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INLAND TRANSPORT COMMITTEE

Working Party on the Transport of Perishable Foodstuffs

**REPORT OF THE WORKING PARTY ON THE TRANSPORT OF PERISHABLE
FOODSTUFFS ON ITS SIXTY-THIRD SESSION
(12-15 November 2007)**

CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
I. INTRODUCTION	1	3
II. ATTENDANCE	2	3
III. ADOPTION OF THE AGENDA (Agenda item 1)	3	3
IV. ACTIVITIES OF ECE BODIES OF INTEREST TO THE WORKING PARTY (Agenda item 2)	4 – 5	3
A. Inland Transport Committee	4	3
B. Working Party on Agricultural Quality Standards (WP.7)	5	3
V. ACTIVITIES OF OTHER INTERNATIONAL ORGANIZATIONS DEALING WITH PROBLEMS OF INTEREST TO THE WORKING PARTY (Agenda item 3)	6 – 9	4
A. International Institute of Refrigeration (IIR)	6	4
B. Transfrigoroute International	7	4
C. International Organization for Standardization (ISO)	8	4
D. Compatibility of ATP and European Union legislation .	9	4

CONTENTS (continued)

	<i>Paragraphs</i>	<i>Page</i>
VI. STATUS AND IMPLEMENTATION OF THE AGREEMENT ON THE INTERNATIONAL CARRIAGE OF PERISHABLE FOODSTUFFS AND ON THE SPECIAL EQUIPMENT TO BE USED FOR SUCH CARRIAGE (Agenda item 4).....	10 – 21	4
A. Status of application of the Agreement	10 – 11	4
B. Status of amendments	12 – 20	5
C. Test stations officially designated by the competent authorities of countries Parties to ATP and whose test reports might be used for the issue of ATP certificates	21	6
D. Exchange of information among Contracting Parties under Article 6 of ATP	22	6
VII. PROPOSALS OF AMENDMENTS TO THE ATP (Agenda item 5)	23 – 48	6
A. Amendments provisionally adopted	23	6
B. Pending issues	24 – 26	7
C. New proposals	27 – 48	8
VIII. ATP HANDBOOK (Agenda item 6)	49 – 50	13
IX. FACILITATION OF TRANSPORT OF PERISHABLE FOODSTUFFS (Agenda item 7).....	51	13
X. SCOPE OF ATP (Agenda item 8).....	52	13
XI. PROGRAMME OF WORK (Agenda item 9).....	53 – 55	14
XII. ELECTION OF OFFICERS (Agenda item 10)	56	14
XIII. OTHER BUSINESS (Agenda item 11).....	57 – 59	14
XIV. ADOPTION OF THE REPORT (Agenda item 12)	60	14

Annexes

1. Draft amendments to the ATP adopted at the 63 rd session	15
2. Programme of work and biennial evaluation.....	17
3. Questionnaire for collection of statistics on checks carried out to ensure compliance with the ATP	20

For practical reasons, proposed amendments to the ATP to be resubmitted for notification by the Treaty Section are issued in a separate addendum (ECE/TRANS/WP.11/216/Add.1)

I. INTRODUCTION

1. The new Director of the UNECE Transport Division, Eva Molnar, addressed the Working Party at the opening of its 63rd session. She said that transport of perishable foodstuffs was an important area of economic activity and one which was expanding. She encouraged the Working Party to continue to strive to improve the Agreement in areas such as securing ATP documents, test procedures for multi-compartment multi-temperature vehicles, the distinguishing marks affixed by manufacturers of ATP vehicles, and tests for the renewal of certificates for older ATP vehicles. She remarked that 2007 had been a successful year for the Agreement on the International Carriage of Perishable Foodstuffs with four new Contracting Parties. She also urged members to do everything possible to avoid objections to amendment proposals that hindered the satisfactory development of the Agreement.

II. ATTENDANCE

2. The following member States of the United Nations Economic Commission for Europe (UNECE) were represented: Belgium, Czech Republic, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Netherlands, Norway, Portugal, Poland, Russian Federation, Slovakia, Spain, Sweden, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, and United States of America. The intergovernmental organization International Institute of Refrigeration (IIR) and the non-governmental organizations Liaison Committee of the Body and Trailer Building Industry (CLCCR) and Transfrigoroute International (TI) also took part in the meeting.

III. ADOPTION OF THE AGENDA (agenda item 1)

3. The provisional agenda (ECE/TRANS/WP.11/215 and -/Add.1) was adopted.

IV. ACTIVITIES OF ECE BODIES OF INTEREST TO THE WORKING PARTY (agenda item 2)

A. Inland Transport Committee

Document: ECE/TRANS/192

4. The Working Party was informed that the Inland Transport Committee had approved the report of WP.11 on its sixty-second session (ECE/TRANS/WP.11/214) and the addenda thereto (ECE/TRANS/WP.11/214/Add.1 and 2). The Committee had requested its subsidiary bodies to conduct a biennial evaluation of their activities. The Working Party decided to deal with this question under item 9.

B. Working Party on Agricultural Quality Standards (WP.7)

5. The Working Party was informed about recent developments in the work on meat standards including the recent publication of the standard on chicken meat. It was informed that the standards for meat are available on the UNECE website at <http://www.unece.org/trade/agr/>

standard/meat/meat_e.htm. Standards for fresh fruit and vegetables are available at http://www.unece.org/trade/agr/standard/fresh/fresh_e.htm.

