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Proposals for amendments to ATP: Pending proposals

Introduction of type examination certificates as a means of establishing conformity of design and of testing carried out in accordance with ATP protocols

Transmitted by the Government of France

Summary

Executive summary:	France is resubmitting the revised proposal based on document ECE/TRANS/WP.11/2009/11/Rev.1 on the introduction of a type examination certificate separate from the type test report.
Action to be taken:	Distinguish between a type examination certificate and a type test report.
Related documents:	None.

Introduction

1. The current wording of annex 1, appendix 1, of ATP stipulates that the test report (which contains the test results) also certifies compliance of the equipment with the requirements of ATP.
2. The interlinking of the finding of compliance with the test report poses a number of difficulties, including:
 - Industrial property issues for the users of these official test reports, which contain corporate information and information required for verification of conformity to type;
 - Problems in dealing with modifications to certified equipment types, which are handled using addenda to the test reports. For example, when certain variants that do not require 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.



I. Proposal

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

(a) The complete test report, which would only contain the result of the type tests conducted by official testing stations, particularly confidential information of use to the manufacturer. This document would no longer be publicly available.

(b) The type examination certificate, which would include the essential characteristics that make it possible to define the approved equipment types and the elements used in verifying visual conformity to type of the manufactured equipment. These type examination certificates would be drawn up with due regard for the manufacturer's requirements in terms of industrial property issues 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 publicly available, 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 in the updating of an agreement on the regulations governing legal metrology, which, since 1955, had been based on a principle similar to that of ATP (www.oiml.org).

5. It is proposed to replace paragraph 6 (a) of annex 1, appendix 1, with the following text:

“6 (a) Certificates of conformity may be issued for new equipment of a specific type serially produced where a type test has been conducted on one unit representative of the planned production series. The results of the type test shall be recorded in a test report. If the unit tested meets the prescribed requirements 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 the manufacturer's legal representative, the conclusions of the examination carried out by the test station to rule on compliance of the technical design of the unit presented with the applicable requirements, any conditions for its validity and the information required to identify the unit type. 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 assess the units' compliance and to carry out in-service inspection. Specifically, to make it possible to assess 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 the characteristics that allow verification of the conditions of paragraph (c) of the annex
- Information concerning other elements required to identify the unit and check external visual conformity to 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, etc.), all the information required to ensure compatibility with other components with which it is likely to be assembled to form a complete unit

The type examination certificate shall be valid for six years from the date of issue and may be renewed for further periods of six years if the new type test report shows continuity with the previous type test report. 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 their compliance with the applicable requirements or the conditions of validity of the certificate. Such modifications shall require a new authorization in the form of a numbered revision to the

initial type examination certificate. The date of expiry of the certificates shall be stated in months and years.”.

6. It is proposed to replace the wording of paragraph 6 (b) of annex 1, appendix 1, by the following:

“6 (b) The competent authority shall take steps to verify that the production of other units complies 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. It is proposed to add a new paragraph 7 to annex 1, appendix 1, as follows:

“7. A type examination certificate appropriate to the equipment tested shall be drawn up for each test, in conformity with models 1 to 13 hereunder.”

II. Justification

8. The purpose of this amendment is to remedy the difficulties associated with the interlinking of the finding of compliance with the test report, particularly:

- Industrial property issues in respect of the users of these official test reports, which contain corporate information and information required for verification of conformity to type
- Problems in dealing with modifications to certified equipment 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

III. Impact

9. 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.

10. The financial impact will be 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.

IV. Feasibility

11. Given the current information systems used by testing stations, the generation of this new document does not imply any additional constraints for the official ATP testing stations. A model type certificate will need to be drawn up in consultation with the testing stations.
