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**Economic Commission for Europe****Inland Transport Committee****Working Party on the Transport of Perishable Foodstuffs****27 July 2015****Seventy-first session**

Geneva, 6-9 October 2015

**Item 4 (d) of the provisional agenda****Status and implementation of the ATP: Exchange of information among Parties under Article 6 of ATP**

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**Additional information on the implementation of the ATP****Transmitted by representatives of ATP contracting parties**

In addition to the annual questionnaire on the implementation of the ATP, the secretariat also requested countries to provide answers to the following questions.

Any other information relevant to the implementation of the ATP in your country, including whether ATP is applied to domestic transport (see paragraph 81 of ECE/TRANS/WP.11/231).

Any information on best practices in your country aimed at ensuring effective implementation of ATP which could be of interest to other Contracting Parties.

Does your country already require temperature monitoring and recording for chilled foodstuffs (this is not currently required by the ATP) (see paragraph 85 of ECE/TRANS/WP.11/231).

What sort of tests are carried out by your country's testing station(s) so that this information can be added to the list of competent authorities and testing stations (see paragraph 90 of ECE/TRANS/WP.11/231).

The information received is reproduced below.

**Belgium**

Concerning the extension of the ATP to domestic transport, Belgium supports the proposal (paragraph 82 of ECE/TRANS/WP.11/231).

Concerning the temperature for chilled foodstuffs, Belgium will realize (in the future) temperature monitoring (and not recording). The legal basis (draft) of this future control is however not yet published.

**Croatia**

ATP is not applied to domestic transport in Croatia.

Croatia does not require temperature monitoring and recording for chilled foodstuffs.

The Centre for Vehicles of Croatia - Vehicle Testing Department in its testing stations is carrying out tests according to annex 1, appendix 2, paragraphs 2,3,5 and 6 of ATP.

## **Denmark**

In Denmark, ATP is not applied to domestic transport.

Under the category of best practice, food businesses exporting their products must address the question of checking that the vehicle on which they load their foodstuffs has a valid ATP certificate. This must be done as part of the business' own control programme.

Denmark does not require temperature monitoring and recording for chilled foodstuffs.

## **Finland**

ATP is applied to domestic transport on transport company's own accord.

Finland does not require temperature monitoring and recording for chilled foodstuffs.

Insulated equipment thermal testing, refrigerated machinery testing, mechanically refrigerated testing, heated equipment testing, in-service testing.

## **Greece**

ATP is not applied to domestic transport.

## **Ireland**

ATP is only applied to trucks involved in international transport.

ATP is implemented in all approved Department plants (i.e. those involved in international Transport) by authorised officers. They must carry out approximately 5 inspections per annum in each plant using this type of transport. It is a condition that plants only engage approved transport. It is the FBOs responsibility to ensure that this is the case. We find it best if the FBO using the services of transporters exerts the necessary pressures.

Refrigerated transport must be capable of demonstrating the running temperature (indicating thermometer) of the vehicle's refrigerated body when transporting perishable foodstuffs of animal origin. In some cases data loggers are used as these show the temperature over time.

## **Italy**

The ATP Agreement is also adopted at national level for the transport of perishable goods. To permit the circulation of vehicles approved under bilateral agreements or existing national standards an ATP certificate having a validity limited to national transport is issued. This procedure concerns a small percentage of vehicles and ensures compliance with the rules applicable to the transport of foodstuffs.

Currently in Italy there are 12 ATP testing stations belonging to the Ministry of Infrastructure and Transport (MIT) and 3 private testing stations. Moreover, there are 56 experts.

Experts can renew two times the ATP certificate for normally insulated equipment (IN) except tanks, mechanically refrigerated equipment with normal insulation (FNA), class A refrigerated equipment with normal insulation (RNA) and heated equipment; experts can renew only once the ATP certificate for the remaining classes.

According to a national decree, starting from 30.06.2015 all authorised ATP experts have to be certified according to EN ISO 17024 proving their suitability to carry out ATP checks.

At present two certifying bodies are operating in Italy to certify ATP experts.

