



Economic Commission for Europe**Inland Transport Committee****Working Party on the Transport of Perishable Foodstuffs****Seventy-sixth session**

Geneva, 13-16 October 2020

Item 6 (a) of the provisional agenda

Proposals of amendments to ATP:**pending proposals****Proposal to amend Annex 1, Appendix 2, Model test report
No. 12 after “(d) Remarks:”
Validity of test reports for mechanical refrigeration units****Transmitted by the Government of Germany***Summary*

Executive summary:	<p>In Annex 1, Appendix 2, Model No. 12, the limitation of the validity of test reports for mechanical refrigeration units to 6 years should be revoked for both formal and substantive reasons.</p> <p>So far, for test reports on transport refrigeration units, no time limitation is mentioned in the text of the ATP. The reference in Model No. 12 to Annex 1, Appendix 1, paragraph 6 (a) where mass produced equipment is considered does not apply to mechanical refrigeration units.</p> <p>In addition, as long as no modifications are carried out on a refrigeration unit, a re-test of a formerly approved type will only repeat the results of the first test. It will not result in any new findings or in an improvement of food safety but will lead to a competitive disadvantage especially for small and medium-sized manufacturers and finally to a distortion of competition.</p>
Decision to be taken:	Amend Annex 1, Appendix 2, Model test report No. 12
Related documents:	ECE/TRANS/WP.11/2015/1, ECE/TRANS/WP.11/2018/13 and ECE/TRANS/WP.11/2019/4.

Introduction

1. At the seventy-first session in 2015, the United Kingdom transmitted proposal ECE/TRANS/WP.11/2015/1 which resulted in the following addendum to Model No. 12, Annex 1, Appendix 2:

“According to the above test results, this report shall be valid as a certificate of type approval within the meaning of ATP Annex 1, Appendix 1, paragraph 6 (a) only for a period of not more than six years, that is until ...”

2. Before this addendum came into effect, the validity of Type Approval Certificates for refrigeration units had not been subject to any time limitation as long as no modifications relevant to ATP had been carried out on the formerly approved type.

3. The validity of the test reports on mechanical refrigeration units is limited to 6 years only in Annex 1, Appendix 2, Model No. 12 but not in any passage in the text of ATP.

4. Therefore, the reference in Annex 1, Appendix 2, Model No. 12 to Annex 1, Appendix 1, paragraph 6 (a) is misleading and not correct. Annex 1, Appendix 1 is dedicated to mass produced equipment. In ATP, equipment is defined as an insulated body with or without a refrigeration unit. A refrigeration unit as such cannot be considered equipment.

5. At present, the ATP text does not include any provisions for refrigeration units or other thermal appliances which are comparable to those for equipment in Annex 1, Appendix 1, paragraph 6 (a).

6. This is based on the history of ATP and due to the fact that the components of a transport refrigeration unit – other than insulated equipment – can be easily accessed. This makes it possible to inspect with the naked eye whether the components of the transport refrigeration unit in question match the tested unit’s components which are described in the test report.

7. After discussions at the sixty-first session of WP.11 in 2005, it was discussed that most refrigeration units especially in mass production would not remain identical in design for longer than a few years. In such cases, the manufacturers had, even previously, had to apply for a new type test for the modified refrigeration units, even before an expiry date for test reports was introduced in 2015.

8. For small and medium-sized manufacturers of refrigeration units, the limitation of the validity of test reports presents a serious disadvantage in terms of economic burden. Since these manufacturers often follow the specific needs of their customers, they offer a wide range of specifically designed products which usually are manufactured in small numbers, very different to mass production as considered in Annex 1, Appendix 1, paragraph 6 (a) for mass produced equipment.

9. Once such a manufacturer obtains a test report, the tested refrigeration unit will not be modified for years. The costs and effort involved in mandatory re-tests at 6-year intervals for these unmodified refrigeration units are unreasonably high, especially for multi-temperature units, and lead to a competitive disadvantage for small and medium-sized manufacturers and finally to a distortion of competition.

10. As long as no modifications with a negative impact on the refrigerating capacities are carried out on a refrigeration unit, a re-test of a formerly approved type of refrigeration unit will only repeat the results of the first test. It will not result in any new findings or in an improvement of food safety but will lead to a competitive disadvantage especially for small and medium-sized manufacturers and finally to a distortion of competition. This has been confirmed and proven by several re-tests carried out on mechanical refrigeration units during the last years.

11. Germany has twice – at the seventy-fourth and seventy-fifth sessions of WP.11 in 2018 and 2019 – submitted proposals for a fair treatment of the interests of small and medium-sized manufacturers. At both sessions, the delegates agreed in principle, but raised concerns about the correct position in the ATP text and the lack of a clearly defined description of all aspects.

12. In consequence, a separate chapter for cooling and heating appliances has to be established. In addition, a number of definitions should be prepared which are helpful for a detailed description. It will take years until detailed rules concerning the validity of the test reports for mass produced refrigeration units and units specially designed in small numbers (comparable to equipment in Annex 1, Appendix 1) can be agreed on and incorporated into the ATP text.

13. For as long as no description about a limited validity of test reports is included in the ATP text, Germany proposes that the last part of the Remarks in Annex 1, Appendix 2, Model No. 12 be deleted.

Proposed amendment

14. Delete the following text in Annex 1, Appendix 2, Model No. 12 after (d) Remarks:

"According to the above test results, this report shall be valid as a certificate of type approval within the meaning of ATP Annex 1, Appendix 1, paragraph 6 (a) only for a period of not more than six years, that is until:"

Impact

15. Cost: The costs and negative environmental impact due to energy consumption and air pollution during the re-tests of unmodified already tested and approved types of refrigeration units will be significantly reduced.

16. Feasibility: The proposed amendment can easily be implemented in ATP. A transitional period is not needed.

17. Enforceability: No problems are expected.
