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Working Party on the Transport of Perishable Foodstuffs

Seventieth session

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Item 5 (a) of the provisional agenda

Proposals of amendments to ATP: pending proposals

Amendments to ATP articles 3 and 4, 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:

The people of the countries Parties to ATP indubitably have an interest in the good quality and the safety of **all**, not just certain, foodstuffs. This restriction on the scope of application of ATP is simply a historical legacy and should not be treated as dogma.

In this connection, the Russian Federation remains convinced that:

The scope of application of ATP should apply to all perishable foodstuffs without exception that are intended for human consumption and require compliance with strict temperature conditions during their storage and transport and not only the “certain” foodstuffs indicated in the title of chapter II and listed in annexes 2 and 3.

Expanding the scope of application of ATP is currently a priority in the activities of the Working Party on the Transport of Perishable Foodstuffs, particularly given that many issues raised during its sessions are discussed from this angle under the agenda item “Scope of ATP”.

The Russian Federation hopes that it is self-evident to the experts in the area of refrigeration technology for foodstuffs of the Contracting Parties to ATP that:

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The requirements in annexes 2 and 3 to the Agreement are fundamentally similar and could also be applied to perishable foodstuffs that are not mentioned in annexes 2 and 3;

The principle of selecting special transport equipment and temperature conditions for the carriage of perishable foodstuffs to guarantee the requisite conditions for the preservation of their quality during carriage, as mentioned in the preamble to ATP (which does not speak of only **certain** perishable foodstuffs) should be extended to all perishable foodstuffs without exception, not only those mentioned in annexes 2 and 3, and so it would be logical and correct to merge annexes 2 and 3 into a single annex 2 and extend the principle of selecting special transport equipment to all perishable foodstuffs;

Air temperature in special transport equipment should be monitored during the carriage of any, not only quick-frozen, perishable foodstuffs, and so the requirements of annex 2, appendix 1, which concerns monitoring of air temperatures for carriage of quick-frozen perishable foodstuffs only, should be extended to all perishable foodstuffs.

Action to be taken:

Prepare new versions of article 3, paragraph 1; article 4, paragraph 1; annex 2; and annex 2, appendices 1 and 2.

Delete annex 3.

Related documents:

ECE/TRANS/WP.11/2013/7

Introduction

1. The Russian Federation, as a Contracting Party to ATP and recognizing the fairness and objectivity of the aims, principles, norms and requirements of the Agreement, considers that the scope of application of ATP should be expanded.

The Russian Federation is thus in favour of extending the standards and requirements of the Agreement to all perishable foodstuffs, without exception, that require the use of special transport equipment to ensure specific temperature conditions during carriage.

In line with the decisions of WP.11 at its sixty-ninth session, the Russian Federation is submitting to the seventieth session revised document ECE/TRANS/WP.11/2013/7, containing proposals concerning amendments to the title of chapter II, article 3, annex 2 and annex 2, appendices 1 and 2, of ATP and the deletion of annex 3.

2. It is common knowledge that preservation of the quality and safety of all perishable foodstuffs, without exception, requires compliance with the appropriate temperature conditions during both storage and carriage.

The temperature conditions required during storage and, consequently, during carriage are governed by the relevant standards for perishable foodstuffs or the producer's documentation.

Thus, specific types of transport equipment must be used for the carriage of different perishable foodstuffs, so that the temperature conditions meet the requirements of the relevant standards or the producer's documentation.

Perishable foodstuffs must be carried under a given range of negative or positive temperatures, depending on the type of thermal processing (freezing, chilling), and it was on this basis that the definitions of and standards for special transport equipment were set.

Thus, to preserve the quality and, consequently, the safety of perishable foodstuffs, it is both fundamental and essential that the requirements specified in the standards or the producer's documentation for carriage be met through the use of the appropriate types of equipment.

This means that there is a single principle for the selection of special transport equipment and temperature conditions for the carriage of both frozen and chilled perishable foodstuffs, and it, as well as the need to monitor the air temperature inside the equipment, must be extended to all perishable foodstuffs, without exception.

