



Lebanon National Training Workshop on the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be Used for such Carriage (ATP)

Beirut, 12-13 December 2017

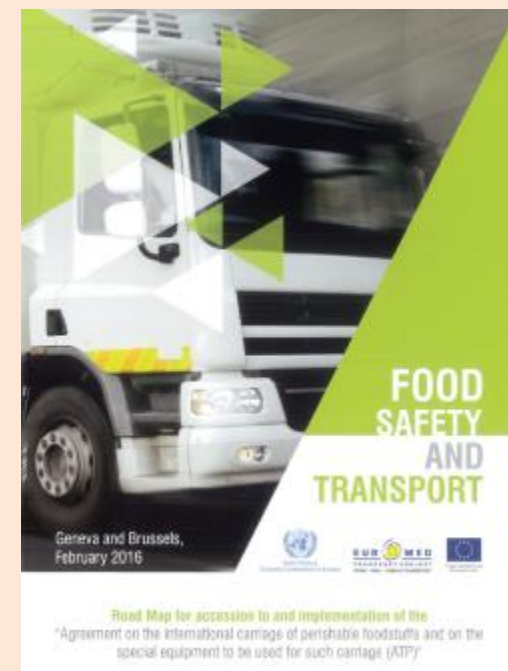
Road map for accession and implementation of the ATP

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Firstly, I would like to acknowledge that the Road Map was prepared jointly by EuroMed and the UNECE Transport Division with funding from the European Union. It presents the main steps and a number of substeps that countries wishing to accede and fully implement the ATP should follow.

The first two steps deal with the preparatory work for accession, including coordination and assigning responsibilities and highlight the strategic issues that need to be considered before accession.



The ministries, administrations and bodies concerned with issues touched on by the ATP need to be identified and their representatives should be invited to take an active role in the pre-accession process.

A non-exhaustive list of the ministries, administrations and bodies concerned would include:

transport,
agriculture,
industry,
trade and customs.





Representatives of the private sector should be consulted and be involved if possible in the process as representatives of the users of the regulations:

transporters,
food processing companies,
vehicle and insulated box manufacturers.

The formal coordination of all the participants in the process of pre-accession should be organized.

However, it should be noted that each country has to define its own needs for an administrative structure, based on culture, standard operating procedures, hierarchies, staff and expertise available.





Although the regulations regarding the ATP may involve a number of different ministries and/or bodies, the main responsibility should be assigned to one ministry or government agency, for example the Ministry of Transport. The overall supervision and coordination of all ATP related actions should be under the competent minister.

A national competent authority should be established. The competent authority will work on issues relating to national accession and implementation. The competent authority should have both responsibility and authority and might be expected to represent the country in international meetings including the UNECE Working Party on Transport of Perishable Foodstuffs (WP.11). In France, Cemafruid has been designated as the competent authority by delegation from the Ministry of Agriculture.

It is recommended that the designated national competent authority appoints a National Focal Point to deal with ATP issues.



The ATP National Focal Point and the competent authority should study the ATP Agreement and related national legislation and ensure that a translation of the ATP Agreement is available.

If a country decides to apply the provisions of the ATP only for international transport, then the only step is to transpose the Agreement into its national legislation, according to its established law-making procedures.

Or to simply make a reference to the ATP in its national laws. This may be a simpler option because attempts to re-write the Agreement's content into its own legislation may lead to discrepancies and later conflicts.

The ATP is amended frequently by the WP.11 at its annual meetings in Geneva which could create extra work if national legislation also has to be amended each time.



REGULATION APPLICABLE IN FRANCE FOR TRANSPORT OF PERISHABLE FOODSTUFFS UNDER CONTROLLED TEMPERATURE

In conformity with the provisions of article R. 231-59-2 of the Rural Code, equipment for the transport of perishable foodstuffs shall be chosen from categories and classes of equipment which allow the temperatures fixed for the preservation of different categories of foodstuffs to be respected during the entire duration of transport.



If Lebanon opts to apply ATP provisions to both international and domestic transport, then some issues need to be clarified, including identification of the necessary transitional period and to which vehicles it will apply.

