
Economic Commission for Europe**Inland Transport Committee****Working Party on the Transport of Perishable Foodstuffs****18 September 2012****Sixty-eighth session**

Geneva, 22-25 October 2012

Item 4 (d) of the provisional agenda

Exchange of information among Parties under Article 6 of ATP

Implementation of ATP**Note by the secretariat**

At its sixty-seventh session, WP.11 agreed that the secretariat would include questions asking countries what measures they currently use to ensure observance of the Agreement and whether they organize highway controls. The following questionnaire was sent to all members of WP.11. The results are presented after the questionnaire.

Questionnaire

1. Does your country organize highway checks of international ATP vehicles?

Yes No

2. If no, does your country organize highway checks of domestic refrigerated vehicles?

Yes No

3. If your country organizes highway checks of international ATP vehicles, who is responsible, e.g. traffic police?

4. If no, what is the reason?

Not enough international ATP traffic to justify checks Traffic police do not have the expertise in this area Difficult to impose penalties on foreign drivers

Other, please specify

5. What measures other than highway checks are used to ensure observance of the ATP in your country, e.g. checks at the premises of enterprises.

6. Please give examples you are aware of of problems caused by lack of observance of the ATP?

7. Have forged ATP certificates ever been detected?

Yes No

8. Do you think there is a need to ensure stricter observance of the ATP?

Yes No

Please give your reasons

9. How do you think improved observance of the ATP could be achieved?

By amending the ATP

By adding appropriate comments and advice in the ATP Handbook

By exchanging best practices on implementation in the meetings of WP.11

Other, please specify

Bosnia and Herzegovina, Czech Republic, Denmark, Finland, Greece, Ireland, Norway, Serbia, Slovak Republic, Sweden, United Kingdom and United States responded to the questionnaire.

Bosnia and Herzegovina

Q.1 Does not carry out highway checks of international vehicles.

Q.2 Does not carry out highway checks of domestic vehicles.

Q.3 It has not yet been determined who will be responsible for conducting highway checks but the Ministry of Transport will soon be organizing it.

Q.4 Insufficient international traffic, Traffic police do not have expertise. Other: The Ministry of Transport and the Traffic Police will draw up a law for checking ATP vehicles. We will inform you once it is in operation.

Q.5 No measures or checks are carried out at the moment but they will start soon.

Q.6 Not specified.

Q.7 No.

Q.8 No.

Q.9 Amending ATP, guidance in ATP Handbook.

Czech Republic

Q.1 Carries out highway checks of international vehicles.

Q.2 Not specified.

Q.3 Police, Czech Agriculture and Food Inspection Authority.

Q.4 Not specified.

Q.5 State technical supervision of testing station.

Q.6 Not specified.

Q.7 No.

Q.8 No.

Q.9 Advice in ATP Handbook.

Denmark

- Q.1 Carries out highway checks of international ATP vehicles.
- Q.2 Not specified.
- Q.3 Organized by traffic police and often carried out in cooperation with the food authorities.
- Q.5 Observance of ATP rules is a required point in the own check programme of food businesses shipping food to other countries covered by ATP rules. Records thereof are checked by the food authorities as an integrated part of ATP-checks carried out by the Danish Veterinary and Food Administration. Danish rail authorities are in charge of checking items entering or leaving by rail and customs authorities are part of the control net as well.
- Q.6 The primary problem would be the transportation of foodstuffs of animal origin in unauthorized and inadequate vehicles as this may compromise food safety.
- Q.7 No. We have not seen forged certificates in Denmark but recently we have seen supposedly Danish certificates in Bulgaria, most of which turned out to be forged.
- Q.8 No. Each Member State must safeguard the system in an appropriate manner. It is safe to assume that controls are carried out in good conscience. Some Member States choose to focus on food safety and others want to include other questions of quality as well. Some countries use public control bodies, others use private. A decision about uniform control methods may well be impossible to reach, and it is truly hard to imagine a solution that would satisfy all. Some Members may choose to leave the agreement if “forced” to carry out controls considered beyond public interest and thus a referee service given to a certain trade for no better reason than “it’s food”.

Finland

- Q.1 Carries out highway checks of international ATP vehicles.
- Q.2 Carries out highway checks of domestic ATP vehicles.
- Q.3 Customs authorities organize highway checks of ATP vehicles and also international and domestic ATP vehicles at the border. Local (municipal) food control authorities and inspection veterinarians at meat establishments are responsible for the checks of ATP vehicles at the final destination.
- Q.4 Traffic police do not have expertise, difficult to impose penalties.
- Q.5 Customs officers make checks on international transport at borders and food control authorities in local control areas at premises and inspection veterinarians at meat establishments to ensure markings of the ATP.
- Q.6 Normally the problems are missing ATP markings and old ATP certificates in vehicles.
- Q.7 Yes. In some cases, the ATP certificate is not in the vehicle or is not valid. For a Customs officer or local authorities it is impossible to check international ATP certificates because they have to send an email to the international ATP test station and ask them to confirm if the ATP certificate is valid in order to know if the transport company has made changes to the ATP certificate.
- Q.8 Yes. It would be necessary to make changes to the ATP Agreement.
- Q.9 All three options.

