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Inland Transport Committee

Working Party on the Transport of Perishable Foodstuffs

Seventy-ninth session

Geneva, 25–28 October 2022

Item 5 (b) of the provisional agenda

Proposals of amendments to ATP:

New proposals

Revised amendment to the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be Used for such Carriage (ATP) with provisions on testing stations and experts

Transmitted by the Government of the Russian Federation

Summary

Executive summary: The Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be Used for such Carriage, signed at Geneva on 1 September 1970 (hereinafter referred to as ATP), specifies that testing stations and experts are designated by the country's competent authority for ATP, but it establishes no requirements to be met by organizations for them to be authorized as testing stations or experts or provisions for the supervision (or monitoring) of the activities of ATP testing stations and experts.

Action to be taken: Supplement ATP with the relevant provisions.

Related documents: None.



Introduction

1. Paragraph 1 of annex 1, appendix 1, of ATP mentions that testing stations are designated or authorized by the country's competent authority for ATP.
2. Paragraphs 5 and 6 of annex 1, appendix 2 indicate that the competent authority may appoint experts to assess the fitness of the equipment for retention in one or other of the categories of insulated equipment.
3. No requirements are established for ATP testing stations and experts.
4. The procedure for monitoring and supervising testing stations and experts is not prescribed in ATP.
5. There are no penalties (and no liability) for violation of (or non-compliance with) the methods and procedures for measuring and checking the insulating capacity and efficiency of the cooling and heating appliances of special equipment for the carriage of perishable foodstuffs (hereinafter referred to as the methodology).
6. It is clear that the lack of any monitoring of the activities of testing stations and experts can have a negative impact on the quality and effectiveness of their work and the conclusions they draw might not be correct, which may lead to a deterioration in the conditions for preserving the quality of perishable foodstuffs during their carriage.
7. At the same time, a list of criteria to be met by organizations for designating or authorizing them as testing stations or experts should be defined and established in ATP.
8. In order to harmonize the requirements for the testing stations and experts of the contracting parties, the Russian Federation has prepared a proposal to amend ATP by including an additional annex.
9. At the seventy-eighth session of the Working Party on the Transport of Perishable Foodstuffs, a proposal for amendments to ATP (ECE/TRANS/WP.11/2022/1) was submitted by the delegation of the Russian Federation but the proposal was not adopted for the following reasons:
 - (a) The delegation of Denmark reported that, for political reasons, it could not discuss or vote in favour of the proposal of the Russian Federation;
 - (b) Some delegations pointed out that their countries had national procedures for the verification of ATP test stations and that these national procedures might differ from those proposed in the document. The following comments were received on specific points in the proposal:
 - (i): The duration of the approval (three years) might be considered too short for testing stations to have a return on the investment made. The Russian Federation clarified that the intention was for the testing stations to renew the approval every three years in order to continue operations.
 - (iii): Some delegations did not see the need for testing stations to own a calorimeter box.
 - (v): While some delegations were not in favour of having a quality certification at all, others were of the opinion that, if necessary, a quality certification should be done in accordance with ISO 17025.
 - (vi): It might be difficult to achieve in practice.
 - (x): It was not necessary, as the requirements would become mandatory for all contracting parties once they are included in ATP.
10. The Russian Federation thanked the Working Party for its comments and has prepared a revised proposal.

I. Proposal submitted for a vote

11. Add a new appendix 4 to ATP, to read as follows:

“Provisions concerning the authorization or designation of testing stations and expert organizations (hereinafter referred to as experts), the monitoring of their activities and liability for failure to comply with such provisions:

- i. The testing station or expert may be designated by an organization that has no interest in the test results or expert conclusions. Relationships that threaten the impartiality of a testing station or expert may be based on ownership, management, leadership, personnel, shared resources, finances, contracts, marketing (including branding) and commissions or other incentives for new test sponsors, etc.
- ii. The testing station shall have an insulated chamber on the premises and measuring equipment and tools that meet the requirements of ATP and are capable of working with all types of vehicles used for the carriage of perishable foodstuffs.
- iii. The testing station or expert shall have at least two employees whose responsibilities include monitoring compliance of vehicles with the requirements of ATP. The employees shall have an education and experience working in the relevant field.
- iv. The testing station or expert shall have a quality management manual developed in accordance with ISO 17025–2019.
- v. The expert shall have premises for checking vehicles, with artificial lighting of at least 2000 lux (in a brightly lit area), measuring devices and equipment to be used for checking vehicles in accordance with the provisions of ATP, and equipment to maintain a constant room temperature of + 15 °C to + 30 °C when vehicles are checked, in accordance with the provisions of ATP.
- vi. The procedure for the designation and authorization of a testing station or expert, and the actions to monitor the activities of the testing station or expert, shall be determined by the country’s ATP competent authority.
- vii. In case of non-compliance with the provisions of ATP, the activity of the testing station or expert shall be suspended until the remarked faults are corrected.
- viii. If non-compliance with the provisions of ATP is detected again within one year of a previous violation, the activity of the testing station or expert shall be terminated and the applicant testing station or expert shall have the right to reapply for authorization or designation arise no sooner than one year after the termination.
- ix. Each Contracting Party may issue local regulations clarifying, specifying and expanding upon the requirements of the provisions set out in these regulations.”

II. Cost

12. There may be additional costs for the competent authority.

III. Enforceability

13. No problems are foreseen with the implementation of the proposals.
