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Scope of ATP

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Transmitted by Transfrigoroute International

Summary

Executive summary: During the last sessions of WP11, we have had several debates around definitions of independence and autonomy, definition of equipment or minimum running time but we were not able to find consensus as there are different views and interpretation of ATP scope. The purpose of this document is to pose several key elements to be agreed upon to move forward on ATP evolution in line with technology evolution.

Action to be taken: Discussion

Related documents: Report of the seventy-ninth session of WP11 (ECE/TRANS/WP.11/249)
Informal document INF.5 of the seventy-ninth session

Introduction

1. Several topics such as definitions of independence and autonomy, definition of equipment or minimum running time has been discussed intensively within different fora (Transfrigoroute International, IIR CERTE and WP11 informal working group) but remain problematic as there are different views on the interpretation of the scope of the ATP.
2. This lack of alignment on definitions or scope of ATP is blocking several proposals that are important for ATP to remain applicable with new technologies (i.e. electrification of transport, new refrigerants).
3. In order to clarify this, a face-to-face meeting was held in Brussels on 7 September 2022, with 10 experts from different organizations (TI-CCT, TÜV Süd, CRT and Cemafroid Competent Authority) and hereafter are some main points resulting from this meeting.



Scope of ATP – Key points

Requirement for minimum run time

4. A first clear question is whether a requirement on a minimum duration of operations should be included in the ATP. This was considered by most to be a non-ATP requirement.
5. The majority do not believe a minimum duration requirement is necessary in the ATP for the following reasons:
 - (a) This is not the case today (i.e. no requirement on minimum fuel tank size);
 - (b) This notion is covered by Article 4 – “The equipment shall be so selected and used that the temperature conditions prescribed in the said annexes can be complied with throughout carriage. Furthermore, all appropriate measures shall be taken, more particularly as regards the temperature of the foodstuffs at the time of loading and as regards icing or re-icing during the journey or other necessary operations.”;
 - (c) Transformation of power train (vehicle & thermal appliance) will lead to logistics adjustment and logistics scheme will adapt to new technical constraint (and not the reverse).
6. As a consequence from this point of view, some definitions (Annex 1) should be modified:
 - Definitions of “Refrigerated equipment” and “Mechanically refrigerated equipment” does not mention any requirement for a minimum duration of operation.
 - Definitions of “Heated equipment” and “Mechanically refrigerated and heated equipment” does mention a requirement for a minimum duration of operation (“not less than 12 hours without renewal of supply at a practically constant value”).
7. This is inconsistent and should be addressed as it creates confusion.
8. ATP text should clearly distinguished requirements for testing and requirements for normal operation.
9. Another consequence is that participants did not agree on the need to include a definition of autonomy (as a duration of operation).

Definition of equipment

10. As mentioned in the report of the seventy-ninth session of WP11 (part VI, B, 2), definition of “*Equipment*” is lacking clarity which in turn could lead to confusion and even legal issues. In order to clarify this definition, the following two different interpretation are suggested:
 - **Interpretation 1.** — Equipment = complete vehicle, including vehicle powertrain and associated energy storage + supportive structure (chassis) + insulated box + thermal appliance
 - **Interpretation 2.** — Equipment = supportive structure (chassis) + insulated box + thermal appliance

With most experts favoring interpretation 2.

11. From report of the seventy-ninth session of WP11 (part VI, B, 2):
 - “76. Some delegations were also of the opinion that as far as the ATP is concerned, the insulated body is the most important part and all the components that have an influence in the insulation should be part of the definition.
 77. The German delegations also remarked that the term "equipment" was used in Article 2 of the ATP and in several paragraphs of Annex 1 in different contexts and with different meanings.”

Scope of certification

12. It was reiterated that the purpose of the ATP is to set the rules for equipment and does not include certification of fuels.

13. Cemafruid Competent Authority believes that energy and power source should be part of the certification — everyone except Cemafruid Competent Authority disagreed with this.

14. The issue of batteries was also raised because with the new laws pushing for electric vehicles (Alternative Fuels Infrastructure Regulation (AFIR) in the EU), battery life and dependence on them will play a role in deliveries and therefore in food safety.

15. There is no obvious consensus to include electric power sources such as batteries within the scope of the ATP.

Consideration

16. As a consequence of different interpretations on the above mentioned points, inconsistent application of ATP rules among Contracting Parties may occur.

17. This could also lead to distortion of competition and penalties for transport companies who might see their equipment blocked for ATP administrative reasons.