As an alternative to certification, experts can operate in an EN ISO 17025 accredited test facility (currently one expert has chosen this possibility).

Experts appointed after 30.6.2015 will have to operate exclusively in test facilities accredited according to EN ISO 17025.

In order to monitor the transport of the perishable goods sector a centralised computer system is being developed under the management of MIT, Directorate General of Vehicles and Drivers. This system will acquire and store all the test reports issued by testing stations and by experts. The ATP certificate will be issued on the basis of test reports uploaded into the computer system. It is foreseen - at present only for MIT stations – that temperature equipment is interfaced with the centralised computer system.

To date, the system is being tested with regard to the first granting of ATP certificates. In the coming months the system will be extended to certificate renewals.

The ATP certificate (A4 format) will be issued with a diagonal blue band.

The temperature recorder is mandatory for the transport of frozen foodstuffs in accordance with rules issued by the Ministry for Health.

Stations operating in Italy carry out all ATP tests applicable to road transport. One testing station belonging to the Railway Experimental Institute also carries out tests for rail transport.

## **Netherlands**

Concerning the questionnaire as in previous years no detailed information is available on the checks, which are general checks on food producers and storage/distribution points in which the transport is integrated.

ATP is not applied to national transport. In many cases ATP equipment is used and in some cases this is prescribed by consignors to comply with liability issues based on EU food regulations.

Temperature monitoring of frozen (not deep-frozen) and chilled goods is not legally required. Temperature monitoring is done on a voluntary or contractual basis to comply with liability issues based on EU food regulations.

For ATP: Measurement of K coefficient of insulated bodies and tanks, determination of efficiency of thermal appliances and measuring of effective refrigeration capacity of thermal appliances.

## **Norway**

According to provisions of Norwegian legislation the checking of transport and ATP certificates is carried out by customs staff. It is unknown for Mattilsynet whether or not control of ATP transport is checked.

Mattilsynet issues ATP certificates on the basis of documentation from approved manufacturers and authorized testing stations.

In 2014 6 applications in total were rejected because of insufficient evidence that the transport units satisfy the requirements of current legislation.

## **Poland**

ATP is not applied to domestic transportation.

ATP certification in domestic transportation is applied in most cases in the following situations: large supermarket chains require that transportation of perishable foodstuffs is done under ATP rules by certified transportation equipment; insurance companies require ATP certified transportation equipment to insure transported goods.

Temperature recording is required in Poland

Along with ATP tests, testing stations can also perform thermographic assessment of transportation bodies and personnel training regarding the ATP Agreement.

## **Portugal**

ATP in Portugal is not yet mandatory but is highly recommended, and in certain situations like access to European or governmental funds to renew old vehicles can only be granted if the newly bought vehicles are ATP certified.

There is a special price for diesel used in thermic frozen engines but it is only for those vehicles that are ATP certified no matter whether they are for international or only national transports.

Also our main consumers, like supermarkets or others only accept ATP certified equipment to carry their products.

Starting last year, the traffic police asked the testing station to give them training regarding the ATP. Several courses have been held at the national level and there has been collaboration in several STOP operations on the road, to help them to get in line with ATP.

Since some years Portugal already requires temperature monitoring and recording both for transports as well as for storage chambers for foodstuffs.

Regarding ATP tests, our test station can perform all ATP tests, including the new tests for multi-temp equipment.

Outside ATP but also related with Thermodynamics, we also perform Infrared insulation tests, thermodynamic characterization of materials (Dilatometry, Determination of Specific Heat, Determination of Thermal Conductivity) from very low temperatures (-150 °C to +1.200 °C) both at ambient temperature as well as in controlled vacuums.

We also perform vibration tests as well as Modal analysis to check the mathematic models or check the real behaviour of new engines (thermal, spacecrafts, plane components, automotive industry, etc.)

We also perform Ambulance tests (Air conditioning capacities) to allow their homologation according to European legislation.

We also perform qualification tests for the reentry insulation of spacecraft (like IXV from ESA which was launched in February this year) or the Ariane launcher to check the insulation of the cryogenic fuel tanks.