V. ACTIVITIES OF OTHER INTERNATIONAL ORGANIZATIONS DEALING WITH PROBLEMS OF INTEREST TO THE WORKING PARTY (agenda item 3)

A. International Institute of Refrigeration (IIR)

Document: INF.4 (IIR)

6. The representative of IIR briefed the Working Party on the meeting of its sub-commission in Piestany, Slovakia on 31 May to 1 June 2007. Recommendations relevant to the work of WP.11 were contained in Informal document No.4 and it was agreed that they would be cross-referenced to the appropriate agenda items.

B. Transfrigoroute International

7. The representative of Transfrigoroute International informed the Working Party of the activities of his organization and the results of its annual meeting in Rome. Items of relevance to the ATP were contained in ECE/TRANS/WP.11/2007/20 which would be discussed under item 5 (c).

C. International Organization for Standardization (ISO)

8. In the absence of a representative, the activities of ISO were not discussed.

D. Compatibility of ATP and European Union legislation

9. Copies of Commission regulation (EC) No. 37/2005 on the monitoring of temperatures in the means of transport, warehousing and storage of quick-frozen foodstuffs intended for human consumption were made available to the Working Party. It was decided to discuss a proposal by the Netherlands to amend Annex 2 as a consequence of the replacement of EC Directive 92/1/EC by EC Regulation 37/2005 (ECE/TRANS/WP.11/2007/5) under item 5 (c).

VI. STATUS AND IMPLEMENTATION OF THE AGREEMENT ON THE INTERNATIONAL CARRIAGE OF PERISHABLE FOODSTUFFS AND ON THE SPECIAL EQUIPMENT TO BE USED FOR SUCH CARRIAGE (agenda item 4)

A. Status of application of the Agreement

10. The Working Party was informed that to date 44 States have become Contracting Parties to the Agreement: Albania, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Ireland, Italy, Kazakhstan, Latvia, Lithuania, Luxembourg, Moldova, Monaco, Montenegro, Morocco, Netherlands, Norway, Poland, Portugal, Romania,

Russian Federation, Serbia, Slovakia, Slovenia, Spain, Sweden, The former Yugoslav Republic of Macedonia, Tunisia, Ukraine, United Kingdom, United States of America, Uzbekistan.

11. Four countries had acceded to the ATP in 2007: Montenegro, Tunisia, Ukraine and Moldova. The latest, Moldova, had acceded to the ATP on 11 September 2007. The Agreement would enter into force for Moldova on 11 September 2008.

B. Status of amendments

12. The Working Party was informed that proposed amendments to Annexes 1 and 2 of the ATP adopted at the sixty-second session of WP.11 in 2006 (ECE/TRANS/WP.11/214/Add.1 and 2) had been circulated to Contracting Parties by the New York Treaty Section on 1 May 2007 (C.N.525.2007.TREATIES-2).

13. In August 2007, the secretariat had been contacted by the German delegation regarding errors in ECE/TRANS/WP.11/214/Add.1. The secretariat had examined the document carefully and found that there were indeed a number of typographical errors affecting the English and Russian texts only, the most important being the absence of minus signs in front of two temperatures. It had not been possible to accept other changes proposed by Germany at that time because they did not appear in the text of the proposed amendments adopted at the 62nd session of WP.11.

14. The typographical corrections to the English and Russian versions had been issued in ECE/TRANS/WP.11/214/Add.1/Corr.1 dated 11 September 2007. This document had been posted on the Transport Division website and sent to all WP.11 delegates by e-mail in September. However, the corrigendum had not been circulated in a depositary notification by the New York Treaty Section.

15. On 29 October, the NY Treaty Section had informed the secretariat that Germany had made an objection to the proposed amendments within the 6-month period allowed for Contracting Parties to do so.

16. Germany said that it had examined depositary notifications from previous years and found inconsistencies between the texts notified and the latest published text of the ATP, according to its survey. This had been the reason for its objection.

17. The Working Party was informed that the depositary notification regarding the objection from New York was still undergoing translation but the text of the objection was circulated to delegates.

18. The Working Party discussed the objection made by Germany to the amendment proposals circulated in documents ECE/TRANS/WP.11/214/Add.1 and ECE/TRANS/WP.11/214/Add.2. It reviewed the text of the objections, the corrigendum to them in English and Russian (ECE/TRANS/WP.11/214/Add.1/Corr.1) and a proposed draft revision prepared by the secretariat which showed what text was affected. The Working Party was concerned that the objections often went beyond what could be considered typographical corrections and included objections to text adopted in the report of the 62nd session of WP.11.

19. It therefore decided to resubmit to the United Nations Treaty Section for communication to ATP Contracting Parties only those proposed amendments to which there had not been any objection or to which the objection could be considered purely typographical. In ECE/TRANS/WP.11/214/Add.1, the parts to be resubmitted to New York would be the following: Annex 1 – paras. 1, 2, 4, 5; Annex 1, Appendix 1 – para. 1; Annex 1, Appendix 2 – paras. 1, 2, 3, 4, 5, 6, 7, 9, 10, 13, 15, 17, 19, 20, 23, 25, 30, 32, 40, 47, 49, 51, 53, 54, 55, 57, 58; Model No. 2 A, No. 2 B, No. 4 A, No. 4 B, No. 4 C, No. 5, No. 6; Annex 1, Appendix 4; and Annex 2, Appendix 1. In ECE/TRANS/WP.11/214/Add.2, the parts to be resubmitted to New York would be the draft amendment to paragraph 56 (b) of Annex 1, Appendix 2 which applied to the French version only. The proposed amendments which the Working Party agreed to resubmit for circulation by the United Nations Treaty Section are contained in ECE/TRANS/WP.11/216/Add.1.

