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Items 5 (a) and 6 of the provisional agenda

Proposals of amendments to the ATP: Pending proposals and ATP Handbook

Proposal to amend Annex 1, Appendix 3 and the ATP Handbook¹

Transmitted by the Government of the Netherlands

Summary

Executive summary: Transitional provisions for the use of certificates of compliance of equipment issued before the new format was agreed.

Action to be taken: Adoption of transitional provisions.

Related documents: ECE/TRANS/WP.11/2008/11, ECE/TRANS/WP.11/2009/18.

¹ Submitted in accordance with the programme of work of the Inland Transport Committee for 2010–2014 (ECE/TRANS/208, para. 106; ECE/TRANS/2010/8, programme activity 02.11).

Introduction

1. During the sixty-fourth session of WP.11 a new format for the certificate of compliance of equipment was adopted. This amendment was considered accepted on 2 July 2010 and will enter into force after the standard 6 month period for new amendments on 2 January 2011.
2. However, no provisions are included in these amendments to allow the use of the old style model certificates issued before the entry into force of these amendments.

Proposal

3. Introduce the following text after the heading in Annex 1, Appendix 3 A of the Agreement as follows:

"Certificates of compliance of equipment issued before 2 January 2011 in accordance with the requirements regarding the model of the certificate in Annex 1, Appendix 3 in force until 1 January 2011 shall remain valid until their original date of expiry."

4. Introduce a comment after the heading in Annex 1, Appendix 3 A of the ATP Handbook as follows:

"Comment:

Certificates of compliance of equipment issued before 2 January 2011 in accordance with the requirements regarding the model of the certificate of Annex 1, Appendix 3 in force until 1 January 2011 shall remain valid until their original date of expiry."

Justification

5. The intention was that certificates issued before the new format was adopted should be able to be used until the end of their expiry date. This would prevent an unnecessary administrative burden for users and competent authorities. The use until the end of their expiry date is, however, not reflected in the text of the amendments which could lead to actions by enforcers. Transitional provisions need to be included as soon as possible.
6. Because the amendments adopted at the sixty-fourth session of WP.11 will enter into force before the proposed wording in this document can be introduced into the Annex to the Agreement, a comment should be included in the ATP Handbook, which can be realized at short notice.
7. Costs: Neutral.
8. Feasibility: No problem.
9. Enforceability: Enforceability will benefit.