We also perform static and dynamic tests for project development or qualification of new components for the aircraft industry.

Finally we also perform non-standard tests that are built on demand by the manufacturers of new equipment.

## **Republic of Moldova**

Concerning the questionnaire for collection of statistics on checks carried out to ensure compliance with the ATP in 2014, the Republic of Moldova will soon approve the Regulation on road transport of perishable and easily alterable goods on the territory of the Republic of Moldova.

## **Serbia**

Currently, ATP is not applied to domestic transport in the Republic of Serbia. The current Vehicle Testing Regulation requires a vehicle to have an ATP certificate in order to be registered as insulated, refrigerated or mechanically refrigerated vehicle, but in practice that is not the case.

Unfortunately, there is no information on best practices. The only normative document is the Agreement itself. Serbia is having troubles (for many reasons) implementing the Agreement to fully control the special equipment (for example, road checks are not performed).

Temperature monitoring for chilled foodstuffs is not mandatory in Serbia.

The only testing station in Serbia (University of Belgrade, Faculty of Mechanical Engineering, CIAH Laboratory) carries out the tests according to paragraphs 2, 3, 5, 6 and 8 (for this paragraph - only dimensioning calculations, without measuring the capacity of multi-temperature mechanical refrigeration units) of Annex 1, Appendix 2 to the Agreement.

## **Slovakia**

The ATP Agreement is applied to domestic transport but this agreement is only mentioned in a Regulation of the Ministry of Transport. There is still missing tariff fines for breaking the rules of Agreement on Slovakian roads which should be specified in Law.

Slovakia still does not require air temperature monitoring and recording for chilled foodstuffs.

The testing station performs the following tests: measuring the K coefficient of new bodies (vans, lorries, semi-trailers, tanks); verifying the K coefficient (vans, lorries, semi-trailers, tanks); checking the insulating capacity of equipment in service; verifying the effectiveness of thermal appliances of equipment in service (vans, lorries, semi-trailers).

## **Spain**

In Spain, national legislation on perishable foodstuffs is based on the ATP, with the exception of health issues which are regulated by the European Union.

The law on land transport has a scale of sanctions and fines for contraventions of the ATP.

For the transport of chilled perishable foodstuffs, the regulation requires a thermometer to measure the temperature, but recording is not mandatory.

In Spain there are two accredited testing stations:

Laboratory "Francisco Vighi", Madrid, Espagne  
Cold tunnel, Ministry of industry, energy and tourism  
Carretera de Andalucia 15700 km  
28906 Getafe (Madrid)  
Tél.: +34 91 691 82 03  
emunoz@etsii.upm.es  
tuneldefrio@hotmail.com.

Tunnel Linares cold  
Avenida Primero de Mayo, s / n  
BUSINESS PARK Linarejos  
23700 Linares, Jaén - ESPAGNE.  
Tel: +34 95 364 94 20  
E-mail: martadelara@cetemet.es  
E-mail: corporativo@cetemet.es

The first of the test stations carries out the following tests:

Measurement of the K factor of equipment other than tanks used for the transport of liquid foodstuffs (Checking insulating capacity, according to paragraph 2.1 of Annex 1, Appendix 2 of ATP).

Measurement of the K factor of tanks used for the transport of liquid foodstuffs (Checking insulating capacity, according to paragraph 2.2 of Annex 1, Appendix 2 of ATP).

Measurement of the K factor of all types of insulating equipment (Checking insulating capacity, according to paragraph 2.3.1 of Annex 1, Appendix 2 of ATP).

Checking the efficiency of thermal appliances of refrigerated equipment (according to paragraph 3.1 of Annex 1, Appendix 2 of ATP)

Checking the efficiency of thermal appliances of mechanically refrigerated equipment (according to paragraph 3.2 of Annex 1, Appendix 2 of ATP)

All the activities of the laboratory in the field of the ATP are carried out in accordance with the ATP and the laboratory is accredited by ENAC (National Accreditation Organization of Spain).

