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## Economic Commission for Europe

### Inland Transport Committee

#### Working Party on the Transport of Perishable Foodstuffs

##### Seventy-first session

Geneva, 6-9 October 2015

Item 6 of the provisional agenda

##### ATP: Handbook

### **Inclusion in the ATP Handbook of a comment in Article 3 of the ATP on the definition of "perishable foodstuffs"<sup>1, 2</sup>**

#### **Transmitted by the Government of the Russian Federation**

##### *Summary*

<b>Executive summary:</b>	There is no definition of the term “perishable foodstuffs” in ATP, which deals with the international carriage of perishable foodstuffs and the special equipment to be used for such carriage.
<b>Action to be taken:</b>	Include in the ATP Handbook a comment in Article 3 of the ATP on the definition of “perishable foodstuffs”.
<b>Related documents:</b>	<ol style="list-style-type: none"><li>1. Annex 4 “Rules on the carriage of perishable goods” to the Agreement on International Railway Freight Communications (SMGS) (as amended on July 1, 2014);</li><li>2. Sanitary and epidemiological rules and standards of the Russian Federation “Hygienic requirements for expiry dates and storage conditions of foodstuffs. SanPiN 2.3.2.1324-03” approved by Ordinance No. 98 of the Ministry of Healthcare of the Russian Federation dated May 22, 2003.</li><li>3. Rules on the carriage of perishable goods by rail approved by Order No. 37 of the Ministry of Transportation of the Russian Federation dated June 18, 2003 (registered with the Ministry of Justice of the Russian Federation on June 19, 2003, No. 4762).</li></ol>

<sup>1</sup> This document was submitted late for document processing as clearances from relevant parties were received late.

<sup>2</sup> The English translation of this document was supplied by the Russian Federation.

## Introduction

1. At the 70<sup>th</sup> session of WP.11, the Russian Federation submitted official document ECE/TRANS/WP.11/2014/12 proposing that a definition of the term “perishable foodstuffs” be added to Article 3 of the ATP.

2. The proposal to include a relevant definition in Article 3 of the ATP was rejected at the 70<sup>th</sup> session of WP.11, but it was generally agreed that a definition of the term “perishable foodstuffs” should be included in one of the comments to the ATP Handbook.

The Russian delegation was asked to prepare a proposal for the 71<sup>st</sup> session of WP.11.

The Russian experts hope that including a definition of “perishable foodstuffs” in the ATP Handbook will enable the Contracting Parties to the ATP to understand and apply the term unambiguously.

3. Definitions of the term “perishable foodstuffs” are provided in the following documents:

Annex 4, entitled “Rules on the carriage of perishable goods” to the Agreement on International Railway Freight Communications (SMGS) of the Organisation for Co-operation between Railways, of which 18 of its 25 members are also Contracting Parties to the ATP (Albania, Azerbaijan, Belarus, Bulgaria, Estonia, Georgia, Hungary, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Poland, the Republic of Moldova, the Russian Federation, Slovakia, Tajikistan, Uzbekistan and Ukraine): “*Perishable goods*’ refers to goods which during carriage require measures (cooling, heating, ventilation) to protect them from the effect of high or low temperatures, or particular care or maintenance”;

Sanitary and epidemiological rules and standards “Hygienic requirements for expiry dates and conditions of storage of food products. SanPiN 2.3.2.1324-03” (Russian Federation regulation): “*Foodstuffs are considered perishable if they require special temperature or other conditions and regulations to preserve their quality and safety, without which they undergo irreversible change detrimental to consumer health or leading to spoilage*”;

The Rules on the carriage of perishable goods by rail (Russian Federation regulation): “*Perishable goods*’ refers to goods which, during carriage by rail, require protection from the effect of the high or low temperatures of the ambient air, or particular care or maintenance during transit.”

It is clear that perishable foodstuffs and perishable goods are synonyms in the context of this issue.

The experts from the Russian Federation believe that definitions of the term may well also be found in the national law of other Contracting Parties to ATP. However, in the process of discussing this issue, no proposals have been received from Contracting Parties over the last two years.

4. In accordance with paragraph 29 of the Report on the work of the 70<sup>th</sup> session of the Working Party on the Transport of Perishable Foodstuffs held in Geneva on October 7-10, 2014 (document ECE/TRANS/WP.11/231), the Russian Federation has prepared an official document on this issue to be discussed at the 71<sup>st</sup> session of WP.11.

## **Proposal**

5. Add the following comment after Article 3 of the ATP in the ATP Handbook:

*“‘Perishable’ in this Agreement refers to the protection of foodstuffs against the effects of high or low ambient air temperatures in order to preserve their quality and safety during carriage.”*

## **Costs**

6. None. No new requirements for the carriage of perishable foodstuffs are introduced.

## **Feasibility**

7. The unambiguous interpretation of the term “perishable foodstuffs” will permit the Contracting Parties to the ATP and all users of the Agreement to have a more productive discussion on the various aspects of the ATP based on a common understanding of the term “perishable foodstuffs”.

## **Enforceability**

8. No problems are foreseen.
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