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**Economic Commission for Europe****Inland Transport Committee****Working Party on the Transport of Perishable Foodstuffs****11 October 2011****Sixty-seventh session**

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Item 5 (a) of the provisional agenda

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

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**Draft for the revision of Annex 1****Related document TRANS/WP.11/2010/7****Transmitted by the Government of the Netherlands****Introduction**

In document TRANS/WP.11/2010/7 the Netherlands challenged the text of Annex 1, Appendix 1 of the ATP agreement. Because of the complexity of the matter it proved not possible to forward a first draft for discussion during the 2010 session. Since the last meeting the existing text has been studied further to determine the best option for development. Modifications to existing text would result in extensive amendments while the sequence and place in the Annex would remain unsatisfactory. A “blank sheet of paper” approach seemed to be best way forward.

A first draft was distributed to the representatives of France and CLCCR as decided on during the 2010 session. A reaction to this document was that the general line of the draft could be supported.

Before advancing further into the detailing of the draft, the WP.11 is asked to agree with the general line.

The main developments are;

- 1) A new lay-out for Annex 1 and Appendix 1 and Appendix 2 with specific contents;

Annex 1 will be divided into two parts, one for general items and another part for the requirements on transport equipment itself.

Annex 1 will contain the general requirements for transport units; scope and limitations, definitions and standards, transitional measures, approval, ATP certificate, and the role of competent authorities, testing stations and manufacturers.

Annex 1 Appendix 1 will contain detailed test requirements, when and how tests have to be performed and which of the various procedures and documents are to be used.

Annex 1 Appendix 2 will still contain the detailed procedures for the different tests and test reports mentioned in Annex 1 Appendix 1. The decisions on periodic retesting now in Annex 1 Appendix 2 will be transposed to Annex 1 Appendix 1.

A system of sections and subsections is chosen to improve inclusion of future amendments.

2) The issue of a type approval is a deliberate action by a competent authority with a clear obligation that control over the manufacturer is a consequence of the issue of the type approval. For motor vehicle approval this competent authority is normally a governmental organization or an agency, one for each contracting party. It could be discussed whether this should apply for ATP as well or whether it should be left to the discretion of the administration of the contracting party.

3) *Type approvals should remain mutually acceptable by contracting parties*, which is now already the case for type tests / type approvals. A uniform way of numbering type approvals is advisable to improve communication if additional data is required.

4) *The basic obligations for manufacturers and testing stations* are laid down in the draft text. Further detailing is proposed to take place in a document or format usable for auditing.

5) *New set of documents*

The new procedure for the application for a type approval will require new documents for communication and information between the parties. A table with documents and purpose is given in the attached draft. When these documents are available for the users it can be questioned if the information on the current ATP certificate can be reduced.

## Annex 1

### Part 1

#### GENERAL PROVISIONS

##### 1.1. **Scope and applicability**

Annex 1 specifies the requirements for equipment to be used for the carriage of perishable foodstuffs specified in Annex 2 and Annex 3 to the agreement.

##### 1.2 **Exemptions**

1.2.1 Annex 1 shall not apply to equipment used when the temperatures to be anticipated throughout carriage render this equipment manifestly unnecessary for the purpose of maintaining the temperature conditions specified in Annex 2 and 3.

##### 1.3 **Definitions and standards**

###### 1.3.1 Definitions

*ATP certificate* means a certificate of compliance with the requirements issued by or on behalf of the competent authority of the country in which the equipment is to be registered or recorded on a form conforming to the model reproduced in appendix 3 to this annex;

*Certificate of conformity* means the document issued by the manufacturer of a product which certifies that the product at the time of production is in accordance with the type which received the type approval;

*Competent authority* means the authority of a Contracting Party with competence for all aspects of the approval of a type of product, for issuing and, if appropriate, withdrawing approval certificates; for acting as a contact point for the authorities of other Contracting Parties; for designating the technical services and for ensuring that the manufacturer meets his obligations regarding the conformity of production. The competent authority may delegate tasks to designated authorities;

*Equipment* means special (transport) equipment to be used for carriage of perishable foodstuffs. Equipment consists of insulated equipment and if appropriate a thermal appliance or appliances and measuring equipment;

*Manufacturer* means the person or body who is responsible to the approval authority for all aspects of the type approval and for ensuring conformity of production;

*Testing station* means an organisation or body designated by the competent authority of a Contracting Party as a testing laboratory to carry out tests, or as a conformity assessment body to carry out the initial assessment and other tests and inspections, on behalf of the competent authority;

*Type approval* means the procedure whereby a Contracting Party certifies that a type of product satisfies the relevant administrative provisions and technical requirements;

###### 1.3.2 Standards

1.3.2.1 **Insulated equipment** (text of current Annex 1 paragraph 1)

1.3.2.2 **Refrigerated equipment** (text of current Annex 1 paragraph 2)

1.3.2.3 **Mechanically refrigerated equipment** (text of current Annex 1 paragraph 3)

1.3.2.4 **Heated equipment** (text of current Annex 1 paragraph 4)

###### 1.4 **Transitional measures**

1.4.1 Type approvals issued before the revised requirements of Annex 1 came into force remain valid for production until the normal expiry date, unless changes to the product or other special restrictions renders them invalid.