3. To further improve ATP and to expand its scope of application, the Russian Federation proposes in this document to:

- Extend the provisions of articles 3 and 4 of ATP to all perishable foodstuffs without exception that, according to the standards or the producer's documentation, or as indicated in the product's markings (label) and in the transport documents, require specific temperature conditions, by removing from article 3 the division of perishable foodstuffs by type of thermal processing into quick (deep)-frozen, frozen and chilled;
- Combine annexes 2 and 3, and extend the requirements for the selection of special transport equipment and the temperature conditions to be observed during the carriage of only certain perishable foodstuffs to all perishable foodstuffs without exception;
- Extend the requirements for air temperature monitoring in special transport equipment in the case of quick-frozen perishable foodstuffs given in annex 2, appendix 1, to all frozen and chilled perishable foodstuffs;

- Redraft annex 2 and annex 2, appendices 1 and 2, to consolidate annexes 2 and 3 therein;
 - Redraft annex 2, appendix 2;
 - Delete annex 3.
4. The Russian Federation submits herewith the corresponding working document for consideration.

Proposal

5. Reword the heading of chapter II as follows:

“Use of special transport equipment for the international carriage of ~~certain~~ perishable foodstuffs”

6. Reword article 3, paragraph 1, as follows:

“1. The provisions of article 4 of this Agreement shall apply to all carriage of **perishable foodstuffs**, 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. Reword article 4, paragraph 1, as follows:

“1. For the carriage of the perishable foodstuffs, ~~specified in annexes 2 and 3 to this Agreement~~, the equipment referred to in article 1 of this Agreement shall be used unless the **outside air** temperatures to be anticipated throughout carriage render this requirement manifestly unnecessary for the purpose of maintaining the temperature conditions specified in ~~annexes 2 and 3 to this Agreement~~ **in the standards or producer’s documentation or in the product’s markings (on the label) and indicated in the transport documents**. The equipment shall be so selected and used that the temperature conditions prescribed in the ~~said annexes~~ **standards or producer’s documentation or in the product’s markings (on the label) and indicated in the transport documents** can be complied with throughout carriage. Furthermore, all appropriate measures shall be taken, more particularly as regards the temperature of the foodstuffs at the time of loading and as regards icing or re-icing during the journey or other necessary operations. Nevertheless, the provisions of this paragraph shall apply only in so far as they are not incompatible with international undertakings in the matter of international carriage arising for the Contracting Parties by virtue of conventions in force at the time of the entry into force of this Agreement or by virtue of conventions substituted for them.”

8. Make the following amendments to annex 2¹:

9. Rephrase the title of annex 2 as follows:

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

10. Rephrase annex 2 as follows:

“1. For the carriage of ~~the following quick (deep) frozen and frozen~~ **perishable** foodstuffs, the transport equipment has to be selected and used in such a way that ~~during carriage the highest temperature of the foodstuffs at any point of the load does not exceed the indicated temperature~~ **the temperature at any point of the load does not exceed the limits indicated for the given foodstuff in the relevant standard or producer’s documentation or in the product’s markings (on the label).**

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 foodstuffs at any point in the load on loading, during carriage and/or on unloading must not exceed the indicated limits.~~

32. Where it is necessary to open the equipment, e.g. to carry out inspections, it is essential to ensure that the 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.

43. During certain operations, such as defrosting of 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 **frozen¹ foodstuffs and the upper indicated limit for chilled² foodstuffs** in a part of the load, e.g. near the evaporator, may be permitted.

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.....	

¹ ~~The deep frozen and f~~ 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 foodstuff, whether it is ~~deep frozen or~~ frozen and that it is immediately to be further processed at destination. This carriage

¹ Based on the Russian text of ATP as amended 23 September 2013.

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.”**

11. Make the following amendments to annex 2, appendix 1:

12. Reword the heading of annex 2, appendix 1, as follows:

“Monitoring of air temperatures for transport of perishable foodstuffs quick-frozen”

13. Reword the first paragraph of annex 2, appendix 1, as follows:

“The transport equipment shall be fitted with an instrument capable of measuring and recording air temperatures and storing the data obtained (hereinafter referred to as the instrument) to monitor the air temperatures to which ~~quick-frozen~~ **perishable** foodstuffs intended for human consumption are subjected.”

14. Reword the fourth paragraph of annex 2, appendix 1, as follows:

“Temperature recordings obtained in this manner must be dated and stored by the operator **of the equipment** for at least one year or longer, according to the ~~nature~~ **type of thermal processing and shelf life** of the **perishable foodstuff**.”

