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Working Party on the Transport of Perishable Foodstuffs

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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-first session in 2015, WP.11 thanked the 21 countries that had provided data in response to the questionnaire on the implementation of ATP in 2014 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 2015 data. The data received are presented in the tables below.
3. Information on the number of checks made and breaches detected in 2015 has been provided by eight countries: Bosnia and Herzegovina, Croatia, Czech Republic, Finland, France, Ireland, Italy, 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 2015

Country	BiH	CRO	CZ	FIN	FRA	IR	IT	SP
Number of ATP road checks	45	121	266	764	2212	114	48529*	1597
Number of ATP rail checks	0	0	0	0	NS	0	0	0
Breaches documents domestic/foreign	0/0	0/5	11/27	13/33	95**	4/0	174/2	0/1121
Breaches thermal appliances domestic/foreign	0/0	3/0	2/2	0/1	NS	0/0	47/3	66
Breaches body domestic/foreign	0/0	2/0	12/38	1/0	NS	0/0	430/35	0/0
Other breaches domestic/foreign	0/0	0/0	NS	1/0	NS	0/0	26/2	239/0
Total breaches domestic/foreign	0/0	5/5	25/67	15/34	95**	4/0	677/42	305/1121
% of defective equipment	0	8.2	NS	5.8	4.3	0	NS	0

Notes:

* Figures relate to road and rail transport.

** Figures represent the total number of breaches.

NS Not specified.

Denmark: Checks are carried out as part of normal food controls so the ATP-checks are not individually recorded as such. 21 breaches in total.

Belgium: At present, there is no road traffic control. However, a new Royal Decree will shortly be published in the "Moniteur Belge". Said decree will provide for road checks to verify compliance with the provisions of the ATP Agreement.

Morocco: 1% (imported equipment more than 12 years of age)

4. Additional information on the number of certificates issued in 2015 has been provided by 18 countries: Belgium, Bosnia and Herzegovina, Croatia, Czech Republic, Denmark, Finland, France, Greece, Ireland, Italy, Netherlands, Poland, 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 2015

Country	B	BiH	CRO	CZ	DK	FIN	FRA	GR	IR	IT	NTH	POL	SRB	SK	SLV	SP	SW	UK
1 st cert new equipment	268	0	9	392	729	632	16805	219	332	1275	621	2157	389	494	4	10163	482	1862
2 nd cert inspection	93	45	45	61	234	187	12808	51	72	4550	369	1047	57	79	24	4777	185	154
2 nd cert K value	NS	NS	59	18	NS	2	171	17	0	1116	NS	0	0	0	1	NS	0	0
3 rd cert inspection	67	0	0	NS	NS	176	NS	17	0	4294	194	1740	32	36	44	7513	0	42

Country	B	BiH	CRO	CZ	DK	FIN	FRA	GR	IR	IT	NTH	POL	SRB	SK	SLV	SP	SW	UK
3 rd cert K value	0	NS	62	NS	NS	0	NS	10		1480	NS	3	0	NS	0	2	NS	0
4 th cert inspection	42	0	0			36		1	0		40	1139	5	4	51	14932	0	10
4 th cert K value	0		0	6		2	504	3	0	1966	-	1	0		0	59		0
Total	470	45	184	477	1041	1035	30288	318	402	NS	1226	6083	483	611	119	37410	667	2373
Duplicates	2	0	0	17	73	NS	NS	68	NS	13	57	5	NS	8	895	NS	37	2

Notes:

NS Not specified.

Finland: Certificates marked as "duplicate" are not issued in Finland. Instead, new certificates are issued to replace lost or erroneous ones. The number of such certificates was 47 in 2015 and they are included in the figures in the table.

Morocco: 175 ATP certificates

5. 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?

Denmark	Penalties in the form of fines and potential incarceration apply according to the national order on ATP. Certificates issued on a fraudulent basis are declared null and void and must be returned if international warnings are to be avoided.
Spain	The Spanish law on land transport (LOTT) has progressive sanctions which are based on the articles of the ATP.
Finland	According to National Foodstuffs Act and Customs orders
France	The list of infractions and fines is included on an information note available at http://www.autoritecompetenteatp.cemafroid.fr/
Ireland	An authorised officer issues a non-compliance report to the transporter requiring them to rectify the non-compliance identified.
Serbia	Unfortunately, none.
Slovakia	ATP Agreement is applied to our domestic transport but this agreement is only mentioned in Regulation of our Ministry of Transport. In our country there is still missing tariff fines for breaking the rules of Agreement on Slovakian roads which should be specified in Law.
Netherlands	The control authorities check at logistic food centres. Information on number of controls and reaction on breaches including penalties is not received.
Ukraine	Currently, Ukraine still is in a stage of harmonization of domestic legislation with the requirements of the ATP.
United Kingdom	No information available - there is no targeted enforcement of ATP equipment in the UK.
United States of America	Notify competent authority
Morocco	The penalty applied by the Moroccan competent authority (ONSSA) is the non-renewal of ATP certificates for the international transport of perishable foodstuffs.
Belgium	At present, there is no road traffic control. However, a new Royal Decree will shortly be published in the "Moniteur Belge". Said decree will provide for road checks to verify compliance with the provisions of the ATP Agreement. In informal document INF.2 there is a list of infractions and corresponding penalties (available in French only).