Greece

- Q.1 Does not carry out highway checks of international vehicles.

- Q.2 Does not carry out highway checks of domestic vehicles.
- Q.4 Traffic police do not have expertise.
- Q.5 The traffic police is not the responsible service for checks on business premises.
- Q.6 There is insufficient information.
- Q.7 No.
- Q.8 Yes. By submitting the questionnaire to various competent services (e.g. traffic police), we found that there is insufficient information on ATP, as well as no expertise to carry out inspections.
- Q.9 Exchanging best practices in WP.11. Conduct specific training sessions in order to obtain the requisite skills for the inspections.

Ireland

- Q.1 Does not carry out highway checks of international vehicles.
- Q.2 Not specified.
- Q.4 Traffic police do not have expertise, Difficult to impose penalties on foreign drivers.
- Q.5 Department of Agriculture, Food and the Marine (DAFM) staff carry out checks in all approved premises under its supervision. These premises are involved in international trade where international ATP vehicles visit frequently. The onus is placed on the FBO to only use ATP compliant vehicles.
- Q.6 Not aware of any issues due to non-compliance with ATP regulations. However, non-compliance noted in other member countries may not be known to officers in another state when they conduct their checks.
- Q.7 No.
- Q.8 Yes. Inadequately insulated vehicles may pose a risk to consumers due to failure to observe durability/best before dates.
- Q.9 Adding appropriate comments on implementation in the ATP Handbook, Exchanging best practices in WP.11.

Norway

- Q.1 Does not carry out highway checks of international vehicles.
- Q.2 Does not carry out highway checks of domestic vehicles.
- Q.4 In Norway there has rarely been carried out highway checks of international ATP vehicles. This is primarily due to the fact that we consider this to be a low risk factor. We also find these consignments to be ensured by the enforcement carried out by the local office in the Norwegian Food safety Authority.
- Q.5 *Imported goods must be delivered at specified loading sites stated by the importer. Relevant goods importers can be monitored at the point of import.

*The largest export goods are fish and every shipment is accompanied by a certificate for that particular shipment. The application for that certificate contains information about means of transport. Road vehicles can be singled out for ATP inspections while loading at the manufacturer or at reloading sites before leaving the country.

*Enterprises importing, producing, storing or transporting goods are audited and can be asked about routines for checking transporting vehicles before loading.

Q.6 Vehicles without a valid or available ATP-certificate have been stopped in foreign countries and fined. Deliveries may be delayed or spoiled. WP 11 focus more on inspecting and controls, not only focusing on technical questions. ATP should be part of EU regulations too.

Q.7 No.

Q.8 Yes. In Norway we have room for improvement in observing compliance with ATP. If compliance with ATP is not ensured, transport competitors with low costs in maintenance and new vehicle investments will gain a bigger market share in the transporting market thereby lowering the food safety of the overall shipments.

Since moving issuance of ATP certificates to offices in the Norwegian food safety authority which is involved in inspecting domestic production and transport, better knowledge and technical understanding of the ATP has been transferred to regular inspectors throughout 2011. ATP compliance is therefore now being implemented into established food safety inspections and auditing.

Q.9 Other. In Norway the Directorate of Customs and Excise will pay more attention to ATP vehicles, when they cross the Norwegian border. In addition we refer to our answer given above.

Serbia

Q.1 Does not carry out highway checks of international vehicles.

Q.2 Does not carry out highway checks of domestic vehicles.

Q.4 Traffic police do not have expertise, difficult to impose penalties. Currently, there are no appropriate regulations in Serbia related to the ATP Agreement which would define the highway checks and penalties.

Q.5 ATP Agreement is published in the Official Gazette of the Republic of Serbia – international agreements (MU10-11) (Bill on the Confirmation of the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be Used for such Carriage (ATP)). Also, in the Vehicle testing regulation (Official Gazette of the Republic of Serbia No.8/2012), paragraph 1.4.8, is written "Vehicles intended for the transport of perishable foodstuffs, regardless of the type of tests, must have the Certificate issued according to the ATP agreement". Checks at the premises of enterprise are not prescribed by any regulation.

Q.6 See the answer to question No. 7.

Q.7 Yes. An ATP Certificate issued in the Former Yugoslav Republic of Macedonia, for a vehicle registered in the Republic of Serbia. As you know, this is completely contrary to the Agreement. Also, this Certificate lacked the majority of the chief items defined by the Certificate model in the Agreement.

Q.8 Yes. We consider it necessary to define unique mechanisms of checks of equipment on the level of all contracting parties. The only way to do this is within WP.11.

Q.9 Amending ATP, exchanging best practices.

Slovak Republic

Q.1 Does not carry out highway checks of international vehicles.

Q.2 Does carry out highway checks of domestic vehicles.

Q.4 Traffic police do not have expertise, difficult to impose penalties. The checking of international ATP vehicles will begin next year.

Q.5 Checks are performed at the premises of enterprises by official food and metrological inspection bodies.

Q.7 No. Checking is done only for domestic transport. The activities performed according to Annex 1, Article 1, paragraph 3, have not discovered any forged certificates.

