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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 ATP article 3, ATP annex 2 and appendices 1 and 2 of ATP annex 2, extending the requirements of annex 2 to chilled foodstuffs. Deletion of ATP annex 3

Transmitted by the Government of the Russian Federation

Summary

Executive summary: The Russian Federation considers that the division of the scope of application of ATP under article 3 into the carriage of quick (deep)-frozen and frozen foodstuffs, referred to in annex 2, and chilled foodstuffs, referred to in annex 3, is impractical as the principles behind the requirements of annexes 2 and 3 are essentially the same and may also be applied to other perishable foodstuffs not mentioned in annexes 2 or 3.

This division is an obstacle to the future extension of the scope of application of ATP, which is a priority in the activities of the Working Party on the Transport of Perishable Foodstuffs and the reason why there is generally an agenda item on the scope of ATP. Its scope of application must be constantly extended in order to improve the conditions of preservation of the quality of **any** perishable foodstuffs during carriage.

The Russian Federation therefore hopes that the ATP Contracting Parties will agree that:

The principle behind the selection of transport equipment and temperature conditions to be observed for the carriage of all perishable foodstuffs, without exception, not only those included in annexes 2 and 3 of ATP, should be the same and it would therefore be practical to consolidate annexes 2 and 3 into a single annex 2 and extend the principle behind the selection to

all perishable foodstuffs;

The air temperature in the transport equipment must be monitored during carriage of **all** perishable foodstuffs, not just quick-frozen ones, and so the requirements of annex 2, appendix 1, which concerns monitoring of air temperatures for transport of quick-frozen perishable foodstuffs only, should be extended to all perishable foodstuffs.

Action to be taken: Prepare new versions of ATP article 3, paragraph 1, ATP annex 2 and appendices 1 and 2 to ATP annex 2.

Delete annex 3 to ATP.

Related documents: None.

Introduction

1. The Russian Federation, as a Contracting Party to ATP and recognizing the fairness and objectivity of the aims, principles, norms and requirements of ATP, considers that the scope of application of ATP should be extended.

To that end, at the sixty-seventh session of the Working Party on the Transport of Perishable Foodstuffs (WP.11), the Russian Federation submitted an informal document with a proposal for the consolidation of annexes 2 and 3 and the removal of annex 3 from ATP. In line with the request of WP.11 at its sixty-seventh session, the Russian Federation submitted working document ECE/TRANS/WP.11/2012/7 at the sixty-eighth session, with proposals for amendments to ATP article 3, annex 2 and annex 2, appendices 1 and 2, to extend the requirements of annex 2 to chilled foodstuffs, and to delete annex 3.

In line with the request of WP.11 at its sixty-eighth session, the Russian Federation is submitting a revised version of document ECE/TRANS/WP.11/2012/7 at the sixty-ninth session.

2. The Russian experts consider that ATP should be extended to cover the carriage of all perishable foodstuffs without exception.

For any perishable foodstuff, to preserve its quality and safety, the appropriate air temperature conditions must be maintained during both storage and carriage.

Foodstuffs are divided according to the type of thermal processing: frozen (quick (deep)-frozen) or chilled. Based on the type of thermal processing, a given range of negative or positive temperatures must be maintained in store rooms during storage or in special transport equipment during carriage. This was the guiding principle in introducing special transport equipment, as shown by the relevant definitions and norms given in ATP.

Temperature conditions required during storage and, consequently, during carriage are governed by the relevant standards for perishable foodstuffs or the producer's documentation.

Consequently, for the carriage of all perishable foodstuffs without exception, the transport equipment used must ensure that the temperature conditions specified in the relevant standards (or producer's documentation) are met.

The Russian Federation is therefore of the opinion that there should be **uniform** requirements in the selection of transport equipment and temperature conditions, as well as internal air temperature monitoring, for the carriage of **any** perishable foodstuffs, particularly given that there are no significant differences in the principle behind the

requirements for preserving the quality of quick (deep-) frozen, frozen (quick (deep)-frozen) or chilled foodstuffs during carriage.

3. On that basis, in this document, the Russian Federation proposes the following measures to improve ATP and extend its scope of application:

- Exclude from article 3 the division between foodstuffs on the basis of the type of thermal processing into quick (deep)-frozen¹ and frozen¹ foodstuffs on the one hand and chilled foodstuffs on the other hand;
- Combine annexes 2 and 3, and extend the requirements for the selection of special transport equipment and temperature conditions to be observed during carriage of some perishable foodstuffs to all perishable foodstuffs without exception;
- Extend the requirements for air temperature monitoring in special transport equipment in the case of quick-frozen perishable foodstuffs given in annex 2, appendix 2, to all frozen and chilled perishable foodstuffs;
- Redraft annex 2 and annex 2, appendices 1 and 2, in line with their consolidation with the provisions of annex 3;
- Redraft annex 2, appendix 2, and delete annex 3 as specified above.