The Linares tunnel carried out the following test:

Measurement of the K factor of equipment other than tanks used for the transport of liquid foodstuffs (Checking insulating capacity, according to paragraph 2.1 of Annex 1, Appendix 2 of ATP).

Information on the fines imposed for breaches of the ATP in Spain can be found in Informal document INF.5.

## **United Kingdom**

ATP is not applied to domestic transport in the UK and there are no plans to do so.

There is no requirement for temperature monitoring devices for chilled foodstuffs in the UK, but the seller has to ensure that the temperatures have not exceeded those specified in the UK's Food Safety Act.

The tests carried out by the UK test station are as follows:

Insulated equipment thermal testing, Refrigerated machinery testing, Mechanically refrigerated testing, Heated equipment testing, Liquid food tanks, ATP Certification, in-service testing, EN12830

## United States

[Under a declaration the United States made under article 10 that "the Agreement does not apply to carriage in the United States of America and its territories;" the \*International Carriage of Perishable Foodstuffs Act of 1982\*; and the implementing regulations 7 CFR 3300](#), the use of ATP standards in the United States is voluntary.

For a brief history of article 10, please refer to paragraphs 18-24 and annex 1 of TRANS/GE.11/23, *Report of the Group of Experts on its Thirty-Eight Session* (3-7 October 1983). Annex 1 of TRANS/GE.11/23 contains paragraphs 14, 15, 16 and 24 from TRANS/348-TRANS/WP11/174, *Report of the Working Party on the Transport of Perishable Foodstuffs on its Twenty-Fifth Session* (24-28 March 1969).

The State of California Air Resources Board, in the process of updating [Technology and Fuels Assessments](#), has renewed its interest in ATP insulation and refrigeration standards as a means to reduce fuel consumption and greenhouse gas emissions. Please refer to page 44 of the Board's April 2015 [Sustainable Freight: Pathways to Zero and Near-Zero Emissions— A Discussion Draft](#) –.

The competent authority of the United States suggested the California Air Resources Board contact WP.11 participants to obtain information on the cost of implementing ATP, including test stations, tests, inspections, and oversight.

[Under Section 209 of the Clean Air Act and associated waivers from the United States Environmental Protection Agency \(EPA\)](#), California Air Resources Board [regulations apply to all refrigerated transportation equipment that enter and operate within California](#). The regulations cover transport refrigeration units and generators, low-rolling resistance tires, trailer aerodynamics, idling, and engines.

In June 2013, the President's Climate Action Plan called for the U.S. Department of Transportation (DOT) to develop fuel efficiency standards and the EPA to develop greenhouse gas emission standards in joint rulemaking. In February 2014, President Obama directed DOT and EPA to complete the [second phase of Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles](#) during his second term. A proposed rule, planned for public comment midyear 2015, may include standards for trailers.

In a separate EPA rulemaking, [Protection of Stratospheric Ozone: Change of Listing Status for Certain Substitutes Under the Significant New Alternatives Policy \(SNAP\) Program](#), a final rule, expected midyear 2015, may impact the permitted blowing agents for insulation in trailers in 2017 and the permitted refrigerants in transport refrigeration units in 2017.

### **Information on best practices in your country aimed at ensuring effective implementation of ATP which could be of interest to other Contracting Parties.**

While the United States Food and Drug Administration's (FDA) [Food Safety Modernization Act Proposed Rule on Sanitary Transportation of Human and Animal Food](#), is not part of implementation of the ATP in the United States, on 31 January 2014, members of WP.11 were invited by email to file public [comments](#) until 31 May 2014. The comment period was extended through 30 July 2014. FDA is under a [court order to publish a final rule by 31 March 2016](#).

### **Does your country already require temperature monitoring and recording for chilled foodstuffs (this is not currently required by the ATP) (see paragraph 85 of ECE/TRANS/WP.11/231).**

The following are examples of United States chilled foodstuffs regulations, guidelines, ordinances, and codes that show the need for temperature monitoring and recording during transportation:

[REFRIGERATION OF SHELL EGGS, 9 CFR § 590.50 \(a\)](#) [63 FR 45675, Aug. 27, 1998]

- No shell egg handler shall possess any shell eggs that are packed into containers destined for the ultimate consumer unless they are stored and transported under refrigeration at an ambient temperature of no greater than 45 °F (7.2 °C).