France, for example, applies ATP provisions to domestic transport but does not require ATP for journeys of less than 80 kilometres without opening of the doors or 200 km for tank vehicles.





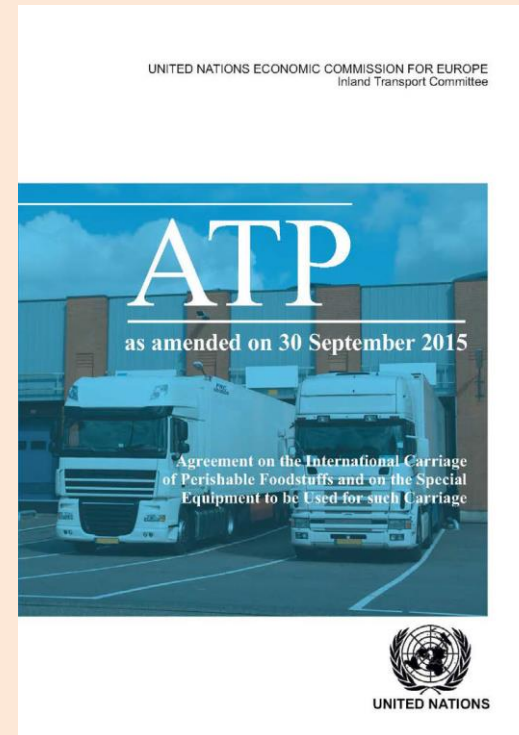
However, it is recommended that countries apply the same requirements for both international and domestic transport to the extent possible thereby avoiding differences that could become a source of conflict and confusion for transporters and enforcers.

The decision of a country to apply ATP provisions to its domestic transport is entirely its own and obviously adaptations to the ATP are required if that is envisaged.





Once the decision to adhere to the ATP has been discussed and agreed, accession itself is fairly straight forward. The accession procedure is described in the Final Provisions (Articles 9-16, pages 3-5 in the printed copy of the ATP).





For States not members of UNECE, such as Lebanon, which is a member of the United Nations regional commission ESCWA, we first have to refer to ATP Article 9, paragraph 2, which reads:

“2. States which may participate in certain activities of the Economic Commission for Europe under paragraph 11 of the Commission’s terms of reference may become Contracting Parties to this Agreement by **acceding** thereto after its entry into force”.

The paragraph 11 of the Commission’s terms of reference referred to reads as follows:

“11. The Commission shall invite any Member of the United Nations not a member of the Commission to participate in a consultative capacity in its consideration of any matter of particular concern to that non-member.”



The procedure for accession should be launched in accordance with national law/constitution in consultation with the administrations competent for international relations (e.g. Department of international relations or Ministry of Foreign Affairs).



Article 9, paragraph 4 of ATP reads as follows:

“Ratification or accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.”



Ratification is not possible for non-UNECE States according to paragraph 2 so an instrument of accession should be sent:

The Head of State or Government or the Minister of Foreign Affairs or a person exercising full powers signs the instrument of accession which is deposited with the Secretary-General.

Full powers should (a) bear the signature of the Head of State or Government or the Foreign Minister; (b) Specify clearly the title of the instrument to be signed; (c) State the full name of the person authorized to sign the instrument concerned.



MODEL INSTRUMENT OF ACCESSION (To be signed by the Head of State, Head of Government or Minister for Foreign Affairs)

ACCESSION

WHEREAS the Agreement on the International Carriage of Perishable Foodstuffs and the Special Equipment to be Used for such Carriage was done at Geneva on 1 September 1970,

NOW THEREFORE I, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs] declare that the Government of [name of State], having considered the above-mentioned agreement, accedes to the same and undertakes faithfully to perform and carry out the stipulations therein contained.

IN WITNESS WHEREOF, I have signed this instrument of accession at [place] on [date].