4. The Russian Federation submits herewith the corresponding working document for consideration.

Proposal

5. Reword article 3, paragraph 1, of ATP as follows:

“1. The provisions of article 4 of this Agreement shall apply to all carriage of **perishable foodstuffs**, 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,

- ~~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.”

¹ The term “quick-frozen” refers to the technology for freezing a foodstuff; the term “deep-frozen” to the temperature of the foodstuff (in this case, a low negative temperature); both terms, together with the term “frozen”, mean that the foodstuff has a temperature lower than its cryoscopic temperature, that is, it is **frozen**. A specific category of refrigerated means of transport is selected, depending on the negative temperature at which the frozen foodstuffs should be kept during storage and carriage, in line with the requirements of the relevant standards, the producer’s documentation or the requirements indicated on the product’s markings (its label) (-20° C, -18° C, -12° C or -10° C). In respect of the type of thermal processing — frozen (quick or slow, deep or not) or chilled — we are of the opinion that only the term “frozen foodstuff” should be used.

6. Reword annex 2² as follows, including the title:

“Annex 2

Selection of equipment and temperature conditions to be observed for the carriage of ~~quick (deep) frozen and frozen~~ **perishable** foodstuffs

1.1. ~~For the carriage of the following quick (deep) frozen and frozen foodstuffs~~ The transport equipment has to be selected and used in such a way that ~~during carriage the highest temperature of the foodstuffs at any point of the load does not exceed the indicated temperature~~ **the temperature at any point of the load does not exceed the limits indicated for the given foodstuff in the relevant standard or producer’s documentation or the product’s markings (its label).**

By that means the equipment used for the transport of ~~quick frozen~~ **perishable** foodstuffs shall be fitted with the ~~device~~ **instrument** referred to in appendix 1 to this annex. If however one should proceed to the verification of the temperature of the **perishable** foodstuffs, this shall be done according to the procedure laid down in appendix 2 to this annex.

~~2. Accordingly, the temperature of the foodstuffs at any point in the load on loading, during carriage and/or on unloading must not exceed the indicated limits.~~

~~32.~~ Where it is necessary to open the equipment, e.g. to carry out inspections, it is essential to ensure that the foodstuffs are not exposed to procedures or conditions contrary to the objectives of this annex and those of the International Convention on the Harmonization of Frontier Controls of Goods.

~~43.~~ During certain operations, such as defrosting of the evaporator of mechanically refrigerated equipment, a brief rise of the temperature of the surface of **perishable** foodstuffs of not more than 3° C above the appropriate value for **frozen¹ foodstuffs and the upper indicated limit for chilled² foodstuffs** in a part of the load, e.g. near the evaporator, may be permitted.

Ice cream	-20° C
Frozen or quick (deep) frozen fish, fish products, molluscs and crustaceans and all other quick (deep) frozen foodstuffs	-18° C
All other frozen foodstuffs (except butter)	-12° C
Butter	-10° C
Deep frozen and frozen foodstuffs mentioned below to be immediately further processed at destination:¹	
Butter	
Concentrated fruit juice	

¹ ~~The deep frozen and f~~ Frozen foodstuffs listed, when intended for immediate further processing at destination, may be permitted gradually to rise in temperature during carriage so as to arrive at their destination at temperatures no higher than those **specified by the sender and indicated in the transport contract**. This temperature should not be higher than the maximum temperature authorized for the same foodstuff when refrigerated ~~as mentioned in annex 3~~. The transport document shall state the name of the foodstuff, whether it is ~~deep frozen or~~ frozen and that it is immediately to

² Based on the Russian text of ATP as amended 2 January 2011.

be further processed at destination. This carriage shall be undertaken with ATP-approved equipment without use of a thermal appliance to increase the temperature of the foodstuffs.

² **When milk is collected from the farm for immediate processing, the temperature may rise during carriage to +10° C.**

7. Make the following amendments to annex 2, appendix 1:

7.1 In the title and the first paragraph of annex 2, appendix 1, delete the word “quick-frozen”.

7.2 In the second and third paragraphs of annex 2, appendix 1, after the word “frozen”, delete the comma and the words “deep-frozen/quick-frozen”.

