

**Economic and Social Council**Distr.: General
27 July 2018

Original: English

Economic Commission for Europe**Inland Transport Committee****Working Party on the Transport of Perishable Foodstuffs****Seventy-fourth session**

Geneva, 8-12 October 2018

Item 5 (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-third session in 2017, WP.11 thanked the 22 countries that had provided data in response to the questionnaire on the implementation of ATP in 2016 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 2017 data. The data received are presented in the tables below.
3. Information on the number of checks made and breaches detected in 2017 has been provided by thirteen countries: Belgium, Finland, France, Greece, Hungary, Italy, Latvia, Portugal, Romania, Slovakia, Spain, Serbia and Turkey, (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 2017

<i>Country</i>	<i>B</i>	<i>DK</i>	<i>FIN</i>	<i>GR</i>	<i>FRA</i>	<i>HUN</i>	<i>LAT</i>	<i>IT</i>	<i>POR</i>	<i>RO</i>	<i>SRB</i>	<i>SK</i>	<i>SP</i>	<i>TUR</i>
Number of ATP road checks	2119		186	1148	1115	21	293	42200	339	3794	489		1185	404
Number of ATP rail checks	0		0	0	0	0	0	0	0	0	0		0	0
Breaches documents domestic/foreign	9/185		4/0	1/0	163/*	3/5	4/3	193/88		3	4/0	15/0	1049/24	
Breaches thermal appliances domestic/foreign						0/0	8/6	90/6			5/0	10/0	0/0	
Breaches body domestic/foreign		5			27/*	0/0	2/2	654/32			2/0	3/0	0/0	4/6
Other breaches domestic/foreign	12/115		0/16		7/*	0/0		24/6					26/2	5/5
Total breaches domestic/foreign	21/300	5	4/16	1/0	197/*	3/5	14/11	961/132		3	11/0	28/0	1075/26	9/11
% of defective equipment	15		11			38	8.53	0			2.2	17	2.54	5

Notes:

* Information not available

4. Additional information on the number of certificates issued in 2017 has been provided by 22 countries: Belgium, Croatia, Czech Republic, Denmark, Finland, France, Greece, Hungary, Italy, Latvia, Netherlands, Norway, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Turkey and United Kingdom (see table 2 below).

Table 2
Additional information on compliance with ATP: number of certificates issued in 2017

<i>Country</i>	<i>B</i>	<i>CRO</i>	<i>CZ</i>	<i>DK</i>	<i>FIN</i>	<i>FRA</i>	<i>GR</i>	<i>HUN</i>	<i>IT</i>
1 st cert new equipment	460	128	605	1298	738	17328	63	80	1400
2 nd cert inspection	209		148	186	306	10253	38	0	4756
2 nd cert K value		49			4	70	36	4	1155
3 rd cert inspection	74				222	4457	28	0	4480
3 rd cert K value		30			3	51	13	3	1670
4 th cert inspection	74				43	39	1	0	0
4 th cert K value		6			0	249	9	0	1420
5 th cert inspection	55								0
5 th cert K value						33	9		2500
Total	872	213	753	1543	1333	33728	189	87	
Duplicates	3	0	6	59	*	337	0	63	

* 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 in 2017 was 54 and they are included in the figures in the table.

Table 2 (cont'd)

Country	LAT	NTH	NW	POL	POR	RO	SRB	SK	SLV	SP	SW	TUR	UK
1 st cert new equipment	86	557	12	2725	766	11	173	539	19	11387	555	309	1655
2 nd cert inspection	86	483		2234	339	2	253	78	74	5621	40	50	153
2 nd cert K value			14	6	503	2				5			
3 rd cert inspection	176	180		1392		9	175	43	51	8502	30	35	77
3 rd cert K value				2						40			
4 th cert inspection	8	76		1337		1	57	15	26	5850	12	10	25
4 th cert K value				7						49			
5 th cert inspection		6		5			4		39				
5 th cert K value				2									
Total	270	1302	26	7696	1615	25	662	679	225	37891	637	404	1910
Duplicates	23	4	0	34	17	0	12	4	17	698	14		29

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 2017, we would like to inform you that the development of policy in the field of transportation of perishable goods is in a project stage of implementation. In this regard, it follows the drafting and subsequent approval by the Government of the Regulation on road transport of perishable and easily alterable goods on the territory of the Republic of Moldova. Also, according to the Action Plan on the WTO Trade Facilitation Agreement for Republic of Moldova there was presented concrete issues for development of policy in the field of standardization, accreditation and conformity in the transportation of perishable goods, 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 we do not dispose of the requested information.”