[Signature]



MODEL INSTRUMENT OF FULL POWERS (To be signed by the Head of State, Head of Government or Minister for Foreign Affairs)

FULL POWERS

I, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs],

HEREBY AUTHORIZE [name and title] to sign without reservation as to ratification in respect of the Agreement on the International Carriage of Perishable Foodstuffs and the Special Equipment to be Used for such Carriage done at Geneva on 1 September 1970 on behalf of the Government of [name of State].

Done at [place] on [date].

[Signature]



A few other issues to be aware of at the time of joining the ATP.

Article 15 of the ATP outlines the dispute mechanism for resolving disputes between Contracting Parties concerning interpretation or application of the Agreement.

1. Any dispute between two or more Contracting Parties concerning the interpretation or application of this Agreement shall so far as possible be settled by negotiation between them.

According to Article 16, Contracting Parties may make a reservation regarding this dispute mechanism.

However, no other reservation to the Agreement is permitted. This is important to ensure harmonization in how countries interpret the Agreement.



The ATP enters into force one year after the State has deposited its instrument of accession.

There is no cost for acceding.



After accession, the nominated competent authority will assume responsibility for the issuance of certificates of compliance with the ATP based on test reports issued by an ATP test station or expert workshop.

Countries may also choose to nominate their laboratory as the competent authority for the issuance of ATP certificates of compliance. This is the case in France and Portugal for instance.



Each country is advised to set up an ATP test station if this is economically viable for the number of vehicles concerned. Several European countries do not have their own test stations and depend on those in other countries. This test station will issue the first test report for each vehicle or series of equipment that enters the temperature-controlled supply chain by measuring the K value or K coefficient of heat transfer between the inside and the outside of the insulated body.





Alternatively, a first test report can be obtained from a test station in another country. This may not be practical if the nearest country with a test station is located at a large distance. Or another option of course is to buy a vehicle, new or second hand, that comes with a valid test report and provisional certificate on the basis of which the competent authority can issue a certificate of conformity.

According to experience in Europe, the required budget to set up a test station has been estimated at between 1.0-1.2 million Euros.



If there are sufficient vehicles concerned, the testing station may be expected to generate income, as new vehicles operating in the refrigerated sector will need an initial ATP certificate and then after 6 years to have their certificates renewed.

But an ATP testing station also has the possibility to generate income from external studies by providing technical advice (national or international), thus increasing its revenue.





Regarding the personnel required this will very much depend on the refrigerated vehicle fleet involved. One technician may be sufficient in a small country with a small fleet of temperature-controlled equipment.

In Italy, where ATP is applied to the domestic fleet as well, experience shows that for the operation of the test station 1-2 managing engineers are required, as well as 3-6 technicians, who share three 8-hour shifts during the whole 24-hour day. And that is for just one of the test stations in Italy.



A typical ATP test station has a large tunnel (length: 20-30 meters, width of entrance: 4-5 meters, vertical clearance: 4-5 meters) and relevant technical equipment (heating and cooling devices, temperature sensors, power generators, logging and analysing equipment and computers, etc).