8. Reword annex 2, appendix 2, as follows:

8.1 Reword the title of annex 2, appendix 2, as follows:

PROCEDURE FOR THE SAMPLING AND MEASUREMENT OF TEMPERATURE FOR CARRIAGE OF CHILLED, ~~AND FROZEN AND QUICK (DEEP) FROZEN~~ PERISHABLE FOODSTUFFS

8.2 Reword annex 2, appendix 2, paragraphs 1, 2, 3, 4 and 5 as follows:

“1. Inspection and measurement of temperatures **of chilled or frozen perishable foodstuffs** ~~stipulated in annexes 2 and 3~~ should be carried out so that **the chilled or frozen perishable** foodstuffs are not exposed to conditions detrimental to **their** safety or quality ~~of the foodstuffs~~. Measuring of ~~food~~ temperatures **of chilled and frozen perishable foodstuffs** should be carried out in a refrigerated environment, and with the minimum delays and minimum disruption of transport operations.

2. Inspection and measurement procedures, as referred to in paragraph 1, shall preferably be carried out at the point of loading or unloading. These procedures should not normally be carried out during transport, unless serious doubt exists about the conformity of the temperatures of the **chilled and frozen perishable** foodstuffs **with those** stipulated ~~in annexes 2 and 3~~ **the relevant standards or producer’s documentation or on the markings (label) of the perishable foodstuff.**

3. Where possible, the inspection should take account of information provided by temperature monitoring ~~devices~~ **instruments** during the journey before selecting those loads of perishable foodstuffs for sampling and measurement procedures. Progression to temperature measurement of **chilled and frozen perishable foodstuffs** ~~the food~~ should only be undertaken where there is reasonable doubt of the temperature control during carriage.

4. Where loads have been selected, a non-destructive measurement (between-case or between-pack) should at first be used. Only where the results of the non-destructive measurement do not conform with the temperatures laid down in ~~annexes 2 or 3~~ **the relevant standards or producer’s documentation or on the markings (label) of the perishable foodstuff** (taking into account allowable tolerances), are destructive measurements to be carried out. Where consignments or cases have been opened for inspection, but no further action has been taken, they should be resealed giving the time, date, place of inspection, and the official stamp of the inspection authority.

5. The types of package selected for temperature measurement shall be such that their temperature is representative of the warmest point of **a frozen** consignment **and the warmest and coldest points of a chilled consignment.**”

8.3 In annex 2, appendix 2, paragraph 8, after the word “foods” delete the words “in annex 3”.

8.4 In annex 2, appendix 2, paragraph 15, subparagraph (i), delete the words “and quick-frozen”.

9. Delete annex 3 of ATP.

Justification

10. In the opinion of the Russian Federation, it is crucial for the requirements of ATP to reflect the main objective of the Agreement, i.e. to enhance conditions for the preservation of the quality of **any** perishable foodstuffs during their carriage. The current version of ATP identifies several groups of quick (deep)-frozen, frozen and chilled foodstuffs which are covered by the ATP requirements when transported; meanwhile, there are no such requirements for the carriage of other perishable foodstuffs.

Furthermore, even the requirements for the carriage of quick (deep)-frozen, frozen and chilled foodstuffs do not follow any scientifically justifiable logic. As a result, for example, the requirement to monitor air temperature in transport equipment is applicable only to the carriage of quick-frozen foodstuffs. However, chilled foodstuffs too must be transported within a strict temperature range, and the risk of their spoilage, including spoilage hazardous to human health, is no less than in the case of quick-frozen foodstuffs.

11. The adoption of the amendments proposed by the Russian Federation to article 3, annex 2 and annex 2, appendices 1 and 2, and the related deletion of annex 3 will make it possible to continue the work to improve ATP so as to ensure more extensive implementation of its basic objectives and also to extend its scope in the future.

Costs

12. The Russian Federation is of the opinion that the costs associated, in particular, with the fitting of instruments to measure air temperature in transport equipment for the carriage of not only quick-frozen perishable foodstuffs will bring positive results in terms of preserving the quality of all perishable foodstuffs during carriage. In the Russian Federation, air temperature in transport equipment is monitored during carriage of any chilled or heated perishable foodstuffs.

13. The WP.11 secretariat sent the Contracting Parties to ATP a letter from the Russian Federation with a request for information by 31 May 2013 on the economic consequences of fitting transport equipment with instruments for recording temperatures during the carriage of chilled perishable foodstuffs to allow the Russian Federation to take their opinions into account when reformulating document ECE/TRANS/WP.11/2012/7 for submission to WP.11 at its sixty-ninth session.

The only response was received from the United Kingdom of Great Britain and Northern Ireland, giving the approximate cost of fitting transport equipment with the instruments provided for in annex 2, appendix 1, of ATP, at £4 million.

14. A transitional period may be necessary for implementation of the proposal.

15. All the proposed amendments to ATP are aimed at ensuring the preservation of the quality and safety (as a fundamental element of quality) of any perishable foodstuff for human use which is, of itself, the objective of the Agreement.

Feasibility

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

Enforceability

17. No problems are expected.
