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INLAND TRANSPORT COMMITTEE

Working Party on the Transport of Perishable Foodstuffs

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Item 5 (c) of the provisional agenda

PROPOSALS OF AMENDMENTS TO THE ATP

New proposals

Annex 1, Appendix 1

Transmitted by the Government of the Netherlands

SUMMARY

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| Executive summary: | Considerations for an update of Annex 1, Appendix 1. |
| Action to be taken: | Plenary discussion on the extent of the update. |
| Related documents: | None. |

Introduction

1. The role and responsibilities of competent authorities, testing stations, manufacturers and society in relation to each other have changed during the last decades. One of the most important changes is the awareness of society/governmental bodies regarding liability issues. The introduction of quality assurance systems and technological developments has an influence on those relations.
2. The original ATP was drawn up in the early 1960s and has only been adjusted in detail since. A review and update of the basic values, the relations between the parties involved and the ways of testing and proving conformity may be necessary.

Discussion

3. In traditional type approval systems, a type approval is issued by a competent authority. When issuing a type approval, the competent authority takes on responsibility for the supervision of the production process of the manufacturer.
4. Although in paragraph 2 (b) of Annex 1, Appendix 1 of ATP, the obligation for control of the manufacturer by the competent authority is clear and in line with other systems, the issuing of the type approval (paragraph 2 (a) second sentence) and resulting commitment to perform supervision is not.
5. It is suggested to introduce the issuance of type approvals by a competent authority in the ATP.
6. A competent authority can be a governmental body, agency or other public organization free from market influences. Only one competent authority per Contracting Party can be appointed for a certain task.
7. It is suggested to introduce text to clarify the duties of competent authorities.
8. Supervision of manufacturers is based on quality control and periodical visits or audits. Manufacturers have the obligation to prove that production is still in compliance with the type approval based on construction data and records of quality checks. The manufacturer has to re-test samples from the production line to prove conformity.
9. It is suggested to introduce requirements for controlling conformity of production by manufacturers.
10. Type approvals are issued based on test reports of testing stations, which are approved or designated by the competent authority. This “notification” by the competent authority can be based on supervision organized by the competent authority or by accreditation to a proper standard. For both, the same fundamental requirements such as independence, insurance, competent staff and confidentiality apply.
11. It is suggested to introduce specific requirements for testing stations.

12. Type approvals are based on equipment available at the time while they should be based on worst-case situations.
13. If the manufacturer and competent authority control production in a proper way, a type approval could be unlimited and last for the actual life of a design. This would result in greater awareness that if production details change, new tests or parts of tests and new type approvals are necessary.
14. It is suggested to: change the system of type approval, improve information about the specification of the type, and make guidelines for worst-case determination.
15. The prolongation of ATP Certificates is commonly based on a visual inspection of the body and a functional test of the cooling/heating appliance.
16. A check of the K-value of the body is so expensive that only in limited cases is this done in practice. Nowadays, environmental issues are becoming increasingly important and could result in new items for the tests for prolongation of the ATP Certificate.
17. It is suggested to: discuss the methods of testing for prolongation of the ATP Certificate, discuss K-values in use, actual K-values of equipment in use and the effect on functionality.

Justification

18. After the Second World War, governmental organizations provided for safety and quality of products by checks and control and took a part of the responsibility for the product. For reasons of awareness of responsibilities, introduction of quality assurance systems and more complex designs or systems, this has changed by increased manufacturer liability over the last decades.
19. Within the European Community, new legislation was introduced after some unfortunate incidents concerning food safety. This set of EC regulations and directives account for the whole food chain, from animal feed to the final purchase of the product by the customer. It is noteworthy that EC legislation does not cover transport equipment for temperature-controlled transport. Only checks before unloading and in the case of deep-frozen foodstuffs temperature records during transport are prescribed.
20. In principle, ATP equipment requirements could be ignored within the EC. EC members cannot prohibit transport if EC legislation is met of which equipment requirements are not part. However, from a liability point of view most shippers demand transport equipment complying with the ATP and additional temperature recording.
21. The situation concerning transport within the EC is under the direct influence of market regulation. Apparently there are no real problems because of a lack of incidents. The European Commission does not seem very interested in drafting requirements for transport equipment. There is, however, an important role for ATP to facilitate transport outside EC territory. The ATP also gives important guidance to manufacturers on how to construct transport equipment.

Safety: no problems expected.

Feasibility: no problems expected at this stage.

Enforceability: no problems expected at this stage.