20. The Working Party discussed the possibility of having a Contracting Party transmit the proposed amendments to New York instead of the secretariat on behalf of the Working Party. However, it decided this time to ask the secretariat again to resubmit the proposed amendments to New York on behalf of the Working Party. The secretariat was also asked to examine the relevance of the objections raised by Germany in the light of previous depositary notifications.

C. Test stations officially designated by the competent authorities of countries Parties to ATP and whose test reports might be used for the issue of ATP certificates

21. Delegations were informed that revised information for Belgium, Czech Republic, Finland, Ireland, Portugal, Sweden and the United States had been included on the Transport Division website at the following address: <http://www.unece.org/trans/main/wp11/teststations.pdf> Delegates were invited to transmit any new information to the secretariat.

D. Exchange of information among Contracting Parties under Article 6 of ATP

Document: INF.2

22. The Working Party was reminded of its decision to suspend distribution of the questionnaire for the exchange of information under Article 6 of the ATP pending its reformulation. It took note of a reply to the former questionnaire received from Latvia in Informal document No. 2.

VII. PROPOSALS OF AMENDMENTS TO THE ATP (agenda item 5)

A. Amendments provisionally adopted

23. The Working Party discussed the text unanimously adopted at its sixty-second session calling for the ATP certificate to be plastic-coated and for it to be stamped by the competent authority (relief impress) and for the issuance, in the event of loss, not of a photocopy of the ATP certificate, but of a duplicate of it (ECE/TRANS/WP.11/214, para. 18 and Annex 1). Germany questioned whether plastic coating made documents more secure. A small working

group was convened and proposed a compromise text in INF 8 (Spain). A number of modifications were proposed and adopted. The voting was 13 in favour (Denmark, Finland, France, Germany, Ireland, Italy, Norway, Poland, Portugal, Russian Federation, Slovakia, Spain, Sweden), 2 against (Greece, United Kingdom) and 5 abstentions (Belgium, Czech Republic, Netherlands, Ukraine, United States). The proposal was not considered accepted but Spain offered to work with the countries that had voted against the proposal to try and find a solution.

B. Pending issues

1. Multi-compartment multi-temperature equipment

Document: ECE/TRANS/WP.11/2007/18
ECE/TRANS/WP.11/2007/19

24. The Working Party considered two proposals for test procedures for multi-compartment multi-temperature vehicles submitted by TI (ECE/TRANS/WP.11/2007/18 and ECE/TRANS/WP.11/2007/19). In the absence of agreement on all aspects of the documents, the Working Party decided that two meetings should be held to draw up an agreed text in time for the WP.11 session in 2008. The first meeting to be organized by France would be between TI and France. The second meeting would discuss the text agreed by TI and France and would be hosted by TI in the spring of 2008. France, Germany, Portugal, IIR and CLCCR expressed their wish to participate and others were invited to join the meeting if they wished.

2. Annex 1, Appendix 2, Model No. 10 Test Report

Document: ECE/TRANS/WP.11/2007/4

25. The Working Party considered a revised proposal regarding the duration of validity of a mechanical refrigeration unit test report transmitted by the United Kingdom (ECE/TRANS/WP.11/2007/4). The delegate of Belgium pointed out a mistake in the French version of the document which referred to 6 months rather than 6 years. The delegate of the Netherlands proposed that the first line be modified to read “According to the above **test** results, this report shall be valid as a **mechanical** “refrigeration unit” type approval certificate...” (new text in bold). The Working Party voted on the proposal including the modifications proposed by the Netherlands and the results were as follows: 12 in favour (Belgium, Denmark, France, Germany, Greece, Netherlands, Norway, Poland, Portugal, Spain, United Kingdom, United States), 1 against (Italy) and 7 abstentions (Czech Republic, Finland, Ireland, Russian Federation, Slovakia, Sweden, Ukraine). The proposal was therefore not considered accepted.

3. Annex 1, Appendix 3 to ATP – ATP certificate model

Document: ECE/TRANS/WP.11/2007/14 and Informal 5 (Netherlands)

26. The Working Party discussed a revised version of the ATP Certificate presented by Portugal in ECE/TRANS/WP.11/2007/14 and comments on it contained in Informal document No. 5 from the Netherlands. Several modifications were proposed and some countries felt that the footnotes should be deleted or should appear only in the ATP Handbook. The proposal was

put to the vote and 8 countries were in favour (Belgium, France, Ireland, Italy, Portugal, Russian Federation, Slovakia, Spain), 1 was against (Germany) and there were 11 abstentions (Czech Republic, Denmark, Finland, Greece, Netherlands, Norway, Poland, Sweden, Ukraine, United Kingdom, United States). The proposal was therefore not considered accepted.

C. New proposals

1. Updating of the ATP

Document: ECE/TRANS/WP.11/2007/20

27. The Working Party examined the document on updating ATP regulations transmitted by Transfrigoroute International (ECE/TRANS/WP.11/2007/20) regarding the veto right, limiting K-value/ageing, recognition of type test reports, tolerances for supplementary equipment, pull-down tests, the adjustment of the ATP design factor value to 2.25, the validity of the ATP type test, multi-temperature vehicles and the K-value defined by ATP. The Working Party thanked TI for its document and agreed that some of the issues be studied further. It did not agree that the K value should only apply to type testing of new vehicles.

