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Item 5 (a) of the provisional agenda
Proposals of amendments to the ATP: Pending proposals

Proposal to amend Annex 1, Appendix 1[1]

Transmitted by the Government of the Netherlands

1. In 2007, the Netherlands transmitted document ECE/TRANS/WP.11/2007/9, challenging the text of Annex 1, Appendix 1 of ATP. The purpose of the document was to explore if support could be raised for work on amendments to this Appendix. The Working Party considered the document as a sound basis for further proposals (see ECE/TRANS/WP.11/216, para. 32). Because of the work on the revision of the whole of Annex 1, which was initiated in 1999, it was decided to wait until these developments had been concluded.

2. Annex 1, Appendix 1 gives a procedure for the approval and certification of equipment for the carriage of perishable foodstuffs. Some examples of problem areas in the current text of Annex 1 Appendix 1 are:

(a) Paragraph 1, last sentence:"... unless, in the case of the check referred to in (a) above, a check has already been made on the equipment itself or on its prototype in a testing station designated or approved by the competent authority of the country in which the equipment was manufactured."

Comment 1: The manufacturer can only obtain approval by the competent authority in the country in which the production facility is located. This is not always the case within the European Union.

Comment 2: Only equipment made in countries of Contracting Parties can be approved. With production in low cost countries a reality, additional measures for control are necessary.

[1] Submitted in accordance with the programme of work of the Inland Transport Committee for 2010–2014 (ECE/TRANS/208, para. 106; ECE/TRANS/2010/8, programme activity 02.11).

Comment 3: This text is in the wrong place as it is a provision for type approval. The correct place would be paragraph 2.

(b) Paragraph 2 (a), second sentence: ".., the test report shall be regarded as a Type Approval Certificate."

Comment 1: The issuance of a type approval is in general the responsibility of the competent authority of a country and not the test station. Because the competent authority is obliged to check for conformity of production, the issuance of the type approval needs to be performed by the competent authority.

Comment 2: A test report of a test which does not fulfil the requirements of ATP can also be regarded as a Type Approval Certificate.

(c) Paragraph 4 (b), "in all cases, the ATP certificate issued by the competent authority of the country of manufacture or, for equipment in service…"

Comment 1: For newly produced equipment the competent authority of the country of manufacture shall issue an ATP certificate. As with the example of paragraph 1, this is not in line with the procedures in the European Union.

Comment 2: ATP allows for the use of a certification plate as equivalent to an ATP certificate. This is not reflected in this provision.

3. What we would like to achieve is a new system for the text of Annex 1, Appendix 1 which is up to date and clear in responsibilities. The result should be appropriate obligations for manufacturers and testing stations and adequate supervision by the competent authority issuing a type approval.

4. Improved provisions for production control and checks for conformity of production may also offer possibilities for the approval of two-stage assemblies, kit-bodies and insulation kits.

5. A draft for an up-dated Annex 1, Appendix 1 will be forwarded as an informal document. The general outline of the changes appears in paragraphs 6-15 below.

6. The issuance of a type approval must be a deliberate act by the competent authority and not a consequence of a test report issued by a testing station. With the issue of the type approval the competent authority takes responsibility for the supervision of the manufacturer and action if it is found not to be in conformity. This conformity check must also be guaranteed if the manufacturer is geographically far away. The extent of the conformity checks will be described in the new text to guarantee sufficient control and a certain degree of uniformity.

7. Manufacturers must control their own production and keep control records. Manufacturers must organize validation of production models to prove the continued conformity of their products. The manufacturer must have a quality assurance system based on the ISO 9000 standard. Certification of the quality assurance system according to ISO 9000 will be optional. The measure of control by the competent authority may be adjusted appropriately if the quality assurance system of the manufacturer is certified by an accredited body.

8. Testing stations must be supervised by the competent authority which transmitted the information regarding the testing station to the UNECE in Geneva. Testing stations must comply with the basic rules of the ISO 170xx series standards such as competence, jurisdictional entity, independence, insurance and quality assurance system.

9. To make sure that sufficient testing stations are available accreditation will not be mandatory. Because of the limited testing to be done annually the financial burdens

of accreditation would be too severe for the stations performing limited annual testing.

10. The measure of control by the competent authority may be adjusted appropriately if the testing station is accredited by the board of accreditation.

11. Type approvals are based on test reports of notified testing stations. Type approvals issued by one competent authority shall be accepted by other Contracting Parties. The information to be provided by the manufacturer for the test report and type approval shall be very detailed. Supervision of the manufacturer is based on this information. Information for ATP certification of a particular unit of equipment by a Contracting Party should contain the basic information needed for registration or recording.

12. Basically there is the option to amend the existing paragraphs and add some new ones or the option to re-organize the whole text in a logical order. The Netherlands believes that the last option is best.

13. Annex 1, Appendix 1 will contain all decisions on approval and re-approval of equipment. The decision now in Annex 1, Appendix 2, paragraph 29 (c) on extending the validity of existing certificates should be relocated to Annex 1, Appendix 1.

14. Annex 1 could be considered as a better place for approval provisions than Annex 1, Appendix 1. The type definitions in article 2 (c) of Annex 1, Appendix 1 should however remain in Appendix 1.

15. It is suggested to divide the rather large paragraphs of Annex 1, Appendix 1 into numbered subsections to make it more readable and easier to make future amendments.