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Working Party on the Transport of Perishable Foodstuffs

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Item 5 (a) of the provisional agenda

Proposals of amendments to the ATP: Pending proposals

Amendments to article 3 of ATP regarding the introduction of a definition of perishable foodstuffs

Transmitted by the Government of the Russian Federation

Summary

- Executive summary:** There is no definition of “perishable foodstuffs” in ATP.
- Action to be taken:** Propose for discussion by the Working Party a definition of perishable foodstuffs and its placement in ATP.
- Related documents:**
1. Annex 4, “Rules on the carriage of perishable goods” of the Agreement on International Railway Freight Communications (SMGS);
 2. Russian Federation health and epidemiological rules and standards, SanPiN 2.3.2.1324-03 “Hygiene requirements pertaining to the shelf life and storage conditions of foodstuffs”;
 3. 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).

Introduction

1. At the sixty-eighth session of WP.11 the Russian Federation presented an informal document proposing a definition of the term “perishable foodstuffs”. The WP.11 secretariat considered that this question was important, and circulated document ECE/TRANS/WP.11/2012/12 at the sixty-eighth session of WP.11 for consideration as an official document.

Many delegations had no objection to the addition in ATP of the definition proposed by the Russian Federation. However, as previously, attention was drawn to the fact that the scope of the Agreement was not intended to include **all** perishable foodstuffs and that its aim was to ensure the safety of foodstuffs for human consumption, and **not to prevent spoilage**.

The Russian Federation was invited to present a document on this question at the sixty-ninth session, taking into account the comments made by delegations during the sixty-eighth session.

2. On numerous occasions, Russian specialists have encountered a problem, as the Contracting Parties to ATP have different interpretations of the term “perishable foodstuffs” used in the Agreement.

3. As already mentioned in document ECE/TRANS/WP.11/2012/12, Russian specialists have found a definition of a term akin to perishable foodstuffs in only one international document – annex 4, entitled “Rules on the carriage of perishable goods”, of the Agreement on International Railway Freight Communications (SMGS), which reads: “‘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.”

That, notwithstanding, definitions of the term may well be found in the national legislations of Contracting Parties to ATP.

4. Russian legislation includes the following definitions:

Under the health and epidemiological rules and standards, SanPiN 2.3.2.1324-03 “Hygiene requirements pertaining to the shelf life and storage conditions of foodstuffs”: “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.”

Under the Rules on the carriage of perishable goods by rail: “‘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 this context.

5. The Russian Federation considers that ATP itself, as an Agreement devoted to ensuring the quality of perishable foodstuffs during transport, clearly must include a definition of the term “perishable foodstuffs”.

6. The Russian Federation has therefore prepared an official document on this question and is submitting it to the sixty-ninth session of WP.11.

Proposals

7. Add the following paragraph to article 3 of ATP:

3. *“Perishable” in this Agreement refers to foodstuffs requiring temperature conditions to preserve their quality and safety during storage and carriage, without which they undergo irreversible change detrimental to consumer health or leading to spoilage.*

The temperature conditions in special transport equipment intended for the carriage of perishable foodstuffs shall be established by the cargo owner or consignee on the basis of the standards or documentation requirements of the producer of the perishable foodstuffs or the requirements indicated on the product’s markings (its label) and shall be indicated in the transport documents.

8. In article 3 of ATP, change the numbering so that old paragraph 3 becomes new paragraph 4.

Justification

9. In the definition of perishable foodstuffs provided in paragraph 7 of this document, reference is made only to compliance with temperature conditions during the carriage of perishable foodstuffs, as there is no intention to use ATP for any other purpose.

10. Transport is one of the stages in the storage chain of a product. Consequently, in the absence of specific requirements for temperature conditions for the carriage of perishable foodstuffs in the standards or documentation issued by the producer or in their markings (or labels), the corresponding requirements for their storage must be applied.

11. In the opinion of several of the Contracting Parties to ATP, the aim of the Agreement is to ensure the **safety** of foodstuffs intended for human consumption, despite the fact that the preamble to ATP reads “The Contracting Parties, desirous of improving the conditions of **preservation of the quality** of perishable foodstuffs during their carriage, particularly in international trade, considering that the improvement of those **conditions...**”.

12. The quality and safety of foodstuffs are inextricably linked. 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.

Unfortunately, so far, no single terminology has been accepted for ensuring food quality and safety. Various laws and numerous Russian and international standards use identical terms with different interpretations and refer to identical concepts using different terms. This may be attributable to the lack of a comprehensive theory of biosphere security and the existence of individual theories for the security of its various elements (humans, animals, plants and ecosystems), which consequently results in a lack of universal concepts.

Nonetheless, having examined a large number of scientific sources on this matter, we have determined the following:

- **Food safety** is an essential **characteristic of the quality** of foodstuffs intended for human consumption;
- Safety is only possible by maintaining quality;
- “Quality” and “safety” are a **single package**, but can also be independent terms.

13. Foodstuffs are complex systems involving numerous components composed of hundreds of chemical compounds.

To a certain extent, all chemical compounds in foodstuffs may be divided into the following:

- Components of the foodstuffs themselves, i.e., substances specific to a given type of animal or vegetable produce;
- Food additives, or substances specially added to foodstuffs to achieve a certain effect;
- Environmental pollutants (or contaminants).

Food additives and contaminants are substances foreign to the foodstuffs.

Clearly, foodstuff contaminants from the environment pose the greatest **danger** to human health.

Chemical contaminants include substances such as toxic metals, pesticides, nitrates, nitrites, nitroso compounds, histamines, polycyclic aromatic hydrocarbons and polymers.

Biological contaminants include bacteriological food contamination, bacterial toxins, viruses, mycotoxins, hormones and antibiotics.

14. The following factors generally bring about changes in the quality of foodstuffs:

- Air temperature (increases in air temperature accelerate chemical and biological processes in food; according to the Q10 (van't Hoff) equation, each increase of 10° C raises the rate of chemical reaction by between two and four times);
- Humidity;
- Air composition and ventilation;
- Light;
- Packaging, etc.

15. A failure to comply with established temperature conditions can compromise food safety.

For example, with microbial enzymes that actively develop when temperature conditions are not maintained, histamines, which naturally occur only rarely in foods, can form directly in the foodstuffs, and the nitrate content may increase.

16. Obviously, quality and safety are indivisible.

There can be no quality without safety. However, quality is a broader concept than safety.

When defining the term “perishable foodstuffs”, the Russian Federation has therefore maintained that the concept of “quality of foodstuffs” subsumes the concept of “food safety”. In other words, foodstuffs cannot be quality foodstuffs unless it has been proven that they pose no potential risk to human health or life. In the definition of “perishable foodstuffs”, the Russian Federation has thus made use of both concepts, “quality” and “safety”, as they are inextricably linked.

Costs

17. No costs. No new requirements are introduced for the carriage of perishable foodstuffs apart from those mentioned in the producer’s standards and documentation, or the requirements indicated on the markings (or the label). Compliance with these is the carrier’s responsibility.

Feasibility

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

Enforceability

19. Use of the proposed definition of perishable foodstuffs will allow a new more flexible approach to extending the scope of ATP.
