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**ECONOMIC COMMISSION FOR EUROPE**

**INLAND TRANSPORT COMMITTEE**

Working Party on the Transport of Perishable Foodstuffs

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Item 5 (a) of the provisional agenda

**PROPOSALS OF AMENDMENTS TO THE AGREEMENT ON THE INTERNATIONAL  
CARRIAGE OF PERISHABLE FOODSTUFFS AND ON THE SPECIAL EQUIPMENT  
TO BE USED FOR SUCH CARRIAGE (ATP)**

Pending proposals

Sea crossings and inland waterways – proposed amendments to Articles 1, 2, 3, 5  
and Annex 1 of ATP\*

Transmitted by the Government of Finland

**Background**

1. At the sixty-third session of the Working Party on the Transport of Perishable Foodstuffs (WP.11), Finland proposed amendments to Article 3 of ATP (see document ECE/TRANS/WP.11/2007/11). The proposal was related to the length of the sea crossing mentioned in paragraph 2 of Article 3 of ATP. During the meeting it became clear that the proposal could not be accepted as it was. Instead, an informal working group was established to re-draft the proposal and also take into account the connection to Article 5 of ATP. The group was lead by Finland.

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\* The present document is submitted in accordance with the Programme of Work for 2008-2012 of the Inland Transport Committee (ECE/TRANS/2008/11, Item 2.11 (a)) which calls for the “Consideration of amendment proposals to ATP to ensure it is updated as necessary”.

2. At the sixty-fourth session of WP.11, Finland made the new proposal which included also a proposed amendment to Article 5 of ATP. The WP.11 examined the report of the informal working group (ECE/TRANS/WP.11/2008/3) which had met in Helsinki on 21-22 May 2008 and the proposal from Finland to amend Articles 3 and 5 based on the findings of the informal group (ECE/TRANS/WP.11/2008/2). It was agreed that before this work could be completed further clarification was needed regarding containers, including thermal maritime containers, and their relationship to ATP. The WP.11 agreed that the informal working group on the sea crossing should continue its work on this subject. The group should also discuss the possibility of extending the scope of ATP to cover transport by inland waterways. Interested countries were invited to join this group to be lead by Finland. It was suggested that the group could work by correspondence. A first draft proposal was sent by e-mail on 27 February and a second on 20 May 2009. The following countries sent comments: Denmark, Slovakia, Spain, Sweden, United Kingdom and United States.

### **Justification**

3. According to the present text of Article 3 of ATP, if land journeys in land transport equipment and without transloading of the goods are separated by a sea crossing of at least 150 km, each land journey is considered separately. This means that ATP does not apply at all to such international transport. Regarding Article 3 of ATP, Finland would like to suggest increasing the distance of the sea crossing and establishing a distance for carriage by inland waterways to avoid this loophole in ATP. The distance of the sea crossing which would be covered by ATP would therefore be less than 1 500 km and for carriage by inland waterways it would be less than 3 500 km. This means that the proposal also has to take into account sea containers classified as thermal maritime thus also entailing a modification of Articles 1, 2, 5 and annex 1 of ATP.

4. To illustrate the problem, goods can be loaded in the southern part of Germany, then cross the Baltic Sea on a Ro-Ro ship before finally being unloaded in the northern part of Finland. The total length of such transport could be more than 3 000 km and it might last more than four days, but because of the present "150 km rule", using ATP equipment would not be required. Only national regulations would apply. Another example when ATP does not apply is the land transport of perishable foodstuffs by sea container when there is a sea crossing before or after of more than 150 km.

5. Because a considerable quantity of perishable foodstuffs transported to and from Finland crosses the Baltic Sea and land transport equipment on Ro-Ro ships is commonly used for that transport, Finland considers that food safety could possibly be endangered if transport equipment is used which has never fulfilled ATP requirements or for which ATP classification has expired.

6. It is hard to understand why transport between exactly the same points must be done in ATP equipment if instead of a sea crossing, a land route is selected. This kind of practice also puts the operators in an unequal position and is unfair to those having proper and well-maintained equipment.

7. Ro-Ro ship connections which are common in the Baltic Sea are either possible or operational in the Mediterranean, North Sea, Eastern Atlantic and Black Sea. Some of those connections depart from non-ATP or non-EC or EEA countries with differing national

regulations and practices for transporting foodstuffs. Increasing energy costs might even encourage the use of sea crossings if available. Moreover, there is a better guarantee of food safety during sea crossings and journeys by inland waterways if the land transport equipment used is ATP classified and the sea containers used are built and tested according to the standards outlined in Annex 1 of ATP. Conditions on board ships or inland waterway vessels may not always be optimal for the transport of refrigerated foodstuffs, with, for example the possibility of power cuts in the loading port or during the carriage by sea or inland waterways.

## **Proposal**

8. The proposed new text of Articles 1, 2, 3, 5 and Annex 1 appears below underlined. Text to be deleted appears as struck through. Articles 4 and 6-20 as well as paragraphs 1-4 of Annex 1 remain unchanged.

