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

Geneva, 7–9 April 2020

Item 6 (a) of the provisional agenda

Proposals of amendments to ATP:**Pending proposals****Addition to ATP of provisions requiring the competent authorities of the contracting parties to post on their websites lists of all ATP certificates issued****Submitted by the Russian Federation***Summary*

Executive summary:	There are no provisions in ATP concerning the publication on the official websites of the competent authorities of contracting parties of lists of ATP certificates issued by those authorities. However, it is clear that the publication of lists of all ATP certificates issued by the competent authorities on their official websites would greatly facilitate the authentication of ATP certificates.
Decision to be taken:	Include in ATP an additional subparagraph 2 to annex 1, appendix 1, paragraph 3 with information on the inclusion by the competent authorities of contracting parties on their official websites of lists of the ATP certificates issued by those authorities.
Related documents:	None

Introduction

1. At its seventy-first session, WP.11 noted the proposals contained in document ECE/TRANS/WP.11/2015/4, submitted by the secretariat to establish a database of model certificates on the secretariat's website and recommendations that the competent authorities publish lists of all ATP certificates issued on their websites so as to make it easier for the inspection authorities to verify the authenticity of certificates. In the view of the Russian Federation, it should be the responsibility of all competent authorities to post such lists on their websites.



2. If all ATP testing stations issuing ATP certificates or competent authorities were to publish on their websites a list of ATP certificates issued, it would be easy to conduct checks using information from other competent authorities whenever there were doubts about the authenticity of any ATP certificate.
3. The ECE secretariat could also provide on its website a link to the lists of certificates published by testing stations issuing ATP certificates or by the competent authorities.
4. In light of the above, the Russian Federation prepared official document ECE/TRANS/WP.11/2016/10 on this issue for discussion at the seventy-second session of WP.11.

A number of delegations expressed support for the proposal and were of the view that a database for the exchange of information on the certificates would strengthen the capacity of police and other law enforcement bodies to check compliance. Italy and Morocco said that they were ready to share the link to their national databases if the Working Party requested them to do so. Concerns were raised regarding security (possible increase in the number of fake certificates because of the availability of information) and the time and cost to implement the national databases.

Several delegations were of the opinion that the validity of certificates can only be assessed by contacting the competent authority issuing the certificate and therefore the database was not necessary. The Working Party decided that it needed more time to assess the conditions of implementation and the usefulness of the database.

The proposal was rejected with 8 in favour (Belgium, Croatia, France, Italy, Morocco, Poland, Russian Federation and Serbia) and 4 against (Germany, Netherlands, United Kingdom and United States of America).

5. The Russian Federation considers that the validity of the certificates cannot be verified only by contacting the competent authorities, since this procedure can take a significant amount of time, which is unacceptable in view of the fact that the transport of perishable foodstuffs is involved, whereas, if lists of ATP certificates issued by the competent authorities were available on their official websites, it would be possible to establish rather quickly online that an ATP certificate for a particular vehicle has been issued.
6. In the view of the Russian Federation, the concerns about safety (over the possible increase in the number of forged certificates because of the availability of information) and the time and costs associated with the establishment of national databases are unwarranted, as the details of the ATP certificate that are shown in the lists of certificates issued, such as the number of the certificate, the vehicle identification number for which the ATP certificate was issued and the name of the owner of the vehicle, exclude the possibility of using any data from a specific ATP certificate for another vehicle. The time and cost of establishing national databases should be kept to a minimum, as they can be based on standard spreadsheets, with only the basic vehicle identification data and ATP certificate details, which are nearly always indicated in the internal records of ATP certificates issued that are kept by the competent authorities. However, the Russian Federation has taken into account the above-mentioned considerations and adjusted its earlier proposal.
7. Within the framework of the round table discussion on ways of improving the functioning of the Working Party at the seventy-fourth session of WP.11, it was decided to improve the coherence of the implementation of the Agreement by creating a single database containing ATP model certificates to help reduce forgery and misuse of documents and to simplify the procedure for issuing new ATP certificates in the case of transfer of special equipment to another State (report of the session, ECE/TRANS/WP.11/239, para. 22).
8. At a meeting held during the seventy-fifth session of WP.11, the proposal of the Russian Federation was discussed as an information document, as the translations had not been published in time. During the discussion of the proposal, several comments were made, and they have been taken into consideration: the proposal of the delegation of Spain to delete the public availability requirements was considered as an informal document, and representatives of the contracting parties made other comments, which have informed the proposal submitted for discussion at the seventy-sixth session of WP.11. The proposal of the delegation of Spain to delete the requirement that a description should be provided of the main ways of providing levels of protection of ATP certificates, which was aimed at preventing the use of such a description to create falsified ATP certificates, has also been

taken into consideration. In addition, the comment by the WP.11 secretariat that the WP.11 budget did not provide for the work required to maintain the relevant section on the website of the ECE Inland Transport Committee has also been taken into account. However, the Russian Federation maintains that authenticating ATP certificates by sending a request to the relevant competent authority, as proposed by the delegation of Denmark, is inadequate, as the reply could be received after some time, which is unacceptable for perishable foodstuffs.

Proposal

9. In annex 1, appendix 1, of ATP, add a second paragraph to paragraph 3, as follows:

“The competent authorities of Contracting Parties shall publish on their official websites lists of ATP certificates issued by them. The list shall be published in the official language of the Contracting Party and in English or, if the official language of the Contracting Party is English, in addition, in another official language of the United Nations. The list shall contain the following information:

1. Number of the ATP certificate issued
2. Vehicle type (optional)
3. Vehicle identification number
4. ATP mark of the vehicle
5. Number(s) of the vehicle test report(s) (optional)
6. Date of expiry of the ATP certificate
7. Information on the issuance of duplicate ATP certificates
8. Abbreviated name of the organization that received the ATP certificate”

Cost

10. It is possible that the contracting parties will incur additional costs associated with the additional employee hours required to establish the function of maintaining lists of the ATP certificates issued. However, the expected benefits of implementing this procedure greatly outweigh any possible costs.

Enforceability

11. No problems with implementation of the proposal are foreseen.