6. The secretariat also requested countries to provide answers to the following questions: What procedures, penalties etc. are applied in such circumstances when the requirements of ATP are not met? and What are the criteria/requirements used to accredit testing stations in your country? Answers can be found in the annexes I and II to this document.

Annex I

Answers to the question: What procedures, penalties etc. are applied in such circumstances when the requirements of ATP are not met?

Denmark	Certificates are cancelled/recalled, when specifications are not met. Authorities in other contracting countries are contacted, when vehicles from their countries have entered Denmark in violation with ATP rules. Fines and incarceration may be used if the equipment is registered in Denmark.
Spain	They are sanctioned. In case of very serious infringements, the carrier is sanctioned with 2001 euros and loss of accreditation; if the infringement is serious, the sender and the carrier are sanctioned with 401 euros and if the infringement is slight, the sanction is 201 or 101 euros for the carrier or the owner of the vehicle.
Portugal	The penalty can be just a fee for minor bridge or even can lead to judgment in court for bigger bridges such as ATP forgeries.
France	Suites administratives (avertissements, mises en demeure, arrêt définitif ou provisoire de l'activité) assorties ou non de suites pénales
Serbia	Currently, there are no penalties in Serbia for not meeting the requirements of ATP.
United Kingdom	There are no penalties or fines for non-compliance.
United States of America	Contact competent authorities
Norway	Withdrawal of the ATP-certificate
Slovenia	There was a working group founded in 2017 which is working on this field to establish system of procedures and penalties in Slovenia.
Croatia	None, there are no road checks
Belgium	Les pénalités sont visées à l'annexe 2 de l'arrêté royal du 18 septembre 2016 relatif au transport routier international 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 in-fractions en matière de transport par route. L'arrêté royal précité et ses annexes sont publiés au Moniteur Belge du 20 octobre 2016.
Hungary	If the driver can't show the ATP certificate of compliance during a roadside check or the ATP certification plate is missing the penalty is 100000 Ft (aprox. 3000 €). If the certificate of compliance is shown at the control authority within 8 days after the roadside check the penalty is 30000 Ft (aprox. 100 €)
Italy	The main penalties, based on the type of infringements are listed below: <ul style="list-style-type: none"> • Driving without the required documents (Art. 180.7 of the Road Act): an administrative fine from 41.00 € to 169.00 € is applied. The driver is then requested to provide the original ATP attestation to the competent Office, otherwise an administrative fine between 422.00 € and 1.697.00 € is applied. • In the case of an invalid or expired A.T.P. attestation or in the case of missing A.T.P. vehicle test, an administrative fine between 169.00€ and 680.00 € is applied. (art. 80.14 of the Road Act). In addition, the vehicle registration document is withdrawn and as a consequence the vehicle cannot circulate until is tested again to renew the ATP attestation. • In the case of missing or non-compliant ATP acronyms, (with art. 72.9 of the Road Act) an administrative penalty from 85.00€ to 338.00 € is applied.
Turkey	If nonconformities; <ul style="list-style-type: none"> • includes technical circumstances such as seal damaged, it is certificated after repairing of seals, • includes temperature recorders, it is certificated after providing the suitable temp. recorders,