## **Chapter I**

### **SPECIAL TRANSPORT EQUIPMENT**

#### **Article 1**

For the international carriage of perishable foodstuffs, equipment shall not be designated as "insulated", "refrigerated", "mechanically refrigerated", ~~or~~ "heated" or "classified thermal container" equipment unless it complies with the definitions and standards set forth in annex 1 to this Agreement.

#### **Article 2**

The Contracting Parties shall take the measures necessary to ensure that the rail or road equipment referred to in Article 1 of this Agreement is inspected and tested for compliance with the said standards in conformity with the provisions of Annex 1, Appendices 1, 2, 3 and 4, to this Agreement. Each Contracting Party shall recognize the validity of certificates of compliance issued in conformity with Annex 1, Appendix 1, paragraph 4 to this Agreement by the competent authority of another Contracting Party. Each Contracting Party may recognize the validity of certificates of compliance issued in conformity with the requirements of Annex 1, Appendices 1 and 2, to this Agreement by the competent authority of a State not a Contracting Party.

Classified thermal containers shall be manufactured, type tested and marked by the manufacturer according to the standard mentioned in Annex 1, paragraph 5 to this Agreement. Each Contracting Party shall recognize the validity of type plates issued in conformity with the standard mentioned in Annex 1, paragraph 5 to this Agreement.

## **Chapter II**

### **USE OF SPECIAL TRANSPORT EQUIPMENT FOR THE INTERNATIONAL CARRIAGE OF CERTAIN PERISHABLE FOODSTUFFS**

#### **Article 3**

1. The provisions of Article 4 of this Agreement shall apply to all carriage, 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, of

- 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.~~

2. The provisions of paragraph 1 of this article shall likewise apply to sea crossings of less than ~~150 km~~ 1 500 km and carriage by inland waterways of less than 3 500 km on condition that the goods are shipped in equipment used for the land journey or journeys without transloading of the goods and that such ~~crossings~~ carriage by sea or inland waterways precedes or follows one or more land journeys as referred to in paragraph 1 of this article or takes place between two such land journeys.

3. Notwithstanding the provisions of paragraphs 1 and 2 of this article, the Contracting Parties need not apply the provisions of Article 4 of this Agreement to the carriage of foodstuffs not intended for human consumption.

#### **Article 4**

(unchanged)

## **Chapter III**

### **MISCELLANEOUS PROVISIONS**

#### **Article 5**

~~The provisions of this Agreement shall not apply to carriage in containers classified as thermal maritime by land without transloading of the goods where such carriage is preceded or followed by a sea crossing other than a sea crossing as referred to in article 3, paragraph 2, of this Agreement.~~

The provisions of this Agreement shall also apply to carriage by sea or inland waterways of perishable foodstuffs in classified thermal containers if the sea crossing is less than 1 500 km or the carriage by inland waterways is less than 3 500 km.

The provisions of this article shall apply to carriage in classified thermal container by land where such carriage is preceded or followed by carriage by sea or by inland waterways.

**Article 6 – 20**  
(unchanged)

## Annex 1

### DEFINITIONS OF AND STANDARDS FOR SPECIAL EQUIPMENT FOR THE CARRIAGE OF PERISHABLE FOODSTUFFS

1-4 Unchanged

5. [New paragraph](#)

6. [Amended paragraph \(old para. 5\)](#)

...

5. **Classified thermal container.** [A thermal container manufactured, type tested and classified according to the standard ISO 1496-2 or GOST R 50697-94 and additionally fitted with a permanent manufacturer's type plate. The type plate shall be in English, French or Russian and shall contain at least the following particulars:](#)

- [Country of manufacture](#)
- [Name and address of the manufacturer](#)
- [Type code](#)
- [Heat leakage rate in W/K](#)
- [Serial number](#)
- [Month / year of manufacture](#)
- [Standard used](#)

6. **Transitional provisions.** [The provisions concerning classified thermal containers in Articles 1, 2, 5 and Annex 1, paragraph 5 shall enter into force after a period of three years following the date of acceptance of this proposed amendment by Contracting Parties, in accordance with Article 18 of this Agreement.](#)

...

**Transitional provisions.** ~~For a period of three years following the date of entry into force of this Agreement in conformity with the provisions of article 11, paragraph 1 thereof, the overall coefficient of heat transfer (K coefficient) may, in the case of equipment already in service at that date, be equal to or less than:~~

~~0.90 W/m<sup>2</sup>.K in the case of insulated equipment in category IN, refrigerated equipment in class A, all mechanically refrigerated equipment, and heated equipment in class A; and 0.60 W/m<sup>2</sup>.K in the case of refrigerated equipment in classes B and C and heated equipment in class B.~~

~~Moreover, after the period of three years referred to in the first subparagraph of this paragraph and until the equipment is finally withdrawn from service, the K coefficient of the mechanically refrigerated equipment in question of classes B, C, E and F may be equal to or less than 0.70 W/m<sup>2</sup>.K.~~

~~These transitional provisions shall not, however, preclude the application of any stricter regulations enacted by certain States for equipment registered in their own territory.~~

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