15. Make the following amendments to annex 2, appendix 2:

16. Reword the heading of annex 2, appendix 2, as follows:

“Procedure for the sampling and measurement of temperature for carriage of chilled, **and** frozen ~~and quick-frozen~~ perishable foodstuffs”

17. Reword annex 2, appendix 2, paragraphs 1, 2, 3, 4 and 5, as follows:

“1. Inspection and measurement of temperatures **of chilled or frozen perishable foodstuffs** ~~stipulated in annexes 2 and 3~~ should be carried out so that **the chilled or frozen perishable** foodstuffs are not exposed to conditions detrimental to **their** safety or quality ~~of the foodstuffs~~. Measuring of ~~food~~ **the temperatures of chilled and frozen perishable foodstuffs** should be carried out in a refrigerated environment, and with the minimum delays and minimum disruption of transport operations.

2. Inspection and measurement procedures, as referred to in paragraph 1, shall preferably be carried out at the point of loading or unloading. These procedures should not normally be carried out during transport, unless serious doubt exists about the conformity of the temperatures of the **chilled and frozen perishable** foodstuffs **with those** stipulated in ~~annexes 2 and 3~~ **the relevant standards or producer’s documentation or in the markings (on the label) of the perishable foodstuff and indicated in the transport documents**.

3. Where possible, the inspection should take account of information provided by temperature monitoring ~~devices~~ **instruments** during the journey before selecting those loads of perishable foodstuffs for sampling and measurement procedures. Progression to temperature measurement of **chilled and frozen perishable foodstuffs** ~~the food~~ should only be undertaken where there is reasonable doubt of the temperature control during carriage.

4. Where loads have been selected, a non-destructive measurement (between-case or between-pack) should at first be used. Only where the results of the non-destructive measurement do not conform with the temperatures laid down in ~~annexes 2 or 3~~ **the relevant standards or producer’s documentation or in the markings (on the label) of the perishable foodstuff and indicated in the transport documents** (taking into account

allowable tolerances), are destructive measurements to be carried out. Where consignments or cases have been opened for inspection, but no further action has been taken, they should be resealed giving the time, date, place of inspection, and the official stamp of the inspection authority.

5. The types of package selected for temperature measurement shall be such that their temperature is representative of the warmest point of **a frozen consignment and the warmest and coldest points of a chilled consignment.**”

18. Reword annex 2, appendix 2, paragraph 8, as follows:

“In the case of chilled foods ~~in annex 3~~, samples should also be taken from the coldest location to ensure that freezing has not occurred during transportation.”

19. In annex 2, appendix 2, paragraph 15 (i), delete the words “and quick-frozen”.

20. Delete annex 3.

Justification

21. In the opinion of the Russian Federation, it is crucial that the requirements of ATP should reflect the main objective of the Agreement, i.e. to improve the conditions of the preservation of the quality of **all** perishable foodstuffs during their carriage. The current version of ATP only identifies a few groups of quick (deep)-frozen, frozen and chilled foodstuffs but, even then, the requirement for air temperature monitoring in transport equipment applies only to the transport of quick-frozen foodstuffs. However, chilled foodstuffs too must be transported within a strict temperature range, and the risk of their spoilage, including spoilage hazardous to human health, in the case of non-compliance with the temperature conditions is no less than in the case of quick-frozen foodstuffs.

If the requirements of ATP continue to apply only to certain perishable foodstuffs, then clearly consistency demands that the title of the Agreement itself be changed to: “Agreement on the International Carriage of **Certain** Perishable Foodstuffs and on the Special Equipment to be Used for such Carriage”.

22. Adoption of the amendments proposed by the Russian Federation to articles 3 and 4, annex 2 and annex 2, appendices 1 and 2, and the related deletion of annex 3 will make it possible to continue the work to improve “the conditions of preservation of the quality of perishable foodstuffs during their carriage”, which is the objective of the Agreement.

Costs

23. The Russian Federation is of the opinion that the few costs associated, in particular, with the fitting of instruments to measure air temperature in transport equipment during the carriage of frozen and chilled perishable foodstuffs should not be an obstacle to guaranteeing preservation of the quality of all perishable foodstuffs during carriage. In the Russian Federation, air temperature in transport equipment is monitored during the carriage of all perishable foodstuffs, whether frozen or chilled.

24. A transitional period may be necessary for implementation of the proposal.

25. All the amendments to ATP proposed by the Russian Federation are aimed at better guaranteeing the preservation of the quality, and the safety (as a fundamental element of quality), of all perishable foodstuffs without exception that are intended for human consumption, which is, of itself, the objective of the Agreement.

Feasibility

26. The proposed amendments will create better conditions for achieving the main objectives of ATP and expanding its scope of application in the future.

Enforceability

27. No problems are expected.