[http://www.fsis.usda.gov/PDF/Transportation\\_Security\\_Guidelines.pdf](http://www.fsis.usda.gov/PDF/Transportation_Security_Guidelines.pdf)">FSIS Safety and Security Guidelines for the Transportation and Distribution of Meat, Poultry, and Egg Products. Slightly Revised June 2015.

- Page 10: For precooling, the doors should be closed and the temperature setting of the unit should be no higher than 26 °F. (Note, however, that poultry products labeled “fresh” must be shipped at temperatures higher than 26 °F (3.3 °C), usually between 26 °F (3.3 °C) and 32 °F (0 °C))
- Page 11: Note: Federal regulations require processed poultry to be packaged and shipped at a temperature no higher than 40 °F (4.4 °C).

#### National Shellfish Sanitation Program

The National Shellfish Sanitation Program (NSSP) is the federal/state cooperative program recognized by the U. S. Food and Drug Administration (FDA) and the Interstate Shellfish Sanitation Conference (ISSC) for the sanitary control of shellfish produced and sold for human consumption. The purpose of the NSSP is to promote and improve the sanitation of shellfish (oysters, clams, mussels, and scallops) moving in interstate commerce through federal/state cooperation and uniformity of State shellfish programs. Participants in the NSSP include agencies from shellfish producing and non-producing States, FDA, EPA, NOAA, and the shellfish industry. Under international agreements with FDA, foreign governments also participate in the NSSP. Other components of the NSSP include program guidelines, State growing area classification and dealer certification programs, and FDA evaluation of State program elements.

#### NSSP Guide for the Control of Molluscan Shellfish: 2013 Revision

##### **Chapter IX. Transportation**

##### **.04 Shipping Temperatures.**

Shellfish dealers shall ship shellstock adequately iced; or in a conveyance pre-chilled at or below 45°F (7.2°C) ambient air temperature.

##### **.05 Transportation Records.**

All shipments of shellstock shall be accompanied with documentation indicating the time of shipment and that all shipping conveyances comply with the requirements of Chapter IX. .04. This documentation must include a notice of all shellstock harvested under the requirements of Chapter VIII. @.02 A. (3) that has not been cooled to an internal temperature of 50°F (10°C) and indicate the presence of a time/temperature recording device.

#### Grade “A” Pasteurized Milk Ordinance (PMO) 2011 Revision

The United States Public Health Service/Food and Drug Administration (USPHS/FDA) is proud to have contributed to the protection and improvement of the milk supply of the nation through technical assistance, training, research, standards development, evaluation and certification activities. The USPHS/FDA's recommended *Grade "A" PMO* is the basic standard used in the voluntary Cooperative State-USPHS/FDA Program for the Certification of Interstate Milk Shippers, a program participated in by all fifty (50) States, the District of Columbia and U.S. Trust Territories.

#### **APPENDIX B. MILK SAMPLING, HAULING, AND TRANSPORTATION**

##### **MILK TANK TRUCK STANDARDS:**

All Items of [FORM FDA 2399b-MILK TANK TRUCK INSPECTION REPORT](#) fall into the categories of “Compliance”, “Non-Compliance” or “Not Applicable” (NA) as determined during the inspection. The following Items relate to FORM FDA 2399b: (Refer to Appendix M.)

##### **2. Product Temperature 7°C (45°F) or Less:**

- a. The product temperature must meet all the requirements of Section 7, Items 18r and 17p-Cooling of Milk, of this *Ordinance*.

#### 2013 Food Code

The U. S. Food and Drug Administration (FDA) publishes the *Food Code*, a model that assists food control jurisdictions at all levels of government by providing them with a scientifically sound technical and legal basis for regulating the retail and food service segment of the industry (restaurants and grocery stores and institutions such as nursing homes).

