



Economic and Social Council

Distr.: General
28 June 2017

Original: English

Economic Commission for Europe

Inland Transport Committee

Working Party on the Transport of Perishable Foodstuffs

Seventy-third session

Geneva, 10-13 October 2017

Item 4 (d) of the provisional agenda

Status and implementation of the ATP:

exchange of information among Parties under Article 6 of ATP

Responses to the questionnaire on the implementation of the ATP¹

Note by the secretariat

Introduction

1. At WP.11's seventy-second session in 2016, WP.11 thanked the 22 countries that had provided data in response to the questionnaire on the implementation of ATP in 2015 and stressed that it was mandatory to have information from all ATP contracting parties and that it was a means of harmonizing implementation of the agreement.
2. The secretariat requested all countries represented in WP.11 to reply to the questionnaire with their 2016 data. The data received are presented in the tables below.
3. Information on the number of checks made and breaches detected in 2016 has been provided by eleven countries: Belgium, Bosnia and Herzegovina, Czech Republic, Denmark, Finland, France, Ireland, Italy, Serbia, Slovakia and Spain (see table 1 below).

¹ Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be Used for such Carriage.

Table 1
Number of checks made and breaches detected in 2016

| Country | B | BiH | CZ | DK | FIN | FRA | IR | IT | SRB | SLV | SP |
|--|------|-----|-------|------|-------|------|------|---------|------|-------|--------|
| Number of ATP road checks | 38 | 135 | 395 | N.S | 338 | 1417 | 274 | 44595 | 269* | 0 | 1354 |
| Number of ATP rail checks | 0 | 0 | 0 | N.S | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Breaches documents domestic/foreign | 5/33 | 2/0 | 6/8 | 11/0 | 13/6 | 0/0 | N.S | 244/64 | 5/0 | 15/0 | 1147/0 |
| Breaches thermal appliances domestic/foreign | 0/0 | 1/0 | 3/5 | N.S | 0/1 | 0/0 | 2/0 | 67/10 | 0/0 | 5/0 | 0/0 |
| Breaches body domestic/foreign | 0/0 | 1/0 | 15/21 | 11/0 | 2/0 | 0/0 | 0/0 | 576/38 | 0/0 | 4/0 | 0/0 |
| Other breaches domestic/foreign | 0/0 | 2/0 | 0/0 | N.S | 0/7 | 0/0 | 0/0 | 27/2 | 0/0 | 0/0 | 45/0 |
| Total breaches domestic/foreign | 5/33 | 6/0 | 24/34 | 22/0 | 15/14 | 0/0 | 21/0 | 914/114 | 5/0 | 24/0 | 1192/0 |
| % of defective equipment | N.S | 3.7 | N.S | N.S | N.S | 7 | 7.7 | N.S | 1 | 18.75 | 3.78 |

Notes:

* Done by test station, there are no road checks in Serbia

NS Not specified.

4. Additional information on the number of certificates issued in 2016 has been provided by 21 countries: Austria, Belgium, Bosnia and Herzegovina, Croatia, Czech Republic, Denmark, Finland, France, Greece, Ireland, Italy, Netherlands, Norway, Poland, Portugal, Serbia, Slovakia, Slovenia, Spain, Sweden and United Kingdom (see table 2 below).

Table 2
Additional information on compliance with ATP: number of certificates issued in 2016

| Country | AUS | B | BiH | CRO | CZ | DK | FIN | FRA | GR | IR | IT |
|------------------------------------|-----------|------------|------------|------------|------------|-------------|-------------|--------------|------------|------------|--------------|
| 1 st cert new equipment | 41 | 295 | 67 | 88 | 415 | 740 | 619 | 15799 | 85 | 525 | 1350 |
| 2 nd cert inspection | 2 | 120 | 41 | 126 | 0 | 92 | 239 | 7730 | 60 | 339 | 4780 |
| 2 nd cert K value | 0 | | | 0 | 88 | | 1 | 0 | 41 | 0 | 1160 |
| 3 rd cert inspection | 0 | 127 | 27 | 66 | 0 | 25 | 163 | 4989 | 46 | 0 | 4508 |
| 3 rd cert K value | 0 | | | 0 | 26 | | 0 | 0 | 40 | 0 | 1700 |
| 4 th cert inspection | 0 | 93 | | 7 | 0 | 2 | 52 | 0 | 1 | 0 | |
| 4 th cert K value | 0 | | | 0 | 6 | | 2 | 75 | 27 | 0 | 2201 |
| Total | 43 | 635 | 135 | 287 | 535 | 1192 | 1076 | 28593 | 300 | 864 | 15699 |

| | | | | | | | | | |
|------------|---|---|---|---|----|----|---|-----|----|
| Duplicates | 1 | 2 | 2 | 0 | 17 | 74 | 0 | 343 | 79 |
|------------|---|---|---|---|----|----|---|-----|----|

