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## Economic Commission for Europe

### Inland Transport Committee

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

##### Seventy-fourth session

Geneva, 8–12 October 2018

Item 2 of the provisional agenda

##### **Round table discussion on ways of improving the functioning of the Working Party**

### **Proposals for the development of ATP<sup>1</sup>**

#### **Transmitted by the Russian Federation**

#### **I. Introduction**

1. The Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be used for such Carriage (ATP) is one of the major sectoral agreements of the Economic Commission for Europe (ECE) with a geographical reach beyond continental Europe.
2. The improvement of the text of ATP has been an ongoing concern of the Inland Transport Committee (ITC) and its Bureau, which, like all the Contracting Parties to ATP, are interested in further increasing the effectiveness of the efforts being made to develop and enforce the rules agreed for the carriage of perishable foodstuffs.
3. In the context of preparations for the seventy-fourth session of the Working Group (WG.11), scheduled for October 2018, the Ministry of Transport of the Russian Federation sees merit in putting forward a number of observations regarding the ways in which the work being conducted on this matter within the framework of ITC could be developed.
4. As is well known, one of the most important issues is the need to ensure the quality and safety of perishable foodstuffs and to define clearly the list of goods belonging to this category.
5. This is particularly important in view of the fact that ATP encompasses regions as climatically varied as North Africa and the Far East.
6. In this connection, attention must be drawn to the proposal of the Russian Federation to add a paragraph to ATP on preserving the quality of all perishable foodstuffs during the carriage of which temperature conditions specified in regulations must be maintained, rather than only that of the goods included in the current version of ATP. The aim of this

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<sup>1</sup> Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be used for such Carriage (ATP).



proposal is to introduce new, up-to-date categories of special equipment and methods and techniques for testing them and to expand the list of perishable foodstuffs that require special equipment during carriage.

7. There is a need for a thorough discussion of the subject of mutual recognition in relation to the certification of the insulating capacity of containers equipped with thermal insulation (including models with thermal appliances) and the checking of thermal insulation and thermal appliances of containers in service for compliance with the requirements of relevant ISO documents and with organizations monitoring their implementation.

8. Of course, the Russian Federation is a member State of the Eurasian Economic Union, which is developing an inter-State legislative framework for the carriage of various categories of goods. The matter of discussing the standards and rules regulated by ATP and updating ATP therefore holds a particular significance.

9. One point ripe for consideration at the meeting of the Working Party is the initiative to create a consolidated register of ATP certificates issued so that their authenticity can be confirmed and to simplify the procedure for issuing new ATP certificates in the case of transfer of equipment to another State.

10. With a view to reaching mutually acceptable decisions on unresolved issues in terms of updating ATP and involving a wide range of stakeholders in the discussion, in the light of the agreements concluded at the seventy-ninth session of ITC, we must recognize the importance of implementing the decision of ITC to hold a round table on various aspects of the organization and execution of the transportation of perishable foodstuffs. The Ministry of Transport considers that this will provide the necessary impetus for ongoing work in the interests of all member countries.

11. We invite consideration of our proposals for the future development of ATP in the context of the forthcoming session of the Working Group.

## **II. Proposals for the development of ATP**

12. The Ministry of Transport of the Russian Federation sees merit in considering the following main proposals for subsequent discussion with a view to improving ATP.

*Preserving the quality of all perishable foodstuffs for which temperature conditions specified in regulations must be maintained during carriage, rather than only that of the goods specified in the current text of ATP*

13. The aim of this proposal is to expand the scope of ATP.

14. In general, the standards, requirements and checking procedures established in the current version of ATP do not require any serious reworking, as there has been at least one session of WP.11 each year since the introduction of ATP more than 45 years ago. Proposed amendments and additions are often editorial in nature or reflect the sovereign legal specificities of a Contracting Party.

15. In our view, a wide range of proposals should be considered as part of the expansion of the scope of ATP, from the introduction of new, up-to-date categories of special equipment and methods and techniques for testing them to the expansion of the list of perishable foodstuffs for which special equipment is required during carriage. It should be recalled that the agenda of the Working Party on the Transport of Perishable Foodstuffs (WP.11) always includes an item on the expansion of the scope of ATP. The ITC leadership is always calling on the Contracting Parties to ATP to move in this direction, including by adding new goods to ATP. However, although there is a degree of support among the participants in WP.11 for introducing new special equipment, some participants are not in favour of expanding the list of perishable foodstuffs for which special equipment is required during carriage.