Local, state, tribal, and federal regulators use the *FDA Food Code* as a model to develop or update their own food safety rules and to be consistent with national food regulatory policy. [The 2013 Food Code](#) is the most recent full edition published by FDA. While the 2013 *Food Code* is neither federal law nor federal regulation and is not preemptive, FDA encourages its state, local, tribal, and territorial partners to adopt the latest version of the *FDA Food Code*. Please see [Real Progress in Food Code Adoptions \(AFDO Report\)](#) 27 August 2013.

#### *Specifications for Receiving, 3-202.11 Temperature*

(A) Except as specified in ¶ (B) of this section, refrigerated, TIME/TEMPERATURE CONTROL FOR SAFETY FOOD shall be at a temperature of 5°C (41°F) or below when received.

(B) *If a temperature other than 5°C (41°F) for a TIME/TEMPERATURE CONTROL FOR SAFETY FOOD is specified in LAW governing its distribution, such as LAWS governing milk and MOLLUSCAN SHELLFISH, the FOOD may be received at the specified temperature.*

(C) Raw EGGS shall be received in refrigerated equipment that maintains an ambient air temperature of 7°C (45°F) or less.

(D) TIME/TEMPERATURE CONTROL FOR SAFETY FOOD that is cooked to a temperature and for a time specified under §§ 3-401.11 3-401.13 and received hot shall be at a temperature of 57°C (135°F) or above.<sup>P</sup>

(E) A FOOD that is labeled frozen and shipped frozen by a FOOD PROCESSING PLANT shall be received frozen.

(F) Upon receipt, TIME/TEMPERATURE CONTROL FOR SAFETY FOOD shall be free of evidence of previous temperature abuse.

**"Time/temperature control for safety food"** means a FOOD that requires time/temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation.

#### [U.S. Department of Agriculture Treatment Manual](#)

The use of sustained cold temperatures as a means of insect control has been employed for many years. Rigid adherence to specified temperatures and time periods effectively eliminates certain insect infestations in chilled fruit. Treatments may be conducted in warehouses, refrigerated compartments of transporting vessels, containers cooled by the ship's refrigeration system, or by individually refrigerated containers. Fruit intended for intransit cold treatment must be pre-cooled to the temperature at which the fruit will be treated prior to beginning treatment.

Please refer to Chapter 3, Nonchemical Treatments, Cold Treatment and Chapter 5, Treatment Schedules, T107 – Cold Treatment in the [Treatment Manual](#).

- The pulp of the fruit must be at or below the indicated temperature at time of beginning treatment for all cold treatments.
- The cold treatment schedule that must be used for a specific commodity from a specific country is listed in the [Fruits and Vegetables Import Requirement database \(FAVIR\)](#)
- Treatment in transit may be authorized for specifically equipped and approved vessels or containers and from approved countries, for entry at ports named in the permits.
- Intransit cold treatment authorization must be preceded by a visit to the country of origin by a Plant Protection and Quarantine Official to explain loading, inspection, and certification procedures to designated certifying officials of country of origin.
- Authorization of cold treatments from countries with direct sailing time less than the number of days prescribed for intransit refrigeration treatment must be contingent on importer understanding that prescribed intransit refrigeration period must be met before arrival of vessel at the approved U.S. port.

- Gaps in the cold treatment data print-out for pulp sensors and air sensors shall be allowed or disallowed on a case-by-case basis, taking into account the number of gaps, the length of each gap, and the temperatures before and after.
- Air temperatures may occasionally exceed treatment temperatures during defrost cycles; however, fruit temperatures should **not** rise appreciably during this time.
- During non-defrost times, the temperatures of the air sensors should never exceed the maximum allowable treatment temperature.

**What sort of tests are carried out by your country's testing station(s) so that this information can be added to the list of competent authorities and testing stations (see paragraph 90 of ECE/TRANS/WP.11/231).**

The United States testing station can conduct tests of mechanically refrigerated semi-trailers and containers in accordance with *Annex 1, Appendix 2, Methods and procedures for measuring and checking the insulating capacity and the efficiency of the cooling or heating appliances of special equipment for the carriage of perishable foodstuffs.*