2. Article 3, paragraph 2

Document: ECE/TRANS/WP.11/2007/11

28. The Working Party discussed the proposal made by Finland to increase the length of the sea crossing referred to in paragraph 2 of Article 3 of the ATP (ECE/TRANS/WP.11/2007/11). While it agreed in principle to increasing the length, it decided to vote on the proposal. The results of the vote were as follows: In favour 10 (Belgium, Finland, France, Germany, Italy, Norway, Poland, Portugal, Russian Federation, Sweden), against 2 (Spain, United Kingdom), abstentions 8 (Czech Republic, Denmark, Greece, Ireland, Netherlands, Slovakia, Ukraine, United States). The Working Party agreed that it was necessary to develop a revised proposal and decided to establish an informal working group to examine all implications of the proposal including the economic implications of choosing different distances (i.e. 1500 km, 3000 km, etc.) and taking account also of Article 5. The group would be lead by Finland and be composed of Denmark, Finland, France, Germany, Netherlands, Sweden, Russian Federation, United Kingdom and others that wished to join. The delegate of Finland informed members of WP.11 that they would receive an invitation by e-mail to participate in this informal working group to be held in Helsinki in 2008.

3. Article 18

Document: ECE/TRANS/WP.11/2007/13

29. The Working Party discussed the proposal made by Portugal regarding the unanimity rule for the acceptance of amendment proposals (ECE/TRANS/WP.11/2007/13). There was large support for the proposal to increase the number of Contracting Parties required to block an amendment proposal to the technical annexes from one to three. Germany stated that it had constitutional reasons for opposing the proposal but that it would examine the possibility of

putting the body of the Agreement and the technical annexes on different levels in its national legislation and report back to WP.11 on any developments at its next session. The United Kingdom considered that WP.11 might find it helpful to adopt rules of procedure for the Working Party itself as other UNECE Working Parties had done. The secretariat was asked to undertake an analysis of the objections made to amendment proposals in recent years.

30. The Working Party proceeded to a vote on the proposal with respect to each Annex of the ATP. The results were as follows:

Annex 1: 13 in favour (Belgium, Denmark, Finland, France, Greece, Ireland, Italy, Norway, Portugal, Slovakia, Spain, Sweden, United States), 3 against (Germany, Russian Federation, United Kingdom), 4 abstentions (Czech Republic, Netherlands, Poland, Ukraine).

Annex 2: 13 in favour (Belgium, Denmark, Finland, France, Greece, Ireland, Italy, Norway, Poland, Portugal, Slovakia, Spain, United States), 4 against (Germany, Russian Federation, Sweden, United Kingdom), 3 abstentions (Czech Republic, Netherlands, Ukraine).

Annex 3: 13 in favour (Belgium, Denmark, Finland, France, Greece, Ireland, Italy, Norway, Poland, Portugal, Slovakia, Spain, United States), 4 against (Germany, Russian Federation, Sweden, United Kingdom), 3 abstentions (Czech Republic, Netherlands, Ukraine).

31. The proposal was not considered accepted.

4. Annex 1, Appendix 1

Document: ECE/TRANS/WP.11/2007/9

32. The Working Party discussed the proposals made by the Netherlands for the updating of Annex 1, Appendix 1 in ECE/TRANS/WP.11/2007/9 in particular regarding type approvals, methods for testing for prolongation of ATP Certificates and K values. The Working Party decided that it was a good basis for developing future amendment proposals. The CLCCR offered to work with the Netherlands in developing such amendment proposals.

Document: ECE/TRANS/WP.11/2007/1

33. The Working Party examined the proposals of the informal working group chaired by Spain regarding the insertion of a new paragraph 7 in Annex 1, Appendix 1 and a modification to paragraph 1 (c) of Annex 1, Appendix 1 (ECE/TRANS/WP.11/2007/1, para. 5). The proposed modifications to the ATP were not considered ready for adoption and it was recommended that they be discussed by the same working group that would look at the questionnaire. They could then be discussed again next year.

5. Annex 1, Appendix 1, paragraph 6

Document: ECE/TRANS/WP.11/2007/6

34. The Working Party discussed an amendment proposed by Sweden regarding the placing of distinguishing marks affixed by the manufacturer (ECE/TRANS/WP.11/2007/6). It was

recognised that the proposal was similar to one previously made by Belgium (contained in ECE/TRANS/WP.11/214/Add.2) and a working group consisting of Belgium, Netherlands, Sweden and CLCCR was asked to consider the two proposals. The delegate of Germany proposed that “distinguishing mark” be changed to “manufacturer’s plate”.

35. The Working Party adopted a revised amendment proposal prepared by the working group (see Annex 1) and agreed that it should replace the amendment to paragraph 6 proposed in ECE/TRANS/WP.11/214/Add.2. The vote was 18 in favour (Belgium, Czech Republic, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Netherlands, Norway, Poland, Portugal, Russian Federation, Slovakia, Spain, Sweden, United States) 0 against and 2 abstentions (Ukraine, United Kingdom). It was agreed that the proposed amendment would be transmitted to the Treaty Section in New York for circulation to all ATP Contracting Parties.