Q.8 Yes. It is important to ensure and improve the conditions of preservation of the quality of perishable foodstuffs during their carriage and also consumer protection.

Q.9 All three options.

Sweden

Q.1 Does not carry out highway checks of international vehicles.

Q.2 Does not carry out highway checks of domestic vehicles.

Q.4 Other. Temperatures in transport compartments are checked by the food business operator at the site of loading/departure or unloading/arrival according to the EU provisions on food hygiene under European Parliament and Council regulations (EG) 852/2004 and (EG) 853/2004. Food business operators' in-house controls are audited by competent official control authorities according to European Parliament and Council regulations (EG) 882/2004 and (EG) 854/2004.

Q.5 Whether transport equipment is of ATP standard or not is not checked at relevant food establishments in Sweden. But as a result of the controls mentioned under question 4 it is ensured that carriage is undertaken at appropriate temperatures which are almost the same in EU and ATP provisions.

Q.7 No.

Q.8 No. We believe that control according to EU legislation is sufficient to ensure food safety.

Q.9 Not specified.

United Kingdom

Q.1 Does not carry out highway checks of international vehicles.

Q.2 Does not carry out highway checks of domestic vehicles.

Q.4 Other. No enforcement of the ATP Agreement exists in the United Kingdom, since our national Regulations do not confer any powers of enforcement. That said, there is rigorous enforcement of food standards at every part of the food chain, with condemnation of food and heavy penalties imposed on carriers for failure to comply. Additionally, Port Health Authorities and Local Authorities carry out their own independent inspections. A number of supermarkets and haulage operators delivering foodstuffs in the UK use ATP as a quality standard when purchasing equipment, but do this on a voluntary basis.

Q.5 See answer to 4 above.

Q.6 Not aware of any problems.

Q.7 Not that we are aware of.

Q.8 No. See answer to 4 above.

Q.9 Exchanging best practices in WP.11.

United States

Q.1 Does not carry out highway checks of international vehicles.

Q.2 Does not carry out highway checks of domestic vehicles.

Q.4 Other. Under Article 10, paragraph 1 the United States declared that ATP does not apply to carriage performed in any or in a particular one of its territories situated outside Europe. Upon request, the US Department of Agriculture may provide ATP certificates for vehicles intended for export to countries that observe ATP. The US Department of Agriculture's Food Safety and Inspection Service and Agricultural Marketing Service, and the US Department of Health and Human Services' Food and Drug Administration provide guidance to ensure that meat, poultry, egg products, and other perishable foodstuffs do not become adulterated during transportation. Some States, such as Indiana and Michigan organize highway checks of domestic refrigerated vehicles. The California Air Resources Board regulates the emissions from transport refrigeration units that operate in their State and checks premises of enterprises in this regard.

Q.5 Not specified.

Q.6 Not specified.

Q.7 Yes. The US Department of Agriculture notified the competent authority of the country where the forged ATP certificates were detected.

Q.8 Yes. It is a topic of concern at WP.11 meetings.

Q.9 Guidance in ATP Handbook, exchanging best practices in WP.11.

Conclusions

Q.1 3 out of the 12 respondents organize highway checks of international ATP vehicles (Czech Republic, Denmark, Finland).

Q.2 2 out of the 12 respondents stated that they organize highway checks of domestic ATP vehicles (Finland, Slovakia).

Q.4 Among the reasons for not organizing highway checks of international ATP vehicles, 1 respondent stated there was not enough international ATP traffic to justify checks, 6 that the traffic police did not have the expertise, and 4 that it was difficult to impose penalties on foreign drivers.

Q.5 Among the measures to check compliance with ATP other than highway checks by traffic police were mentioned state technical supervision of testing station, checks of records by food authorities, checks by customs authorities at borders and on highways, veterinary inspections at meat processing plants, auditing of enterprises importing, producing, storing or transporting perishable foodstuffs, and checks performed at premises by official food and metrological inspection bodies.

Q.6 1 respondent felt that WP.11 should focus more on inspecting and controls and not only on technical questions and that ATP should be part of EU regulations.

Q.7 Only 3 out of the 12 respondents responded that forged ATP certificates had been detected.

Q.8 6 out of the 12 respondents thought there was a need to ensure stricter observance of the ATP. 1 respondent called for a unique mechanism of checks of equipment to be developed on the level of all Contracting Parties. Among those that see no need the following reasons were given: each Member State must safeguard the system in an appropriate manner, and EU legislation is sufficient to ensure food safety.

Q.9 Of the three options suggested, 2 respondents felt that improved observance of ATP could be achieved by amending the ATP, 6 by adding advice and comments in the ATP

Handbook and 7 by exchanging best practices in meetings of WP.11. 1 respondent felt that special training sessions could be organized to impart the skills necessary for inspections.

Recommendations

Based on the responses received, the following activities could be considered:

- WP.11 could develop a recommended list of items to be checked during a highway or enterprise check for possible inclusion in the ATP Handbook.
 - An item could be added to the annual agenda of WP.11 under which countries could exchange best practices aimed at ensuring more effective implementation of ATP.
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