



Information Note on Procedures to be Applied for Transfers with Foreign Countries

These procedures stem from Annex 1, Amendment 2 of the Public Service Delegation Agreement of 12 June 2008 on the technical review and issuance of official certificates of compliance for temperature-controlled carriage equipment. Annex 1 deals with specific renewal procedures for certain certificates of technical compliance under Article **R. 231-45** of the French code of rural and sea fishing law.

This note provides an update on the specific procedures to be applied by the competent authority when issuing certificates of technical compliance for vehicles to and from foreign countries.

The purpose of the certificate of technical compliance is to verify, prior to their going into service and periodically thereafter, that the transport equipment have been deemed suitable for use. This control aims to ensure that the vehicles are capable of producing refrigeration and maintaining the temperatures required to adequately preserve food during transport, or simply to check the insulating capacity of the body.

The entire system relies on the confidence that the professional should establish in his/her ability to ensure that the equipment complies with the regulatory requirements.

This confidence is based on:

- the conformity of the results of equipment type tests carried out by the official station, which in this context issues an official test report regarded as a Type Approval Certificate as described by ATP;
- the conformity of the quality provisions implemented by professionals;
- the results of the audits periodically carried out by the competent authority.

The official testing station(s) shall be reported to UNECE by the French Ministry of Agriculture and Fisheries, and accredited in accordance with NF EN ISO 17025 for tests described in Appendix II, Annex I of the ATP Agreement.

The competent authority shall be designated by the French Ministry of Agriculture and Fisheries as part of a public service delegation. Audits shall be performed on the basis of reference documents and rules for authorization approved by DGAL.

Applications for certificates of technical compliance submitted by authorized companies shall undergo technical assessment by the competent authority, who shall issue the certificates in the absence of any

non-conformities. Applications, assessments, and issuance of certificates shall be based on the use of a database management system called “DATAFRIG” and follow DGAI-approved procedures.

The abovementioned assessments shall be carried out at the expense of the applicant.

1. Equipment from foreign countries

There are two possible scenarios:

- either the equipment has an ATP certificate issued by the competent authority of the country of origin (a country that is party to the ATP Agreement). The certificate has a limited validity period defined by the ATP Agreement, beginning at the end of the month in which the equipment was imported into France, or
- the equipment does not have an ATP Certificate from the country of origin (a country that may or may not be party to the ATP Agreement).

If the equipment has an ATP Certificate from the country of origin

The mandated applicant, manufacturer or testing centre, shall provide the French competent authority with the certificate application package, the model form of which is available on the competent authority’s website: <http://www.autoritecompetenteatp.cemafroid.fr/constructeurs.htm>.

The application shall include:

- in all cases, the official test report(s) for the equipment itself, or, in the case of serially-produced equipment, for the reference equipment (unit and, if applicable, source of refrigeration);
- in all cases, the ATP Certificate issued by the competent authority of the manufacturing country, or, for equipment in service, the competent authority of the country of registration. This certificate will be treated as a provisional certificate, valid if necessary for the period defined by the ATP Agreement;
- in the case of serially-produced equipment, the technical specification of the equipment to be certified as issued by the manufacturer of the equipment or his duly accredited representative (this specification shall cover the same items as the descriptive pages concerning the equipment which appear in the test report and shall be drawn up in at least one of the three official languages of the ATP Agreement).

The competent authority shall verify the validity of the documents provided and shall issue the certificate after entering the equipment data into DATAFRIG.

Special cases: for companies having a volume of applications which justifies it, the competent authority may provide access to DATAFRIG to allow the applicant to directly enter data relating to the equipment.

Imported equipment may be visually inspected to verify compliance before the competent authority of the country in which it is to be registered or recorded issues a certificate of compliance. In addition, tests in an official ATP testing station or tests in testing centres may have to be performed at the request of the competent authority, in view of remarks possibly brought to its knowledge. The costs of these assessment services shall be borne by the certificate applicant.

The competent authority shall systematically check, whenever entering data relating to the equipment, that the documents are consistent and are in agreement with the physical characteristics and the performance of the equipment (ATP certificates and test reports) and by sampling where appropriate, especially in case of legitimate suspicion.

Sampling principles are the same as those defined in the audit general procedure (application of NF EN ISO 2859-1: the equipment batch corresponds to the number of equipment presented over a period, the counting of the number of non-compliant equipment has application of an acceptable quality level of 2.5%).

If the equipment does not hold an ATP Certificate from the country of origin

- either the equipment concerned is a reference equipment with a recognized, official test report. In this case the application shall be treated as a request for recognition of a certificate from the country of origin by checking that the equipment concerned is equivalent to the reference equipment described by the official test report,
- or the equipment concerned is not a reference equipment with a recognized, official test report. In this case, issuance of a certificate of technical compliance shall depend on the results of a test conducted at the official ATP testing station in accordance with the provisions of the ATP.

2. Equipment intended for abroad

Many of the countries contracting to the ATP do not have a competent authority (see updated list on <http://www.unece.org/trans/main/welcwp11.html>) that may issue permanent ATP certificates, and therefore, agree that such certificates be issued by countries having this authority, such as France.

Thus, it is possible to issue certificates with a validity of 6 years to equipment exported to those countries, the list of which is available in DATAFRIG.

For exports to countries contracting to the ATP Agreement, the certificate shall be issued with a validity period in accordance with the provisions of Appendix 1, Annex 1, Paragraph 3.b of the ATP Agreement.