6. Annex 1, Appendix 2, paragraph 29

Document: ECE/TRANS/WP.11/2007/7

36. The Working Party considered the amendment proposed by Sweden in ECE/TRANS/WP.11/2007/7 regarding checking of distinguishing marks affixed by the manufacturer. It was agreed that this proposal should also be examined by a working group consisting of Belgium, Netherlands, Sweden and CLCCR.

37. The Working Party adopted a revised version of the amendment proposed by the small working group (see Annex 1) by 18 countries voted in favour (Belgium, Czech Republic, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Netherlands, Norway, Poland, Portugal, Russian Federation, Slovakia, Spain, Sweden, United States) 0 against and 2 abstentions (Ukraine, United Kingdom). It was agreed that the proposed amendment would be transmitted to the Treaty Section in New York for circulation to all ATP Contracting Parties.

7. Annex 1, Appendix 2, paragraph 49

Documents: ECE/TRANS/WP.11/2007/8
ECE/TRANS/WP.11/2007/10
ECE/TRANS/WP.11/2007/15
ECE/TRANS/WP.11/2007/17, INF.6 (Netherlands)

38. The Working Party considered amendments proposed by Sweden in ECE/TRANS/WP.11/2007/8, the Netherlands in ECE/TRANS/WP.11/2007/10 and France in ECE/TRANS/WP.11/2007/15 and ECE/TRANS/WP.11/2007/17 regarding Annex 1, Appendix 2, paragraph 49 on verifying the efficiency of thermal appliances of equipment in service. It started its discussion by considering the pull-down test tables proposed by France and the Netherlands and then the measuring points proposed by the Netherlands and Sweden. A mistake was pointed out in Figure 4 of the English version of ECE/TRANS/WP.11/2007/17 in which the titles of columns 3 and 4 should be reversed.

39. The Working Party decided to vote separately on the pull-down test tables and on the number and placing of sensors. With regard to the table proposed by the Netherlands

(ECE/TRANS/WP.11/2007/10 and INF.6) there were 4 countries in favour (Belgium, Netherlands, Slovakia, United Kingdom), 3 against (Germany, Spain, Sweden) and 13 abstentions (Czech Republic, Denmark, Finland, France, Greece, Ireland, Italy, Norway, Poland, Portugal, Russian Federation, Ukraine, United States). The table proposed by France (ECE/TRANS/WP.11/2007/17) received 15 votes in favour (Belgium, Czech Republic, Finland, France, Germany, Greece, Ireland, Italy, Norway, Poland, Portugal, Slovakia, Spain, Sweden, United Kingdom) 1 vote against (Netherlands) and 4 abstentions (Denmark, Russian Federation, Ukraine, United States). A vote to replace the table in the French document with the Netherlands table received 13 votes in favour (Belgium, Denmark, Finland, Greece, Ireland, Italy, Netherlands, Norway, Poland, Slovakia, Spain, Sweden, United Kingdom), 1 against (Germany) and 6 abstentions (Czech Republic, France, Portugal, Russian Federation, Ukraine, United States).

40. In the light of the lack of agreement, it was agreed to try and find consensus on the pull-down test time for Class C which posed a problem in the Netherlands table. France and the Netherlands were asked to work together and make a new proposal for the next session of WP.11 which would apply to both new and existing equipment.

41. The Working Party then proceeded to a vote on the number of temperature measuring sensors proposed in the Swedish (ECE/TRANS/WP.11/2007/8) and Netherlands documents (ECE/TRANS/WP.11/2007/10). The revised Swedish proposal (at least 2 outside measuring points and change “instruments” to “points”) (see Annex 1) received 12 votes in favour (Belgium, Czech Republic, Denmark, Finland, Ireland, Norway, Poland, Portugal, Russian Federation, Slovakia, Spain, Sweden), 0 against and 8 abstentions (France, Germany, Greece, Italy, Netherlands, Ukraine, United Kingdom, United States) and it was agreed that it should be transmitted to New York. It was also agreed that the full text and the accompanying Figure 1 would be added to the ATP Handbook.

42. On a vote on whether to include defrosting time provisions such as those presented in paragraphs 9 and 10 of ECE/TRANS/WP.11/2007/10, 7 countries voted in favour (Czech Republic, Finland, Ireland, Netherlands, Norway, Slovakia, United Kingdom), 1 against (France) and 12 abstained (Belgium, Denmark, Germany, Greece, Italy, Poland, Portugal, Russian Federation, Spain, Sweden, Ukraine, United States). The proposal was therefore not considered accepted.

43. Regarding the proposal on tests for renewal of ATP certificates at 12 years made in document ECE/TRANS/WP.11/2007/15 by France and INF.7 by Spain, it was proposed to add the words “for a period not exceeding 12 years” in paragraphs 29 and 49 of Annex1, Appendix 1 of the ATP. A vote on the proposal showed 9 countries in favour (Denmark, France, Ireland, Italy, Poland, Portugal, Russian Federation, Slovakia, Spain) 5 against (Belgium, Czech Republic, Finland, Greece, Sweden) and 6 abstentions (Germany, Netherlands, Norway, Ukraine, United Kingdom, United States). The proposal was therefore not considered accepted. Spain volunteered to try to find a solution for this issue and said it would try and present a proposal at the next session. Other countries were invited to join this effort. The Working Party agreed to discuss the right place to include this proposed amendment at its next session.

