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Working Party on the Transport of Perishable Foodstuffs

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Item 5 (b) of the provisional agenda

**Proposals of amendments to ATP:**

**new proposals**

### **Comments and proposal on declaration of conformity (Annex 1, Appendix 2 paragraph 7.3.6) and the dimensioning of Multi-Compartment, Multi-Temperature equipment (MTMC).**

**Transmitted by Transfrigoroute International**

#### *Summary*

**Executive summary:** Comments and proposal on declaration of conformity (Annex 1, Appendix 2 paragraph 7.3.6) and the dimensioning of Multi-Compartment, Multi-Temperature equipment (MTMC).

**Action to be taken:** Annex 1. Model No. 14 Declaration of conformity for Multi Temperature – Multi compartment equipment Supplementary document to the Certificate of Compliance as per Annex 1, appendix 2 paragraph 7.3.6.

**Related documents:** Guidance document MTMC - Version 5.3 ECE/TRANS/WP.11/2021/11 (France) - Treatment of specific application cases for the multi-temperature equipment dimensioning tool

## **Introduction**

1. Under the new provisions of the ATP as of July 6, 2020, all applications for ATP certifications for multi-temperature equipment manufactured after October 1, 2020, must include a declaration of conformity to be attached to the certification.
2. Guidance document MTMC - Version 5.3 has been published to provide explanation intended to help with a harmonized procedure to improve acceptance of equipment in the country of registration.

## **Proposal n°1**

In the Guidance document MTMC — Version 5.3, there is a proposal of lay-out for the declaration of conformity:

Annex 1. Model No. 14 Declaration of conformity for Multi Temperature — Multi compartment equipment Supplementary document to the Certificate of Compliance as per Annex 1, appendix 2 paragraph 7.3.6

In this Model No. 14, we propose to remove the information of Serial Number both for Insulated body and for Host unit.

## Justification n°1

This information is not relevant for the dimensioning of the equipment.

The purpose of the declaration of conformity is to attest if an equipment is suitable for a particular transport operation. Therefore, the dimensioning is based only on technical data (dimensions, technical characteristics).

The risk of keeping the information “Serial Number” as part of the Model No. 14 is to increase administrative work by duplicating Certificate of Conformity for equipment with exact same specifications.

## Proposal n°2

1. Equipment manufacturers use an automated multi-temperature equipment dimensioning tool to demonstrate proper equipment dimensioning

2. Back in 2013, Transfrigoroute International has developed such dimensioning tool with the intention to make it available to everyone who need it.

3. The main objective of this initiative was to have only one tool used to ensure consistency across all users and therefor all contracting parties. Thus, **avoiding distortion of decision from one authority to the other.**

4. During discussion with Informal Working Group and 76th session of WP 11, it has been made clear that:

- Any calculation tool can be used (assuming it's been validated as described in Guidance document MTMC - Version 5.3)
- The tool proposed by TI cannot be used as a reference tool

5. Nevertheless, our questions remain open:

5.1. How to avoid distortion of decision from one authority to the other?

5.2. What happen in case of distortion?

6. Concerning the point 5.1, TI wants to remind here the Article 2 of ATP (extract below)

“Each Contracting Party shall recognize the validity of certificates of compliance issued in conformity with annex 1, appendix 1, paragraph 3 to this Agreement by the competent authority of another Contracting Party.”

One possibility could be to include the provision 7.3.6 and related Declaration of Conformity on the scope of the mandatory mutual recognition described in Article 2.

Another action could be inspired by the French proposal (ECE-TRANS-WP11-2021-11f). Indeed, French representatives of the WP 11 is proposing to share with all contracting parties all specific rules defined by French local authorities concerning their calculation tool.

TI support this initiative and agree this is a good step, but it might not be enough because those rules are proposed only in the handbook and there is no guarantee that other contracting parties will agree and apply same rules.

7. Concerning the point 5.2, TI would like to see a procedure on how to solve a case of distortion of decision from one authority to the other.

Maybe the Informal Working Group with contribution of any interested member could establish an arbitration committee that can take quick action when a distortion of competition arises.

## Justification

Cost: In case of distortion of decision from one authority to the other, one or several equipment could be blocked and not useable by the customer (i.e. transport Cie).

This situation will be at the disfavor of customer and could stay for a long time if no arbitration process is in place.

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