



Economic and Social Council

Distr.: General
16 February 2022

Original: English

Economic Commission for Europe

Inland Transport Committee

Working Party on the Transport of Perishable Foodstuffs

Seventy-eighth session

Geneva, 3-6 May 2022

Item 5 (b) of the provisional agenda

Proposals of amendments to ATP: new proposals

Sea crossings in Articles 3 and 5 of the ATP Agreement

Transmitted by the Chair of the Working Party on the Transport of Perishable Foodstuffs (WP.11)

Summary

Executive summary:	The limitation of 150 km for a sea leg of the journey with ATP equipment is problematic. Solving this problem for journeys with ATP equipment may not be that hard. However, as these provisions also interact with the use of maritime containers it becomes more difficult. Some decisions in principle, on the use of maritime containers need to be taken.
Action to be taken:	Discussion on the application of ATP to insulated containers.
Related documents:	N.A.

Introduction

1. The limitation of 150 km for sea voyages with equipment for land journeys is problematic. The problem increases when the land leg of the journey before or after the sea voyage is in a single contracting party. In these cases, ATP does not apply at all. As there are not, or have to be non, technical limitations for maintaining the temperature aboard ships (ferries) it is questionable if the 150 km rule is still justified.

2. However, the 150 km rule is by reference also applicable to the exemption for the use of maritime containers that have no ATP approval. If the sea journey is longer than 150 km they may also be used for the inland leg of the journey. They may not be used inland if the sea journeys shorter than 150 km. It may be questioned if this is justified.



3. Besides this, there are many regional containers in use, some of them are ATP approved, others are not. Although there is a weight penalty, they may be used on road vehicles with the same load surface area as semi-trailers in the European Union. The question is how to treat these containers and make this clarify the situation in the ATP agreement.

Discussion

4. The following questions may help in the discussion:

Question 1:

Shall we make a difference between ISO Reefer containers (Deep Sea shipping) and regional Reefer containers (Coastal shipping/Short Sea Shipping)?

Add to Question 1: Both may be seen as “Maritime”, but the use is different. To prevent market distortion, it could be seen as justified to require ATP approval. A transitional measure may be needed for some existing regional containers.

Question 2:

May ISO Reefer containers without ATP approval be used for Coastal shipping of ATP foodstuffs between ATP contracting parties? Are additional conditions such as a valid serviceability inspection/ pre-trip check, energy supply for the inland journeys and maximum service life be considered?

Add to Question 2: The ability to carry perishable foodstuffs are proven every day. For ISO containers there is a disadvantage of weight and internal dimensions over road vehicles and regional containers. Guarantees should be there that the container is fit for use and temperatures can be maintained during the land journeys.

Question 3:

May ISO Reefer containers without ATP approval be used for inland transport of ATP foodstuffs under certain conditions such as a valid serviceability inspection/ pre-trip check and ability to maintain temperature and maximum service life?

Add to Question 3: Officially allowing this may be politically sensitive. However, it should be kept in mind that these containers are successfully used for long global journeys. There are also disadvantages in weight and internal dimensions. Guarantees should be given for the inland journeys.

Background information

Sea legs of journeys with ATP equipment

5. The problem of the 150 km rule is in particular problematic when the land leg of the journey before and/or after the sea voyage is in a single contracting party. In these cases, ATP may not be applied at all. So, ATP would not apply to an international journey from the North of Finland to the south of Germany with a sea journey from Helsinki to Lubeck. Although these issues arise to existing contracting parties to the ATP, they are also a concern for countries that wish to become new contracting parties and are coastal countries carrying perishable foodstuffs including a sea leg.

6. Attempts to find the origins of the provision, and its motivation, all have failed so far. Failing to have certainty leaves us to speculations such that in the time of drafting the agreement there were technical limitation on equipment to allow only for 150 km sea voyages and that one of the earlier signing or acceding contracting parties, only reachable by sea, wished to approve equipment but would not like to apply ATP on its territory.

7. From a technical point there are at this moment no technical issues that could not be solved on board of ships. Most trucks have mechanical refrigerated appliances that can be operated if placed on deck and many units have an electric drive that may be connected with

the ships on board electrical supply system. The second speculation in the above paragraph, if still applicable, will require some kind of restriction of sea legs with ATP equipment.

8. In principle the solution for this problem is easy. For this, the last sentence of Article 3 section 1 needs to be deleted. For Article 3 section 2 a solution could be found by changing 150 km requirement to “coastal shipping”. An accepted definition of “coastal shipping” (and short sea shipping-EU) is: “*Coastal shipping compasses the movement of cargo and passengers by sea mainly along a coast without crossing an ocean.*” In addition, it may be added that it should be guaranteed that during sea journeys the temperatures stipulated by the ATP are maintained.

Use of maritime containers (Reefers).

9. Article 5 refers to Article 3 section 2 and the 150 km limitation also applies to Reefer containers. To Reefer containers without ATP approval on a sea voyage longer than 150 km the ATP requirements do not apply for inland transport following or preceding the sea voyage. However, the ATP does apply to sea voyages in Reefer containers on shorter sea voyages than 150 km and then they need to be ATP approved. If ATP approval is fair could be argued.

10. A problem in Article 5 is that it is not clearly defined what a “maritime” container exactly is. Any demountable containment that can be loaded on a ship may be called “a container”. In general, a container is for repeated use that can easily be handled, loaded/unloaded to carrying vehicle or vessel. However, we have regional containers, e.g. 45 foot pallet wide containers, and ISO containers for so called deep sea shipping.

11. For 10, 20 and 40-foot ISO Reefer containers it would be fair that the approval requirements of the ATP do not apply. There are certainties that these containers are safe to use like periodic inspections for serviceability and pre trip inspections. That these inspections work is proven every day. For longer inland transport with these Reefer containers additional actions need to be taken because the refrigeration unit is in most cases only electric. An electric supply should be added. This addition as condition of the exemption in the ATP could be seen as justified.

12. Regional containers have in general different dimensions that they will not fit in the “slots” of ocean-going sea vessels. An example is the 45-foot, pallet wide container. These containers can and will be shipped on short seas voyages. In many cases these regional containers are also provided with an alternative drive to electric so that they may be carried by road transport vehicles without additional equipment. Although there is a weight penalty these contains are designed to compete with European size semi-trailer. Because of this competition it may be seen as justified that these regional containers are ATP approved. The European Union promotes the use of Short Sea Shipping (Coastal Shipping) to limit congestion on the roads and limits pollution by transport. For this purpose, the 45-foot pallet wide container is very suitable as the same number of pallets may be carried as on a EU based semi-trailer.

13. In addition to this it may be argued why ISO Reefer containers could not be used on inland journeys if similar precautions are taken as for sea journeys and an additional electrical energy supply is provided?