

**Economic Commission for Europe**

**Inland Transport Committee**

**Working Party on the Transport of Perishable Foodstuffs**

**20 July 2012**

**Sixty-eighth session**

Geneva, 22-25 October 2012

Item 11 of the provisional agenda

**Other business**

---

**Letter on use of technical rules to protect internal market**

**Transmitted by the International Institute for Refrigeration (IIR)  
CERTE Subcommittee**



Paris, June 18, 2012

Dear Mr. C. Smith,

The last meeting of the IIR sub-commission CERTE for ATP was held in Munich from 8 to 10 May. During that meeting it was reported that some member Countries contracting Party to the ATP such as Spain are using technical rules within ATP as a way to protect their internal market from imported refrigerated equipment.

Documentary evidence was provided showing that at least one competent authority in Spain is requiring K value measurement in an official ATP test station after 6 years for trailers. This requirement is written on the official ATP certificate for new imported equipment while that text does not appear on ATP certificates issued for nationally produced ones.

A full ATP test carried out in a laboratory is costly. The protection afforded is that, it creates a risk that equipment would have to be fully depreciated in value after six years and not after 9 or 12 years what would be the norm. The group understands that according to paragraph 5 Annex 1 Appendix 2, the competent authority can demand a chamber test as described in paragraph 2.1.1 to 2.3.2 Annex1 Appendix 2, or use appointed experts using the procedures in 5.1 to 6.5. However, whatever paragraph is applied, it should be fair and based on the current condition of the refrigerated equipment and not on the country of manufacture.

We appreciate this Spanish requirement may have been added by a competent authority in error or without authorization and therefore we request WP.11 to attempt to rectify the situation, WP11 being in charge of ATP and in place to avoid and manage any potential developing conflicts.

Best regards,

Göran JOHANSON  
President of IIR CERTE ATP Tests Station Sub Commission