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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 5 (a) of the provisional agenda

Proposals of amendments to ATP:

Pending proposals

Provisions applicable to competent authorities in respect of the issuance of technical compliance certificates

Transmitted by the Government of France

Background

1. The Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be Used for such Carriage (ATP), signed in 1970, is based on the competent authorities designated by the Contracting Parties issuing certificates of technical compliance.
2. ATP does not specify any requirement as to the competences of these competent authorities responsible for issuing equipment compliance reports for reference equipment that has undergone type testing, although the Agreement requires perfect mastery of the technical criteria needed for inspections.
3. Issuing a certificate of compliance on the basis of a technical assessment of equipment is similar to certifying an industrial product as defined in accreditation standard ISO 17065.
4. In 2015, France submitted a proposal to allow for accreditation under ISO 17065 to be recognized in the criteria applicable to competent authorities or bodies responsible for this task.

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5. The majority of countries opposed the proposal to require accreditation of competent authorities according to ISO 17065:2012 — Conformity assessment — Requirements for bodies certifying products, processes and services. The Russian Federation opposed the proposal on the grounds that public authorities could not be accredited by a third party. However, the proposal was not put to the vote.

6. France therefore proposes that the proposed amendment, revised in the light of the comments made by the Working Party, should be put to the vote at the 2016 session.

Proposal

7. Accreditation ensures third-party evaluation of bodies responsible for monitoring compliance. Such accreditation ensures a degree of harmonization in the practices of these bodies, allowing for formal recognition of certificates of compliance at international level. Accreditation of the competent authorities under ISO 17065 allows the pre-existing provisions of ATP, which requires recognition of certificates issued by other competent authorities, to be applied on an objective basis. It would also enable practices to be harmonized.

Impact

8. Accreditation of the competent authorities within each State involves the introduction of a quality management system that ensures impartial certification decisions, compliance with technical procedures and standards, and the competence of assessors. Third-party audits are carried out by the accreditation bodies of the different countries, which have the specific status of not-for-profit organizations. The International Laboratory Accreditation Cooperation (ILAC) network of accreditation bodies ensures that the accreditation rules are consistent so as to ensure widespread recognition of the competence of certifying bodies and, consequently, of the quality of certificates issued.

Economic impact of the procedure

9. The cost of accreditation may be estimated at €4,000 per year to the bodies themselves, but it has no impact on the cost of certificates.

Proposed amendment

10. It is proposed to add the text in **bold** in the following paragraph to article 2:

“Article 2

The Contracting Parties shall take the measures necessary to ensure that the equipment referred to in article 1 of this Agreement is inspected and tested for compliance with the said standards in conformity with the provisions of annex 1, appendices 1, 2, 3 and 4, to this Agreement. Each Contracting Party shall recognize the validity of certificates of compliance issued in conformity with annex 1, appendix 1, paragraph 3, to this Agreement by the competent authority of another Contracting Party. Each Contracting Party may recognize the validity of certificates of compliance issued in conformity with the requirements of annex 1, appendices 1 and 2, to this Agreement by the competent authority of a State not a Contracting Party.

When a Contracting Party delegates activities that fall within the remit of the competent authorities to a private body, it shall ensure that this body obtains, within two years of the entry into force of this amendment, accreditation under ISO 17065 for the assessments covered by the present Agreement from an accreditation body belonging to the International Laboratory Accreditation Cooperation (ILAC)."
