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**Economic Commission for Europe**

Inland Transport Committee

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

**Seventy-second session**

Geneva, 4-7 October 2016

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 ATP[[1]](#footnote-2)

 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).

# 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* |
| 1st cert new equipment | 268 | 0 | 9 | 392 | 729 | 632 | 16805 | 219 | 332 | 1275 | 621 | 2157 | 389 | 494 | 4 | 10163 | 482 | 1862 |
| 2nd certinspection | 93 | 45 | 45 | 61 | 234 | 187 | 12808 | 51 | 72 | 4550 | 369 | 1047 | 57 | 79 | 24 | 4777 | 185 | 154 |
| 2nd certK value | NS | NS | 59 | 18 | NS | 2 | 171 | 17 | 0 | 1116 | NS | 0 | 0 |  | 0 | 1 | NS | 0 |
| 3rd certinspection | 67 | 0 | 0 | NS | NS | 176 | NS | 17 |  | 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* |
| 3rd certK value | 0 | NS | 62 | NS | NS | 0 | NS | 10 |  | 1480 | NS | 3 | 0 | NS | 0 | 2 | NS | 0 |
| 4th certinspection | 42 | 0 | 0 |  |  | 36 |  | 1 | 0 |  | 40 | 1139 | 5 | 4 | 51 | 14932 | 0 | 10 |
| 4th certK 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 athttp://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). |

1. Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be Used for such Carriage. [↑](#footnote-ref-2)