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## Economic Commission for Europe

### Inland Transport Committee

#### Working Party on the Transport of Perishable Foodstuffs

Seventy-first session

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Items 5 (a) and 6 of the provisional agenda

**Proposal of amendments to the ATP: Pending proposals**

**ATP Handbook**

### **Proposals aimed at clarifying provisions in annex 1, appendix 1**

**Transmitted by the Government of Belgium**

#### **Introduction**

1. The proposed amendments to annex 1, appendix 1, paragraphs 1 and 3 are inspired by informal document INF. 14, from France, issued at the sixty-eighth session of WP.11, on the one hand, and working document ECE/TRANS/WP.11/2013/12, from Belgium, discussed at the sixty-ninth session, on the other. As the initial document was not adopted in its entirety, Belgium proposed that it should continue its work on the meaning of the terms “registered or recorded” in order to clarify and expand on this point.

2. Consequently, this proposal aims to clarify the terms “registered or recorded” used in annex 1, appendix 1.

3. Belgium is of the view that the word “recorded”, placed second, after the word “registered”, should be used only if the equipment cannot be registered. The word “or”, therefore, does not signify a choice. It means that if the equipment is such that it cannot be registered (e.g. a container), then it must be recorded in the country where the owner of the equipment is based.

4. Accordingly, this proposal seeks on the one hand to amend the ATP and, on the other, to insert a brief explanation in the ATP Manual in order to prevent any confusion in the interpretation of these terms.

## Proposals

5. Amend annex 1, appendix 1 of the ATP as follows:

• **Annex 1, appendix 1, paragraph 1**

The following amendment is requested:

“1. Checks for conformity with the standards prescribed in this annex shall be made:

- (a) before equipment enters into service;
- (b) periodically, at least once every six years; and
- (c) whenever required by the competent authority.

Except in the cases provided for in appendix 2, sections 5 and 6, to this annex, the checks shall be made at a testing station designated or approved by the competent authority of the country in which the equipment is registered or ~~recorded~~, **by the competent authority of the country in which the owner of the equipment is based if the equipment cannot be registered but is recorded.**

**This check shall be carried out** 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.”

• **Annex 1, appendix 1, paragraph 3**

The following amendment is requested:

“3. A certificate of compliance with the standards shall be issued by the competent authority of the country in which the equipment is to be registered or ~~recorded~~, **by the competent authority of the country in which the owner of the equipment is based if the equipment cannot be registered but is recorded.** This certificate shall conform to the model reproduced in appendix 3 to this annex.

The certificate of compliance shall be carried on the equipment during carriage and be produced whenever so required by the control authorities. However, if a certification plate of compliance, as reproduced in appendix 3 to this annex, is fixed to the equipment, the certification plate of compliance shall be recognized as equivalent to a certificate of compliance. A certification plate of compliance may be fixed to the equipment only when a valid certificate of compliance is available. Certification plates of compliance shall be removed as soon as the equipment ceases to conform to the standards laid down in this annex.

In the case of equipment transferred to another country which is a Contracting Party to ATP, it shall be accompanied by the following documents so that the competent authority of the country in which the equipment is to be registered ~~or recorded~~ can issue a certificate of compliance. **If the equipment cannot be registered, the certificate of compliance shall be issued by the competent authority of the country in which the owner of the equipment is based.**

(a) in all cases, the test report of the equipment itself or, in the case of serially produced equipment, of the reference equipment;

(b) in all cases, the certificate of compliance issued by the competent authority of the country of manufacture or, for equipment in service, the competent authority of the country of registration. This certificate will be treated as a provisional certificate if necessary, with a maximum validity of six months;

(c) in the case of serially produced equipment, the technical specification of the equipment to be certified as issued by the manufacturer of the equipment or his duly accredited representative (this specification shall cover the same items as the descriptive pages concerning the equipment which appear in the test report and shall be drawn up in at least one of the official languages).

In the case of equipment transferred after it has been in use, the equipment may be subject to a visual inspection to confirm its identity before the competent authority of the country in which it is to be registered issues a certificate of compliance. **If the equipment cannot be registered, the visual inspection may be carried out before the competent authority of the country in which the owner of the equipment is based issues a certificate of compliance.**

6. Amendment to the ATP Handbook

Belgium wishes to insert a comment under annex 1, appendix 1, paragraph 1, in order to clarify the scope of the words “of the country in which the equipment is registered or recorded”.

**“Comment**

**This provision therefore means that the check must be carried out at a testing station designated or approved by the competent authority of the country in which the equipment is registered. If the equipment cannot be registered, the check shall be carried out in the country where the equipment is recorded.**

**Accordingly, the word ‘or’ does not signify a choice. It means that if the equipment is such that it cannot be registered (e.g. a container), then it must be recorded in the country where the owner of the equipment is based.**

**This comment applies also to the other provisions containing the words ‘registered or recorded’.**

## **Justification**

7. This proposal aims to avoid all confusion in the interpretation of the words “registered or recorded”.

## **Costs**

8. No additional costs.

## **Feasibility**

9. Immediate.

## **Enforceability**

10. Immediate.