Table 2 (cont'd)

| <i>Country</i> | <i>NTH</i> | <i>NW</i> | <i>POL</i> | <i>POR</i> | <i>SRB</i> | <i>SK</i> | <i>SLV</i> | <i>SP</i> | <i>SW</i> | <i>UK</i> |
|------------------------------------|-------------|-----------|-------------|-------------|------------|------------|------------|--------------|------------|-----------------|
| 1 st cert new equipment | 506 | 50 | 2725 | 840 | 144 | 570 | 5 | 10617 | 476 | 1,547.00 |
| 2 nd cert inspection | 524 | 3 | 1732 | 420 | 130 | 120 | 25 | 7763 | 123 | 120 |
| 2 nd cert K value | 0 | 0 | | 5 | 0 | 0 | | 10 | | 0 |
| 3 rd cert inspection | 42 | 4 | 1807 | 0 | 92 | 8 | 39 | 7937 | 0 | 32 |
| 3 rd cert K value | 0 | 0 | 3 | 426 | 0 | 0 | | 24 | | 0 |
| 4 th cert inspection | 40 | 0 | 1305 | 0 | 47 | 0 | 41 | 15249 | 0 | 8 |
| 4 th cert K value | 0 | 0 | 2 | 0 | 0 | 0 | | 155 | | 0 |
| Total | 1112 | 57 | 7574 | 1783 | 413 | 698 | 143 | 41755 | 599 | 1,816.00 |
| Duplicates | 10 | 7 | 28 | 16 | 4 | 0 | 33 | 733 | 17 | 51 |

5. The Republic of Moldova sent the following communication to the secretariat:

“Concerning the annual questionnaire for collection of data on the implementation of ATP in 2016, we would like to inform you that at the national level have been taking concrete measures for development of policy in the field of standardization, accreditation and conformity in the transportation of perishable goods. In this context, according to the Action Plan on the WTO Trade Facilitation Agreement for Republic of Moldova there was presented several issues with terms set for implementation: purchase of the laboratory to check the technical parameters of vehicles designed for perishable goods, developing of training programs for staff involved in the transport of perishable goods (experts, managers, drivers), creation of an Informational System on the registration of approved vehicles for the transport of perishable products. Therefore, at the moment, it is not possible to provide you the data on the mentioned questionnaire as the provisions concerning transportation of perishable goods are in a project stage for implementation.”

6. The secretariat also requested countries to provide answers to the following question: What procedures, penalties etc. are applied in such circumstances when the requirements of ATP are not met? Answers can be found in the annex to this document.

Annex

| | |
|--------------------------|--|
| Denmark | Control officers apply a range of measures incl. demand for change of vehicle if need be and penalties range from fine to up to two years of incarceration. Penalties apply to legal entities, too. |
| Spain | Dans le cas de non-respect de l'ATP, le Certificat ATP sera retiré ou ne sera pas renouvelé. Il est nécessaire corriger le défaut et réexaminer le véhicule. Dans le cas que les données aient été modifiées sans autorisation ou falsifiées, il y a une procédure d'infraction au fabricant ou responsable des dispositions de violation des règlements applicables à ces véhicules. Cette méthode prévoit des sanctions économiques en fonction de la gravité de l'infraction et la possibilité de suspendre l'activité pendant un certain temps. |
| Portugal | Non ATP certificate or ATP certificate out of date, fee of 600 euros. On ATP forgeries, the vehicle is arrested and owner process goes to tribunal to be judge as crime. |
| France | Les infractions sont recensées dans le document suivant : http://www.autoritecompetenteatp.cemafroid.fr/doc_telechargement/plaquette-a3-infractions-atp-en.pdf |
| Bosnia | In that case we cannot give an ATP certificate. |
| Ireland | Loading suspended; valid certificates requested; request for updated plates; non-compliance notices issued by inspectors. |
| Serbia | Since there are no road checks in Serbia, the only penalty when test station determines that the equipment doesn't conform to the requirements of ATP is that the certificate of compliance will not be issued for that vehicle. |
| Slovakia | In our country there is no such procedure for imposing a fine for breaking requirements of ATP, but it would be perfect to carry out road checks to check validity of ATP certificate, distinguishing marks and certification plate. It is necessary to implement ATP agreement in our national road law and create rate of fines. |
| United Kingdom | None |
| United States of America | Notify the competent authorities where the breach was discovered and where the clarification of validity of the ATP equipment was questioned. Notify the test stations involved in the certification and the manufacturers of the ATP equipment in question. Notify the U.S. Department of Agriculture, Agricultural and Marketing Service, Compliance and Analysis Program. |
| Norway | The certificate is entered if the ATP requirements are not met. |
| Austria | No information from government. |
| Slovenia | In Slovenia we are still working on this part of legislation. |
| Croatia | None, at present, there is no road traffic control. |
| Belgium | En ce qui concerne les pénalités appliquées, il y a lieu de se référer à l'annexe 2 de l'arrêté royal du 18 septembre 2016 relatif au transport international routier de denrées périssables et à l'utilisation de moyens spéciaux pour ce transport et modifiant l'arrêté royal du 19 juillet 2000 relatif à la perception et à la consignation d'une somme lors de la constatation de certaines infractions en matière de transport par route. Cette annexe 2 énonce en effet la liste des pénalités liées aux infractions basées sur les prescriptions imposées par l'Accord ATP. L'arrêté royal du 18 septembre 2016 a été publié au Moniteur Belge en date du 20 octobre 2016. Les statistiques, énoncées dans le formulaire, ne mentionnent pas un nombre élevé de contrôle étant donné que l'arrêté royal est entré en vigueur durant la fin de l'année 2016. |