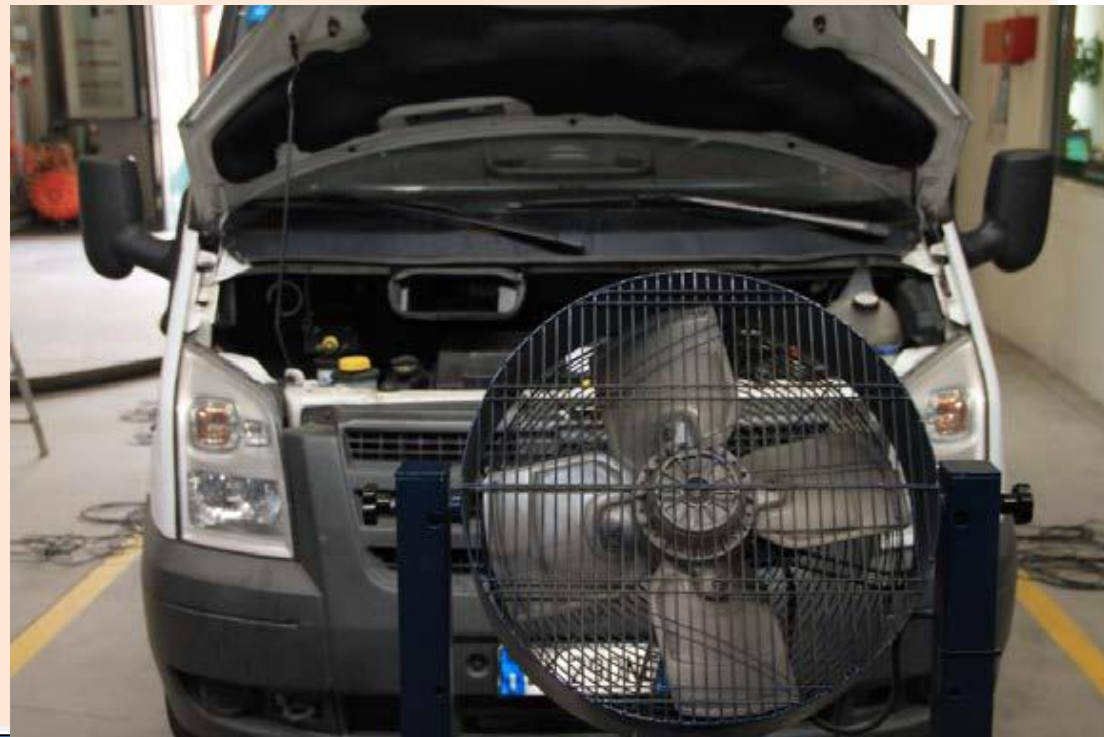
As has been mentioned before, between test reports issued by a testing station based on the K factor, which are valid for six years, the effectiveness of the thermal appliance is checked by a so-called “pull-down” test, showing that it can cool the body to the required temperature in a fixed time. The insulated body also has to undergo a thorough visual inspection.

If the results of these tests are satisfactory, the equipment may be kept in service for a further three years. France for example allows this test at 6 and at 9 years but requires a test of the K coefficient at 12 years.

These tests may be conducted in an ATP testing station or alternatively in an expert workshop because the test is much simpler and less equipment is required.



These ATP expert workshops are important in the ATP system. They can be either State-owned or privately owned. Their establishment does not require large amounts of invested capital or sophisticated or expensive technical equipment. They can be operated by a small number of personnel. This allows for flexibility and low labour costs. However, their adherence to legal requirements should be subject to thorough and regular audits by the competent authority.





Although not required by the ATP Agreement, it is recommended that the competent authority sets up a database to collect and store data related to the ATP, such as certificate expiration dates, infringements, etc. Information on certification expiry dates could even be made available on the internet.



Existing enforcement officers should be trained to identify the classification of vehicles and equipment operating in the temperature-controlled transport chain and to check ATP certificates and distinguishing marks.

The main sites for checking ATP equipment are on the road side, at border crossings and at the premises of food processing enterprises.

If enforcers suspect that a temperature controlled cargo has suffered degradation, procedures for checking the load are outlined in Annex 2, Appendix 2 of the Agreement.





These checks should only be conducted if inspectors have serious doubts and should be carried out in a temperature controlled environment and not on the road side and with minimum delay and disruption to transport operations.

Inspections should take account of information provided by temperature recording devices during transport.

These recording devices are required for deep frozen foodstuffs but not yet for chilled foodstuffs. They have to be capable of measuring and recording temperatures and storing the data.

Operators are expected to keep this data for a least one year or longer.



A non-destructive method of checking should be used at first (i.e. between pack and case) but if results show temperatures that do not conform with the ATP, destructive measurements may be used.

If no further action is taken, the consignment should be resealed giving the time, date and place of inspection and with the official stamp of the inspection authority. However, Article 4 of the ATP states that if the temperatures have not been complied with, the foodstuffs may not be disposed of in the territory of the country of inspection unless authorized by public health authorities.

ATP countries also have the right to prohibit the entry of foodstuffs into their territories for public health reasons.

Article 4 also states that responsibility for compliance rests with the consignor according to the transport document, i.e. the CMR.



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Thank you !