## Part 2

### REQUIREMENTS FOR THE CONSTRUCTION, TESTING AND APPROVAL, CERTIFICATION AND MARKING OF EQUIPMENT

#### 2.1 Type approval

2.1.1 All equipment shall be in compliance with the type approved product.

2.1.2 Equipment can be considered of a defined type if it satisfies the conditions described in Appendix 1 to this Annex.

2.1.3 In the case an insulated body is provided with a thermal appliance the insulated body and thermal appliance shall be approved together. In case of mechanically refrigerated equipment the insulating body and thermal appliance may be approved separately.

2.1.4 The competent authority of a contracting party may issue a type approval certificate.

2.1.5 The type approval shall be based on a test report stating that the unit tested meets the required class specification and fulfils the requirements of this annex. The test report shall be issued by a testing station approved by the competent authority issuing the type approval certificate.

2.1.6 The competent authority that issues a type approval certificate shall take steps to verify that production is in conformity with the approved type.

The type approval shall be numbered in accordance with appendix 1 of this annex.

2.1.7 The validity of the type approval for the production of new equipment shall expire:

- at the end of a period of six years beginning at the issue date of the test report.
- new requirements applicable to the equipment become mandatory and it is not possible to update the type approval accordingly.
- production of the approved equipment is discontinued voluntarily.
- the specification of the type is altered in such a way that the insulation or performance of the equipment is affected.
- by virtue of special restriction.

If in the course of the six years period, the production of insulated equipments exceeds 100 units, the competent authority shall determine the number of units to be tested to prove conformity of production.

#### 2.2 Test report

2.2.1 A testing station or an appointed expert shall issue a test report after checks or tests on equipment or their thermal appliances.

2.2.2 The test report shall have the lay-out of the appropriate model reproduced in Appendix 2 to this Annex.

#### 2.3 Checks, inspections and tests

2.3.1 Equipment shall be checked for conformity with the standards prescribed in this annex before it enters into service, by the competent authority of the country in which the equipment is to be registered or recorded.

2.3.2 In case of severe doubt the competent authority may request additional inspections or tests.

2.3.3 Equipment shall be inspected or tested at regular intervals at least after six years after the date of construction. For the conditions see appendix 1 to this annex.

2.3.4 Equipment shall be checked, inspected or tested after changes or significant repair which may affect the performance of the insulated body or thermal appliance. Decision for checks, inspection or tests is to be taken on a case by case basis by the competent authority which issued the ATP certificate.

#### 2.4 ATP certificate of compliance

2.4.1 Before the issue of the certificate a check may be performed on the equipment based on a copy of the type approval certificate and the certificate of conformity issued by the manufacturer for an initial certificate. An appropriate periodic inspection or test report shall be required for renewal of the certificate.

2.4.2 If the check is satisfactory a certificate shall be issued by the competent authority of the country in which the equipment is to be registered or recorded on a form conforming to the model reproduced in Annex 3 to this annex.

2.4.3 The validity of the initial certificate shall be not longer than 6 years after the first date of production. After the validity of the initial certificate the period of validity shall be based on the test performed, with a maximum of 3 years for inspections by appointed experts or 6 years after a test in a testing station, appointed or approved by the competent authority of the country in which the equipment is registered or recorded.

2.4.4 In the case of loss of the certificate a duplicate may be applied for with the competent authority of the country in which the equipment is registered or recorded.

2.4.5 Transfer of equipment.

Equipment in use to be registered or recorded in the country of another Contracting Party to ATP shall be accompanied by the following documentation so that the competent authority of the country in which the equipment is to be registered or recorded can issue an ATP certificate.

- The ATP certificate issued by the competent authority and a copy of the type approval certificate or,
- A certificate of conformity by the original manufacturer of the insulated equipment and the thermal appliance if applicable, a copy of the type approval certificate(s) and if applicable the test report of the most recent periodic test.

#### 2.5 Markings

2.5.1 Distinguishing marks and particulars.

2.5.1.1 Distinguishing marks and particulars shall be affixed to the equipment in conformity with the provisions of appendix 4 to this annex.

2.5.1.2 The distinguishing marks and particulars shall be removed as soon as the equipment ceases to conform to the requirements laid down in this annex.

2.5.2 Manufacturers plate

2.5.2.1 Insulated bodies of “insulated”, “refrigerated”, “mechanically refrigerated” or “heated” transport equipment and their thermal appliances shall each bear a durable manufacturer’s plate.

2.5.2.2 The manufacture’s plate shall be affixed by the manufacturer in a conspicuous and readily accessible position on a part not subject to replacement in use. It shall be able to be checked easily and without the use of tools.

2.5.2.3 For insulated bodies, the manufacturer’s plate shall be on the outside of the body.

2.5.2.4 The manufacturer's plate shall show clearly and indelibly at least the following particulars:

- Country of manufacture or letters used in international traffic and type approval number;
- Name of manufacturer;
- Model;
- Serial number;
- Month and year of manufacture.