16. It is also important to establish objective requirements for the temperature conditions in which perishable foodstuffs should be transported.

***Adapting ATP standards and requirements to the climatic and technical conditions encountered during the carriage of perishable foodstuffs in different climatic zones***

17. The Russian Federation has made substantial efforts to adapt ATP standards and requirements to the conditions encountered during the carriage of perishable foodstuffs in the Commonwealth of Independent States and the Eurasian Economic Union. At the initiative of the Russian Federation, ATP was supplemented with two additional classes of heated equipment tailored to the specific climatic conditions of this region as well as with a new type of special equipment that combines, in a single body, a thermal appliance for refrigeration and heating with a single control system (to prevent superfluous checks and to simplify the procedure for certifying such special equipment). There are plans to continue this work with a focus on the quantity and installation position of temperature recorders (ATP, annex 2).

***Inadmissibility of differences of interpretation of the articles and annexes of ATP by Contracting Parties to ATP and national and international organizations***

18. ATP should serve the aims and objectives set out in its preamble and prevent its implementation in bad faith owing to differences of interpretation.

19. To this end, ATP should contain definitions of its terms, chief among them the term “perishable foodstuffs”.

20. It should also be clearly defined what is meant by quality and safety with respect to the carriage of perishable foodstuffs in order to avoid subjective interpretations aimed at preventing the scope of ATP from being expanded.

21. In this connection, the debate that has emerged in recent years between the proponents of “quality” and those of “safety” has hindered the adoption of many proposals aimed at ensuring that the quality of perishable foodstuffs during carriage is preserved.

22. The position of the Russian Federation, which is based on an analysis of relevant scientific sources and regulatory and legal instruments, is as follows:

- (a) The quality and safety of foodstuffs are inextricably linked;
- (b) With spoilage and diminished quality, foodstuffs may not only lose their properties to a greater or lesser extent; they can also become dangerous for humans, as pathogenic bacteria develop;
- (c) Safety is possible only if quality is maintained;
- (d) “Quality” and “safety” are a single package, but can also be independent terms.

23. ATP should regulate the methods used to check all the standards and requirements that it contains. For example, ATP stipulates that the value of the overall heat transfer coefficient of the body of special equipment should be determined to a certain degree of accuracy. However, ATP specifies neither the methods by which this accuracy should be determined nor the means by which such calculations should be reflected in outcome documents (e.g., in the form of an annex to the test report). As part of practical efforts to implement ATP requirements, it is important that such issues are constantly being identified and any necessary additions and commentaries are made to ATP and the ATP Handbook. This work lays the foundation for a high degree of mutual trust and ensures that all stakeholders in the transport process accept the results of special equipment certifications.

***Facilitating the use of ATP and enhancing monitoring of the implementation of its requirements***

24. ATP is not the only system that establishes requirements for the insulating capacity of specialized transport equipment for the carriage of perishable foodstuffs. For example, ISO standards establish similar requirements with respect to thermal containers. However, the ISO test procedure for transport equipment differs from the procedure for testing transport equipment for compliance with ATP requirements. As the requirements in ISO standards are less stringent, we consider that the results of tests of insulating capacity

conducted in accordance with ISO should not be recognized as identical to the results of those conducted in accordance with ATP requirements.

25. There are many different elements to the work on this problem, including analysing the existing systems for checking and certifying the insulating capacity of various types of equipment used to transport perishable foodstuffs, delineating the boundaries of possible mutual recognition and adopting relevant legal instruments. The aim of this work is to facilitate the use of special equipment during carriage by various forms of transport and to avoid the excessive financial burden of undergoing testing in several systems with analogous requirements (for example, ATP and ISO with respect to the insulating capacity of containers).

26. In our view, the need to create a consolidated register of ATP certificates issued is a matter worth putting forward for consideration at the meeting of the Working Party with a view to addressing problems relating to their forgery, their misuse and the simplification of the procedure for issuing new ATP certificates in the case of transfer of special equipment to another State. The general nature of this register should facilitate equal access and monitoring by any stakeholder in the transport services market and the competent authorities of any amendments made to the register. If this proposal were to be implemented through the use of decisions based on blockchain technologies, for instance, any stakeholder in the transport market would be able to follow and monitor the status of any special equipment, which would facilitate an unprecedented level of monitoring. At the next session of the Working Group, the Russian Federation can propose an initial discussion of the merit of establishing such a register and its technical implementation, taking into account the interests of all market stakeholders and Contracting Parties to ATP.

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