	<ul style="list-style-type: none"> includes manufacturer's plates, it is certificated after providing the manufacturer's plates. We haven't any national regulations about penalties etc. are applied in such circumstances when the requirements of ATP are not met on road inspections. We are currently working on it.
Finland	When the requirements of ATP are not met in transports of foodstuffs the procedures are focused on food safety and are evaluated by the competent authority.
Czech Republic	violation of ATP agreement, administrative proceedings
Netherlands	information not available
Greece	penalties
Romania	According to the national legal provisions in force, it is applied a contravention sanction for non-compliance with the ATP.
Latvia	Fine from 50 to 570 euros. Latvian Administrative Violants code 149.35.p.
Russian Federation	На железнодорожном транспорте Российской Федерации отсутствуют процедуры, санкции и т.п. за несоблюдение требований СПС. В связи с тем, что система контроля и освидетельствования специальных транспортных средств, предназначенных для перевозок скоропортящихся пищевых продуктов, (далее – СТС) на соответствие нормам и требованиям «Соглашения о международных перевозках скоропортящихся пищевых продуктов и о специальных транспортных средствах, предназначенных для этих перевозок» (далее – СПС) не введена

Annex II

Answers to the question: What are the criteria/requirements used to accredit testing stations in your country?

Denmark	Testing stations are accredited according to rigorous criteria concerning e.g. equipment, education, staff, possibility of external interference, and staff doing the testing are appointed by name.
Spain	According to our Industry law, the testing stations must be accredited according to UNE EN ISO 17025, for ATP tests.
Portugal	Must be accredited under ISO 17025 and also audit by the ATP competent authority
France	Les stations d'essais officielles française sont accréditée selon la norme NF EN ISO/CEI 17025 : 2005 Station d'essais de Fresnes : numéro d'accréditation COFRAC 01-0699 Station d'essais de Cestas : numéro d'accréditation COFRAC 01-1695
Serbia	ISO/IEC 17025
United Kingdom	Our testers are audited and approved every year to carry out ATP. Both the testers and the body that approves them work to the principles of ISO17025.
United States of America	Public Law, Code of Federal Regulations, and the ATP
Norway	Norway do not have such a test station. Borås Sweden is the nearest one.
Slovenia	Slovenian Traffic Safety Agency makes an individual assessment audit and names test station according to ATP agreement as an Inspection body for COMPLIANCE OF VEHICLES. Test station has to comply with international standards on the field of vehicles compliance and metrology.
Croatia	Croatian Accreditation Agency requires that the requirements of the HRN EN ISO/IEC 17025 standard are met.
Belgium	L'annexe 1 de l'arrêté royal du 18 septembre 2016 précité énonce les conditions d'agrément des organismes compétents pour effectuer les contrôles de conformité visés à l'annexe 1 et au point 3 de l'appendice 2 de l'annexe 1 de l'Accord ATP (Il ne s'agit donc pas de station d'essais).
Hungary	There is no testing station in Hungary.
Italy	When first implementing ATP agreement the Ministry of Infrastructure and Transport, set up test stations at its Vehicle Test Centres (CPA) and authorized other subjects (C.S.I., C.N.R. and F.S). that at the time of accession to the ATP Agreement had proven experience in this field. Since then, no other test station has been authorized as those currently operating are able to meet the market needs. Currently, the national legislation on the transport of perishable foodstuffs is being reviewed, according to which new ATP experts should be provided with accredited test labs according to the ISO 1025 standard, while the existing test stations should meet the requirements of Regulations 764/2008/EC, 765/2008/EC and Decision 768/2008/EC.
Turkey	Control criteria/requirements of; laboratory infrastructure and suitability of the devices, compliance of laboratory cooling / heating systems and mechatronic systems to ATP agreement test conditions / limits, uncertainty calculation report, authorized personnel training, security of companies design and test information, conformity to occupational health and safety criteria, calibration of used devices, compliance of data logger devices with ATP agreement inspection conditions / limits, the suitability of periodic inspection centers for all weather conditions, camera-record system in facilities, for type test stations, ISO / IEC 17025 accreditation condition within 1 year.
Finland	Accreditation according to eg. EN ISO/IEC 17025 is not mandatory and requirements are

	set in the legislation or by the national authorities.
Czech Republic	Accreditation lab according to EN ISO 17025
Netherlands	Audit by the Competent Authority (following the principles of ISO 17025).
Poland	Authorization form the Ministry
Greece	ISO 17025 : 2005
Latvia	Standards - LVS EN ISO/IEC 17020
