

**Economic Commission for Europe**

Inland Transport Committee

8 October 2020

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

English

**Seventy-sixth session**

Geneva, 13-16 October 2020

Item 5 (f) of the provisional agenda

**Status and implementation of the Agreement****on the International Carriage of Perishable Foodstuffs****and on the Special Equipment to be Used for such Carriage (ATP)****Interpretation of ATP****Inclusion in the ATP Handbook of comments to article 3 of ATP on definition of the term “perishable foodstuffs”****Transmitted by the Russian Federation***Summary*

- Executive summary:** 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.
- Action to be taken:** Include in the ATP Handbook a comment to article 3 of ATP on the definition of the term “perishable foodstuffs”.
- Related documents:**
1. Agreement on International Railway Freight Communications (SMGS) (as amended on 1 July 2015), section IV, “Special conditions of carriage for specific types of goods”, paragraph 13 on “Perishable goods”;
  2. Federal Act No. 259-FZ on the Road Transport and Urban Electric Surface Transport Charter of 8 November 2007 (amended on 13 July 2015) (version in force since 19 October 2015);
  3. Rules on the carriage of perishable goods by rail, approved by Order No. 37 of the Ministry of Transport, of 18 June 2003 (registered with the Ministry of Justice on 19 June 2003 as No. 4762);
  4. Rules on the carriage of goods by road (amended on 3 December 2015), approved by Government Decision No. 272 of 15 April 2011.

**Introduction**

1. At the seventy-first session of WP.11, the Russian Federation submitted document ECE/TRANS/WP.11/2015/18, in which, with the common agreement of the parties at the seventieth session of the Working Party, it proposed a comment to article 3 of ATP, giving a definition of perishable foodstuffs, for inclusion in the ATP Handbook.
2. During the discussion of document ECE/TRANS/WP.11/2015/18 at the seventy-first session, a number of countries did not agree with the reference in the definition of the term “perishable foodstuffs” proposed by the Russian Federation to the need to preserve the quality of perishable foodstuffs during carriage, despite the fact that the purpose of the Agreement, as stated in its preamble, is precisely the desire to improve “the conditions of preservation of the quality of perishable foodstuffs during their carriage”.

In order to make progress in the definition of perishable foodstuffs, the Russian Federation decided to remove the words “to preserve their quality and safety” from the proposed definition.

3. It was also proposed at the seventy-first session of the Working Party that the “existing” definition of perishable foodstuffs in the Codex Alimentarius be used.

However, an analysis of standards and other documents of the Codex Alimentarius showed that they contained neither the term “perishable foodstuffs” nor its definition.

The Procedural Manual of the Codex Alimentarius Commission does contain both the term “food” and its definition, as used in the work under the Codex Alimentarius: a “food” is “any substance, whether processed, semi-processed or raw, which is intended for human consumption, and includes drink, chewing gum and any substance which has been used in the manufacture, preparation or treatment of ‘food’ but does not include cosmetics or tobacco or substances used only as drugs”. It is clear that this definition applies to the term “perishable foodstuff” used in ATP, at least in the general part.

Only three standards from Codex Alimentarius, given below, relate to terms and definitions but, as can be seen from their titles, they do not refer to the terms “perishable foodstuffs” or “food” or their definitions:

- (1) CAC/MISC 5-1993: Glossary of Terms and Definitions (Residues of Veterinary Drugs in Foods);
- (2) CODEX STAN 206-1999: General Standard for the Use of Dairy Terms;
- (3) CAC/GL 24-1997: General Guidelines for Use of the Term “Halal”.

4. The experts from the Russian Federation found definitions of the term “perishable foodstuffs” in the following documents, which are directly related to the transport of perishable foodstuffs:

(a) Agreement on International Railway Freight Communications (SMGS)\* (as amended on 1 July 2015), section IV “Special conditions of carriage for specific types of goods”, paragraph 13 on “Perishable goods”:

*“13.1. Perishable goods are goods which, in accordance with the standards, technical regulations and technical specifications, by their nature require measures (cooling, heating, ventilation) during carriage to protect them from the effect of high or low temperatures, or particular care or maintenance.”*

\* Note: of the 25 States parties to SMGS, 18 are also Contracting Parties to ATP: Albania, Azerbaijan, Belarus, Bulgaria, Estonia, Georgia, Hungary, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Poland, Republic of Moldova, Russian Federation, Slovakia, Tajikistan, Uzbekistan and Ukraine.

(b) Federal Act No. 259-FZ on the Road Transport and Urban Electric Land Transport Charter of 8 November 2007 (as amended on 13 July 2015) (version in force since 19 October 2015):

*“Perishable goods are goods for which safety during carriage by vehicle is ensured through compliance with a set temperature.”*

(c) Rules on the carriage of perishable goods by rail, approved by Ministry of Transport Order No. 37 of 18 June 2003 (registered with the Ministry of Justice on 19 June 2003, No. 4762):

*“Perishable goods’ refers to goods which, during carriage by rail, require protection from the effect of high or low ambient air temperatures or particular care or maintenance during transit.”*

(d) Rules on the carriage of goods by road (amended on 3 December 2015, approved by Government decision No. 272 of 15 April 2011:

*“Perishable goods are carried under set temperature conditions to ensure preservation of the consumer attributes indicated by the consignor in column 5 of the consignment note.”*

It is clear that perishable foodstuffs and perishable goods are synonymous in all cases.

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

5. In accordance with paragraph 80 of the Report on the work of the seventieth session of the Working Party on the Transport of Perishable Foodstuffs, held in Geneva from 7 to 10 October 2014 (ECE/TRANS/WP.11/233), the Russian Federation has prepared an official document on this question to be discussed at the seventy-second session of WP.11.

## **Proposals**

6. Add the following comment to article 3 of ATP in the ATP Handbook:

*“Comment:*

*“In this Agreement, the term ‘perishable’ refers to foodstuffs requiring protection from the effects of high or low ambient air temperatures.”*

## **Costs**

7. None. The proposal does not introduce any new requirements for the carriage of perishable foodstuffs.

## **Feasibility**

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

## **Enforceability**

9. No problems are foreseen.

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