodstuffs must not exceed the indicated limits.**

3. Where it is necessary to open the equipment, e.g. to carry out inspections, it is essential to ensure that the **perishable** foodstuffs are not exposed to procedures or conditions contrary to the objectives of this annex and those of the International Convention on the Harmonization of Frontier Controls of Goods.

4. During certain operations, such as defrosting the evaporator of mechanically refrigerated equipment, a brief rise of the temperature of the surface of **perishable** foodstuffs of not more than 3° C **above the appropriate value for quick (deep)-frozen and frozen foodstuffs and the upper indicated limit for chilled foodstuffs** in a part of the load, e.g. near the evaporator, may be permitted.

Quick (deep)-frozen and frozen foodstuffs:

Ice cream	-20° C
Frozen or quick (deep)-frozen fish, fish products, molluscs and crustaceans and all other quick (deep)-frozen foodstuffs	-18° C
All other frozen foodstuffs (except butter)	-12° C
Butter	-10° C
Deep-frozen and frozen foodstuffs mentioned below to be immediately further processed at destination: ¹	
Butter.....	
Concentrated fruit juice.....	

Chilled foodstuffs:

Raw milk ²	from 0° C to +6° C
Red meat ³ and large game (other than red offal).....	from 0° C to +7° C
Meat products, ⁴ pasteurized milk, fresh dairy products (yoghurt, kefir, cream and fresh cheese), ⁵ ready cooked foodstuffs (meat, fish, vegetables), ready to eat prepared raw vegetables and vegetable products, ⁶ concentrated fruit juice and fish products ⁴ not listed below	from 0° C to +6° C or at temperature indicated on the label and/or on the transport documents
Game (other than large game), poultry ³ and rabbits.....	from 0° C to +4° C
Red offal ³	from 0° C to +3° C
Minced meat ³	from 0° C to +2° C or at temperature indicated on the label or in the transport documents

Untreated fish, molluscs and crustaceans⁷ on melting ice or at temperature of melting ice⁷

¹ The deep-frozen and frozen foodstuffs listed, when intended for immediate further processing at destination, may be permitted gradually to rise in temperature during carriage so as to arrive at their destination at temperatures no higher than those specified by the sender and indicated in the transport contract. This temperature should not be higher than the maximum temperature authorized for the same foodstuff when refrigerated as mentioned in annex 3. The transport document shall state the name of the **perishable** foodstuff, whether it is deep-frozen or frozen and that it is immediately to be further processed at destination. This carriage shall be undertaken with ATP-approved equipment without use of a thermal appliance to increase the temperature of the foodstuffs.

² **When milk is collected from the farm for immediate processing, the temperature may rise during carriage to +10° C.**

³ **Any preparations thereof.**

⁴ **Except for products fully treated by salting, smoking, drying or sterilization.**

⁵ **“Fresh cheese” means a non-ripened (non-matured) cheese which is ready for consumption shortly after manufacturing and which has a limited conservation period.**

⁶ **Raw vegetables which have been diced, sliced or otherwise size reduced, but excluding those which have only been washed, peeled or simply cut in half.**

⁷ **Except for live fish, live molluscs and live crustaceans.**

8. Recast annex 2, appendix 2, as follows:

8.1 Recast the title of annex 2, appendix 2, as follows:

PROCEDURE FOR THE SAMPLING AND MEASUREMENT OF TEMPERATURE FOR CARRIAGE OF ~~CHILLED, FROZEN AND QUICK (DEEP) FROZEN~~ PERISHABLE FOODSTUFFS

8.2 In paragraphs 1, 2 and 4, replace “in annexes 2 and 3” with “in annex 2”.

8.3 In paragraph 8 replace “in annex 3” with “in annex 2”.

9. Delete annex 3.

III. Justification

10. In the opinion of the Russian Federation, it is crucial for the requirements of ATP to reflect the main objective of the Agreement, i.e. improving conditions for the preservation of quality during carriage of the full range of perishable foodstuffs. The current version of ATP identifies several groups of quick (deep)-frozen, frozen and chilled foodstuffs which are covered by the ATP requirements when transported; meanwhile, there are no such requirements for the carriage of other perishable foodstuffs.

Furthermore, even the requirements for the carriage of quick (deep)-frozen, frozen and chilled foodstuffs do not follow any scientifically justifiable logic. As a result, for example, the requirement to monitor air temperature in transport equipment is applicable only to the carriage of quick-frozen foodstuffs. Chilled foodstuffs too must be transported within a strict temperature range, though, and the risk of their spoilage, including spoilage hazardous to human health, is no smaller than that of quick-frozen foodstuffs.

11. The adoption of the amendments proposed by the Russian Federation to article 3, annex 2 and annex 2, appendix 2 and the related deletion of annex 3 will make it possible to continue the work to improve ATP so as to ensure more extensive implementation of its basic objectives and also to extend its scope in the future.

Costs

12. None. Nothing new or different from the requirements contained in the current version of ATP is being suggested at this stage. The amendments concern only the form of the Agreement. However, the new form is intended to facilitate the introduction of substantive amendments in accordance with the proposed steps aimed at improving the Agreement.

Feasibility

13. The proposed amendments will create better conditions for achieving the main objectives of ATP and broadening its future scope of action.

Enforceability

14. No problems are expected.