8. Annex 1, Appendix 2, paragraph 56

Document: ECE/TRANS/WP.11/2007/12

44. The Working Party adopted a revised version of the amendment proposed by Portugal in ECE/TRANS/WP.11/2007/12 aimed at clarifying the text regarding the test procedure for refrigerating capacity when the evaporator is free of frost (see Annex 1) by a vote of 11 in favour (Czech Republic, Finland, France, Greece, Italy, Poland, Portugal, Russian Federation, Slovakia, Spain, Sweden), 0 against and 9 abstentions (Belgium, Denmark, Germany, Ireland, Netherlands, Norway, Ukraine, United Kingdom, United States). It was agreed that the proposal be transmitted to the Treaty Section in New York.

9. Annex 1, Appendix 2, Test Report Model No. 1B

Document: ECE/TRANS/WP.11/2007/16

45. The Working Party adopted the proposal by France in ECE/TRANS/WP.11/2007/16 to amend Test Report Model 1B in Annex 1, Appendix 2 to take into account component parts of tanks (see Annex 1). The voting was 14 in favour (Czech Republic, Denmark, Finland, France, Ireland, Italy, Netherlands, Norway, Poland, Portugal, Russian Federation, Slovakia, Spain, Sweden), 0 against and 6 abstentions (Belgium, Germany, Greece, Ukraine, United Kingdom, United States). It was agreed that the proposed amendment be sent to New York.

10. Annex 2

Document: ECE/TRANS/WP.11/2007/5

46. The Working Party adopted a proposal by the Netherlands to amend Annex 2, paragraph 1, second subparagraph, first sentence as a consequence of the replacement of EC Directive 92/1/EC by EC Regulation 37/2005 (see Annex 1). The voting was 16 in favour (Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Netherlands, Norway, Poland, Portugal, Russian Federation, Slovakia, Spain, Sweden) 0 against and 4 abstentions (Czech Republic, Ukraine, United Kingdom, United States). It was agreed that the proposed amendment be sent to New York.

11. Voting

47. All votes during the session were recorded by the Chairman with the assistance of the Vice-Chairman and the secretariat. In explanation of its votes, France stated that when it had abstained, it had done so to avoid any blockage in the work of WP.11. However, it reserved the right to make an objection to the proposed amendments concerned once they had been circulated by the United Nations Treaty Section. Italy stated that it wished to make the same reservation with regard to the vote on temperature measuring points (paragraph 41).

12. Other issues

48. The delegate of the Czech Republic presented Informal document No. 3 regarding the measurement method for fuel consumption determination of vehicle powered refrigeration units. It was agreed that the procedure might be included in the ATP Handbook in the future and the Czech Republic was invited to submit a formal document for the next session of WP.11.

VIII. ATP HANDBOOK (agenda item 6)

Document: ECE/TRANS/WP.11/2007/1

49. The Working Party discussed a revised questionnaire for the ATP Handbook to collect information on the implementation of the ATP prepared by Spain and a small working group. Some delegations commented that it was difficult to collect useful statistics. Some said corrections to the proposed questionnaire were required. A working group was constituted during the session to propose a revised text. The delegate of Turkey recommended that the justification for the questionnaire be clearly developed in the new proposal. A number of modifications were proposed and adopted. The voting was 12 in favour (Denmark, Finland, France, Ireland, Italy, Norway, Poland, Portugal, Russian Federation, Slovakia, Spain, Sweden), 1 against (Germany) and 7 abstentions (Belgium, Czech Republic, Greece, Netherlands, Ukraine, United Kingdom, United States). However, it was recalled that as regards the ATP Handbook, unanimity in voting was not required and that therefore the new revised questionnaire (see Annex 3) could be included in the Handbook.

50. The Working Party requested the secretariat to prepare the latest version of the ATP Handbook as a working document for consideration at the 64th session of WP.11. Delegates and NGOs were also invited to make new proposals regarding the Handbook for the next session. The secretariat was asked to expedite the issuance, at least on the internet, of the latest Russian version of the ATP.

IX. FACILITATION OF TRANSPORT OF PERISHABLE FOODSTUFFS (agenda item 7)

51. The Working Party was informed that the new Annex 8 on "Facilitation of border crossing procedures for international road transport" to the International Convention on the Harmonization of Frontier Controls of Goods had been circulated by the depositary on 20 February 2007 and, excluding objections, would enter into force on 20 May 2008. The new Annex 8 included several provisions relating to the facilitation of border crossing of ATP vehicles.

X. SCOPE OF ATP (agenda item 8)

Document: ECE/TRANS/WP.11/2007/3

52. The Working Party examined document ECE/TRANS/WP.11/2007/3 from the Road Transport Association of the Netherlands requesting clarification from WP.11 on the applicability of the ATP to reefer containers. It decided that this document should also be considered by the group lead by Finland to discuss the length of the sea crossing referred to in the ATP.

XI. PROGRAMME OF WORK (agenda item 9)

Document: ECE/TRANS/WP.11/2007/2

53. The Working Party adopted its draft programme of work for 2008-2012 (see Annex 2) and was informed that it would be transmitted to the seventieth session of the Inland Transport Committee (ITC) in February 2008 for adoption as part of the programme of work of the ITC.

