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Proposals for amendments to ATP: Pending proposals

Introduction of type examination certificates as a means of certifying compliance of designs and tests carried out in accordance with ATP

Transmitted by the Government of France

Note by the secretariat

France has transmitted a revised version of ECE/TRANS/WP.11/2009/11/Rev.1, considered at the sixty-sixth session. Changes are underlined.

Context

1. Annex 1 (appendix 1) of ATP stipulates that the test reports (which contain the test results) must also certify compliance of the unit with the requirements of ATP.

Problems encountered

2. The overlapping of the type examination certificate and the test report raises a number of problems. In particular:

- There are **industrial property** problems for the users of these official test reports, which contain information on corporate know-how and information required to verify conformity with the type.
- There are problems in **dealing with modifications** to certified unit types, which are handled using addenda to the test reports. For example, when certain variants not

requiring tests have to be registered to ensure the traceability of designs deemed to be in conformity with ATP, an addendum to the test report has to be drawn up.

- This practice ignores the standards usually adopted at the international level under which **testing and product certification activities are handled separately** (rules of the International Laboratory Accreditation Cooperation/International Accreditation Forum (ILAC/IAF)).

Proposal

3. To resolve these problems, it is proposed to separate the data on test results from the information certifying conformity, by distinguishing in ATP between:

- The complete **test report**, which would contain exclusively the result of the type tests conducted by official testing stations, in particular confidential information of use to the manufacturer. This document would no longer be public.
- The **type examination certificate**, which would include the essential characteristics making it possible to define the types of units authorized and the elements useful for checking visual conformity with the manufactured type of unit. Such type examination certificates would be drawn up with due regard for the manufacturer's requirements in terms of industrial property and trade secrets; they would be limited to the information required to verify that the regulations are properly applied. Given their purpose, such documents would be public, thus facilitating the exchange of information between test stations.

4. A system similar to the certificate of conformity has already been set up at the international level to update an agreement on regulations governing legal metrology, which since 1955 had relied on a principle similar to that of ATP (www.oiml.org).

Impact of the measure

Technical impact

5. The technical impact will be very positive, as information that is already public and official in practice will become genuinely public and official, and communication of such information will be harmonized. Intellectual property will be strengthened, as the private information from the report will not be disseminated; only the information on the certificate will be.

Financial impact

6. The financial impact is minimal. The cost of a type certificate is modest in relation to the services it provides for users and for safety by certifying the truthfulness of the information communicated.

Proposed amendment

Annex 1 – Appendix 1

Provisions relating to the checking of insulated, refrigerated, mechanically refrigerated or heated equipment for compliance with standards

[...]

6. (a) The issuance of a certificate of conformity for new equipment of a specific type serially produced may be approved by type testing a unit representative of the planned production in series. The results of the type test shall be recorded in a test report. If the unit subjected to the type test fulfils the requirements prescribed for the class to which it is presumed to belong, the test station designated or approved by the competent authority shall issue a type examination certificate.

The type examination certificate shall include the name and address of the manufacturer and, if applicable, of its legal representative, the conclusions of the examination carried out by the test station in order to rule on compliance of the presented unit's technical design with the applicable requirements, the possible conditions for its validity and the information required to identify the unit. One or more annexes may be attached to the certificate.

The type examination certificate and its annexes shall include all the relevant information to make it possible to evaluate the units' compliance and to carry out in-service inspection.

Specifically, to make it possible to evaluate the compliance of units manufactured according to the type examined, it shall include:

- The essential characteristics of the units and the class in question, in particular characteristics for verifying the conditions of paragraph (c) of this Annex
- Information concerning other elements required for identifying the unit and checking visual external conformity with the type
- If necessary, all the specific information required to verify the characteristics of the manufactured unit
- In the case of a constituent part of a unit (refrigeration unit, body, ...), all the information required to ensure compatibility with the other components with which it is likely to be assembled to form a complete unit

The type examination certificate shall have a validity of six years from its date of issue and may be renewed for periods of six years. The manufacturer shall inform the test station holding the technical documentation, in particular the test reports corresponding to the type examination certificate, of any modifications in the units' design that might cast doubt on the units' compliance with the applicable requirements or the conditions of validity of the certificate. Such modifications shall require a new authorization in the form of an addendum to the initial type examination certificate. The date of expiry of the certificates shall be stated in months and years;

(b) The competent authority shall take steps to verify that production of other units is in conformity with the type described in the type examination certificate. For this purpose it may check by testing sample units drawn at random from the production series;

[...]

7. Test report and type examination certificate

The test report shall be prepared in accordance with paragraph 5.10.2 of the international standard ISO/IEC 17025 with reference to the test procedure defined in this Appendix.

The type examination certificate appropriate to the equipment tested shall be drawn up for each test in conformity with models 1 to 10 hereunder.
