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**Economic Commission for Europe****Inland Transport Committee****Working Party on the Transport of Perishable Foodstuffs****Eightieth session**

Geneva, 24-27 October 2023

Item 5 (b) of the provisional agenda

**Proposals of amendments to ATP:****New proposals**

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25 October 2023

English

**Comments on document ECE/TRANS/WP.11/2023/17****Transmitted by the Government of Luxembourg****I. Introduction**

1. Luxembourg would like to thank the delegation of the Kingdom of the Netherlands for the proposal concerning the modification of the provisions in relation with periodic verification of the temperature recorder.
2. Luxembourg is of the opinion that the document is dealing with a real issue and that adapting the regulatory provisions governing this specific topic would help.
3. However, in our view, the proposals as drafted by the delegation of the Kingdom of the Netherlands still raise a number of apprehensions, leaving the way open to various interpretations. To facilitate discussion at the meeting, Luxembourg would like to propose an amended text to better specify the types of temperature recorders required by the provisions, and to ensure harmonized application of the inspections described in the above-mentioned working document.

**II. Proposal**

4. Amend annex 2, appendix 1 to read: (deleted wording stricken through, new wording underlined):

***“MONITORING OF AIR TEMPERATURE FOR TRANSPORT OF QUICK-FROZEN PERISHABLE FOODSTUFFS***

1. *The transport equipment shall be fitted with an instrument capable of measuring and recording air temperatures and storing the data obtained inside the instrument (hereinafter referred to as the instrument) to monitor the air temperatures to which quick-frozen foodstuffs intended for human consumption are subjected.*
2. *Temperature recordings obtained in this manner for each transport carried out shall be dated and stored by the operator for at least one year or longer, according to the nature of the food.*
3. *The instrument shall be type approved in accordance with standard EN 12830:2018 by an accredited body. The documentation shall be available for ATP competent authorities.*
4. *The instrument shall be verified annually in accordance with EN 13486:2002 and the documentation of the verification shall be available for ATP competent authorities.*

*The inspections shall be carried out either by testing stations or experts approved by the competent authority of the country in which the transport equipment is registered or recorded. To obtain approval, the competent authority shall ensure that the staff of the*

testing station or the expert are duly trained in accordance with the procedures laid down by the competent authority which comply with the following principles:

- Impartiality: Ensuring that testing stations or experts are free from any conflicts of interest or undue influence in their inspection activities.
- Competence: Requiring that testing stations or experts have the necessary technical competence and resources to perform their duties effectively and efficiently.
- Consistency: Ensuring that inspection activities are carried out consistently and in accordance with established procedures and criteria.
- Confidentiality: Upholding the confidentiality of information obtained during the inspection process, except when required by law or necessary for the execution of the inspection.
- Independence: Requiring that testing stations or experts operate independently and are not influenced by any external pressures or considerations that may affect their judgment.
- Responsibility: Holding testing stations or experts accountable for their actions and decisions, including the accuracy and reliability of their inspection results and reports.

The testing stations or experts shall use measuring equipment which has been calibrated in a laboratory accredited in accordance with standard EN 17025 or be checked frequently against such a measuring equipment.

5. Transitional measures:

- 5.1 Temperature recorders in service that comply with EN 12830:1999 may continue to be used.”
  - 5.2 Temperature recorders type approved before [month-year] by a body not accredited may continue to be used.”
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