54. The Working Party was informed that the ITC had requested its subsidiary bodies to conduct a biennial evaluation of their activities and to this end, in 2007, in cooperation with the secretariat, to draw up a draft expected accomplishment related to their work areas as well as indicators of achievement. The Working Party adopted the proposal that appears in ECE/TRANS/WP.11/2007/2 with an additional indicator of achievement to read as follows: "Indicator of achievement 3: Number of documents considered at sessions of WP.11 and number of documents of amendment proposals transmitted to the UN Treaty Section in New York" (see Annex 2).

Date of the 64th session

55. The Working Party was informed that the dates of 14 to 17 October 2008 have been tentatively reserved for the sixty-fourth session of WP.11.

XII. ELECTION OF OFFICERS (agenda item 10)

56. The Working Party elected Mr. T. Nobre (Portugal) as Chairman and Mr. R. Mannaerts (Belgium) as Vice-Chairman for the year 2008. It thanked Mr. J.M. Bonnal (France), who was assuming other professional functions, for his valuable contribution to the Working Party for 8 years, three years of which as Vice Chairman.

XIII. OTHER BUSINESS (agenda item 11)

57. The Russian Federation announced that it had agreed to work with Spain and other delegations on a proposal relating to fresh fruit and vegetables for the 64th session of WP.11.

58. The Working Party was informed that its former Chairman, Mr. M. Eilsoe (Denmark), would soon be retiring and would no longer be able to participate in the Working Party. It thanked him for having guided successfully, as Chairman, its discussions for several years.

59. The Working Party was informed that, as a result of UN staff mobility requirements, its former Secretary, Mr. O.K. Sid'Ahmed, had been transferred in April 2007 to other functions within the Transport Division. The Working Party thanked him for his contribution to its work since 1989 and wished him every success in his new area of work. During a presentation of his new work on transport statistics, Mr. Sid'Ahmed asked WP.11 delegates to consider what statistics on the transport of perishable foodstuffs could be included in the Transport Division's statistical database.

XIV. ADOPTION OF THE REPORT (agenda item 12)

60. The Working Party adopted the report on its sixty-third session based on a draft prepared by the secretariat.

Annex 1

DRAFT AMENDMENTS TO THE ATP ADOPTED AT THE 63RD SESSION

Annex 1, Appendix 1, paragraph 6

Amend to read as follows:

“The insulated bodies of “insulated”, “refrigerated”, “mechanically refrigerated” or “heated” transport equipment and their thermal appliances shall each bear a durable manufacturer’s plate firmly affixed by the manufacturer in a conspicuous and readily accessible position on a part not subject to replacement in use. It shall be able to be checked easily and without the use of tools. For insulated bodies, the manufacturer’s plate shall be on the outside of the body. The manufacturer’s plate shall show clearly and indelibly at least the following particulars*.”

(rest unchanged)

Add footnote:

“* These requirements shall apply to new plates only. A transitional period of three months shall be granted from the date of entry into force of this requirement.”

(Ref. ECE/TRANS/WP.11/2007/6)

Annex 1, Appendix 2, paragraph 29 (a)

Insert a new sub-paragraph (i) to read as follows:

“(i) The durable manufacturer’s plate affixed by the manufacturer.”

Renumber the other sub-paragraphs (ii) to (vi).

(Ref. ECE/TRANS/WP.11/2007/7)

Annex 1, Appendix 2, paragraph 49

Introduce a new paragraph (d) to read as follows:

“(d) Temperature measuring points

Temperature measuring points protected against radiation shall be placed inside the body and outside the body.

For measuring the inside temperature of the body (T_i), at least 2 temperature measuring points shall be placed inside the body at a maximum distance of 50cm from the front wall, 50cm from the rear door at a height of a minimum of 15 cm and a maximum of 20 cm above the floor area.

For measuring the outside temperature of the body (T_e), at least 2 temperature measuring points shall be placed at a distance of at least 10 cm from an outer wall of the body and at least 20 cm from the air inlet of the condenser unit.

The final reading should be from the warmest point inside the body and the coldest point outside.”

Existing subparagraphs 49 (d) and (e) shall be renumbered accordingly to read (e) and (f).

(Ref. ECE/TRANS/WP.11/2007/8)

Annex 1, Appendix 2, Paragraph 56 (a)

Amend the existing text to read as follows:

“(a) Cooling phase; the initial temperature of the calorimeter box or transport equipment shall be $30\text{ °C} \pm 3\text{ K}$. It shall then be lowered to the following temperatures: -25 °C for -20 °C class, -13 °C for -10 °C class or -2 °C for 0 °C class;”

(Ref: ECE/TRANS/WP.11/2007/12)

Annex 1, Appendix 2, MODEL No. 1 B

Amend to read as follows:

“...
Structural peculiarities of the tank: ⁵
 Number, dimensions and description of manholes
 Description of manhole covers
 Number, dimensions and description of discharge piping
 Number and description of tank cradles
Accessories
...”

(Ref: ECE/TRANS/WP.11/2007/16)

Annex 2

Amend Annex 2, paragraph 1, second subparagraph, first sentence to read as follows.

“By that means the equipment used for the transport of quick-frozen foodstuffs shall be fitted with the device referred to in appendix 1 to this annex.”

(Ref: ECE/TRANS/WP.11/2007/5)

Annex 2

PROGRAMME OF WORK AND BIENNIAL EVALUATION

ACTIVITY 02.11: TRANSPORT OF PERISHABLE FOODSTUFFS

Harmonization of regulations and standards relating to the international transport of perishable foodstuffs and facilitation of its operation Priority: 2

Description: Review of the harmonization and the facilitation of the international transport of perishable foodstuffs under the ATP Agreement and updating of this Agreement in order to keep it in line with technological developments, taking into account safety and quality standards.