## 2.6 Conformity of production

2.6.1 The manufacturer shall take steps to verify that each product produced is in conformity with the approved type.

2.6.2 In the case equipment is not serially produced the requirements for conformity of production shall not apply. Not serially produced means only one unit is built and tested and (type) approved or a limited batch of identical units is produced in a previously defined number and time span stated in the test report.

## 2.7 Manufacturers obligations

2.7.1 A manufacturer shall apply for type approval for a type with only one competent authority.

2.7.2 By applying for type approval the manufacturer accepts supervision by the competent authority. Personnel authorized by the competent authority shall be given access to records and production facilities to verify conformity of production.

2.7.3 The manufacturer shall maintain records of production control and COP checks for a period of 15 years after production or in case of type approval 15 years after the last unit is produced.

2.7.4 The following provisions shall not apply if a type approval is only for one unit or a limited series of equipment.

2.7.5 Production of a type shall stop at the moment the type approval becomes invalid.

2.7.6 The manufacturer shall take measures to ascertain that the production of the type shall be in conformity with the type and regulations. Periodically a serially produced unit shall be checked if still in compliance. A functional test of the K-value for insulated bodies, capacity for thermal appliances or an equivalent test may be part of this.

2.7.7 The manufacturer shall operate a quality assurance system.

The manufacturer shall have at least written procedures for purchase and storage of materials and equipment, production and checks, production records, periodic conformity of production checks and calibration of measuring equipment.

In the case the quality assurance system is certified according to ISO 9000 by an accredited body the degree of supervision may be adjusted.

2.7.8 The manufacturer shall notify the competent authority if parts of the production are outsourced to another company. Measures shall be taken to control outsourcing so that the performance of the equipment is guaranteed.

2.7.9 The manufacturer shall employ persons with suitable skills for the task. The person shall have training and shall be evaluated regularly.

2.7.10 The manufacturer shall notify the competent authority if the type changes or if changes in the production method which have effect on the properties of the equipment occur.

The manufacturer shall notify the competent authority if the production of the type will exceed 100 units.

## 2.8 Obligations of testing stations

2.8.1 Testing stations shall be recognized by a competent authority and notified at the UN ECE in Geneva.

2.8.2 A testing station shall:

Be independent of market parties

Have a legal entity

Have liability insurance

Be confidential

Be competent for the test

Have a documented quality system

Keep records of tests performed for at least 20 years

Participate in national or international working groups in the field of refrigeration to maintain the level of knowledge

2.8.3 If the testing station is accredited based on ISO 17025 by a national accreditation body and ATP testing is in the scope of the accreditation the above shall be deemed to be fulfilled.

2.8.4 If the testing station is not accredited as described above the testing station shall operate a quality system based on ISO 9000 and shall be certified. Additional checks shall be performed by or on behalf of the competent authority that notified the testing station at the UN ECE.

## 2.9 Obligations of appointed experts

2.9.1 The competent authority may appoint experts for periodic inspections and efficiency tests.

2.9.2 An appointed expert shall:

Be independent of market parties

Have a legal entity

Have liability insurance

Be Confidential

Be competent for the inspection

*Annex 1 Appendix 1:* Requirements concerning testing

Contents:

Description of type (see Annex 1 Appendix 1 6 (c)).

Description of construction of type approval number (optional, may be included in the model type approval certificate).

Description of checks and test for initial, periodical or exceptional checks (repairs, alterations or accident).

Decisions of periodic checks and lowering in class of heavily insulated equipment.

Separate testing thermal appliances and safety factors to be used.

Use of documents and instructions on use of documents.

*Annex 1 Appendix 2:* Test procedures

Decisions for in-use testing will be transposed to Annex 1, rest remains unchanged.

*Annex 1 Appendix 3* (remains unchanged)

*Annex 1 Appendix 4* (remains unchanged)



### Documents for the initial approval of ATP equipments

Name of document	purpose	Issue based on	Issued by	Available to
Application for type approval test*	Technical details and declaration of conformity prototype by the manufacturer	- design of prototype unit	Manufacturer	-Testing station -Type approval authority
Test report*	Information about the test for type approval	-Test in Ann.1, App 2	Testing station	-Manufacturer -Type approval authority
Application for type approval	Formal application for type approval and acceptance of COP checks	-	Manufacturer	-Type approval authority
Type approval certificate **	Information that type approval is issued for a type	- Application for type approval - Test report - acceptance of testing station by approval authority	Type approval authority	- Manufacturer - ATP certificate authority
Certificate of conformity ***	Information of individual unit produced	-type approval certificate -specifications of individual unit	Manufacturer	-ATP certificate authority [- user]
ATP certificate	Information about approval of individual unit	-type approval certificate -certificate of conformity	ATP certificate authority	-user
Checklist COP	Items for production control of manufacturer		Type approval authority	Manufacturer

#### Remarks

\* It is recommended to combine these documents so that no repetition of data is required for the test report.

\*\* a decision should be taken if the type approval number will have a determined form and contents.

\*\*\* In case the refrigeration appliance is approved separately, a certificate of conformity is needed for both approvals.