Work to be undertaken:

CONTINUING ACTIVITIES

- (a) Consideration of amendment proposals to ATP to ensure it is updated as necessary. Priority: 1

Output expected by the end of 2009: Entry into force of the revision of annexes 1 and 2 to ATP.

- (b) Exchange of information on the implementation of ATP by virtue of article 6. Priority: 1

Output expected by the end of 2009: Consideration of the information exchanged between Contracting Parties and the consequences on the implementation of ATP.

- (c) Follow-up of resolution No. 243 on "Improving the traffic flow of ATP vehicles for the transport of foodstuffs covered by ATP" for better facilitation. Priority: 2

Output expected by the end of 2009: To consider the difficulties encountered at border crossings, for the transport of perishable foodstuffs, on an annual basis.

- (d) Review of the definitions and standards (in annex 1) for the carriage of perishable foodstuffs following the Montreal Protocol to take account of new refrigerants and insulating materials, and environmental constraints. Priority: 2

Output expected by the end of 2009: To contribute to the promotion of less polluting vehicles and fuels.

- (e) Consideration of methods developed by the IIR Sub-Commission on testing stations and study of the procedures for energy labelling. Priority: 1

Output expected by the end of 2009: To be aware of the work done by IIR relating to the transport of perishable foodstuffs and to collect information on energy labelling.

- (f) Elaboration of an ATP Handbook. Priority: 1

Output expected by the end of 2009: To have a final version of the Handbook including the revised annexes.

- (g) Compatibility between European legislation and ATP. Priority: 1

Output expected by the end of 2009: To cooperate with the Commission of the European Communities with the aim of harmonizing European regulations with ATP.

Priority: 1

- (h) Review of activities on the transport of perishable foodstuffs.

Output expected by the end of 2009: Adoption of the biennial evaluation of the work of WP.11 for submission to the Inland Transport Committee.

ACTIVITIES OF A LIMITED DURATION

- (i) Consideration of proposals on the conditions of transport of fresh fruit and vegetables (2007). Priority: 2

Output expected by the end of 2008: To finish the consideration of the feasibility of introducing rules for the transport of fresh fruit and vegetables into ATP.

- (j) Consideration of amendment proposals relating to test methods and procedures for the approval of multi-compartment and multi-temperature vehicles, to take account of technical developments (2007). Priority: 2

Output expected by the end of 2009: The entry into force of a new amendment to ATP on multi-compartment and multi-temperature vehicles.

- (k) Review of the approval of kit bodies (2006). Priority: 2

Output expected by the end of 2009 The entry into force of a new amendment to ATP on the approval of kit bodies.

- (l) Securing of ATP documents (2006).

Priority: 2

Output expected by the end of 2009: Entry into force of new amendments to the ATP and adoption of recommendations on the best means of securing ATP documents.

- (m) Revision of ATP paragraphs 29 and 49 (2007).

Priority: 2

Output expected by the end of 2009: Drafting of a text for the revision of ATP paragraphs 29 and 49.

BIENNIAL EVALUATION

Expected accomplishment: Enhanced and updated requirements for the international transport of perishable foodstuffs

Indicator of achievement 1: Total number of Contracting Parties to the Agreement on the Carriage of Perishable Foodstuffs and on the Special Equipment Used for such Carriage (ATP)

Indicator of achievement 2: Number of new amendments to the ATP adopted by the Working Party on the Transport of Perishable Foodstuffs (WP.11).

Indicator of achievement 3: Number of documents considered at sessions of WP.11 and number of documents of amendment proposals transmitted to the UN Treaty Section in New York.

Annex 3

**QUESTIONNAIRE FOR COLLECTION OF STATISTICS
ON CHECKS CARRIED OUT TO ENSURE COMPLIANCE WITH THE ATP**

Name of Country	Date/Year
1. Number of checks made under Article 6 of ATP:	Road equipment checks:
	Railway equipment checks:
	Total:
2. Number of detected breaches	
Domestically registered equipment	Equipment registered in foreign countries⁴
Number of breaches of ATP documents ¹ :	Number of breaches of ATP documents ¹ :
Number of breaches related to thermal appliances	Number of breaches related to thermal appliances
Number of breaches related to the body ²	Number of breaches related to the body ²
Other ATP breaches ³ :	Other ATP breaches ³ :
Total breaches:	Total breaches:
3. Percentage of defective equipment:	
4. Additional information on compliance with the ATP	
Number of 1 st certificates issued: (new equipment only)	
Number of 2 nd certificates issued: (based on inspection by expert) or	
(based on K values by test stations)	
Number of 3 rd certificates issued: (based on inspection by expert) or	
(based on K values by test stations)	
Number of 4 th and following certificates:	
(based on inspection by expert) or	
(based on K values by test stations)	
Total ATP certificates issued:	
Total duplicate certificates issued:	
Notes:	
<u>1/</u> Including ATP plates and manufacturer's plates (Annex 1, Appendix 1, paragraph 6).	
<u>2/</u> Seals damaged, holes or cracks.	
<u>3/</u> Temperature recorder missing, or other.	
<u>4/</u> This information shall be sent in accordance with Article 6, paragraph 2.	
Signature of the competent authority	
