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Item 5 (a) of the provisional agenda

Proposals for amendments to ATP:

Pending proposals

Proposed amendment to annex 1, paragraph 7

Transmitted by the Government of France

Summary

Executive summary:	Proposal to amend the definition of equipment and to include a definition of new equipment.
Action to be taken:	In annex 1, paragraph 7, amend the definition of equipment and introduce a definition of new equipment.
Related documents:	None

Introduction

1. The ATP agreement defines the requirements for the certification of temperature-controlled transport equipment. Inadequate explanation of these requirements can lead to differences in interpretation.

2. For example, the term “new equipment” appears in ATP in several places:

- Annex 1, appendix 1, paragraph 6 (a)
- Annex 1, appendix 2, paragraph 3.1.3 (a) & (b)

However, the definition given in annex 1, paragraph 7, is only of the word “equipment”.

3. This lack of a clear definition of “new equipment” may lead to differing interpretations by the competent authorities as to the period of validity of the initial ATP certification for a piece of equipment. Cases have been detected of certificates valid for six years being issued for equipment fitted with used thermal appliances.

4. For the purpose of harmonization, it is proposed:

- To amend the existing definition of “equipment”
- To add a definition of “new equipment”



I. Proposal

5. Amend the definition of “equipment” in annex 1, paragraph 7.
 - Current definition:
 “An assembly of parts forming an insulated body and its supportive structure needed for carriage on road and rail. Thermal appliances may be part of the assembly.”
 - Proposed amended definition:
 “An assembly of parts forming an insulated body and its supportive structure needed for carriage on road and rail. If fitted, a thermal appliance forms part of the assembly.”
6. Introduce a definition of new equipment in annex 1, paragraph 7, below the definition of “Equipment”:
 “New equipment: Equipment where the insulated body was put into service less than 6 months previously and the thermal appliance, if fitted, can be considered to be new, i.e. first put into service less than 6 months previously.”

II. Impact

Cost:	No impact.
Environment:	This proposal aims to harmonize the interpretation of ATP and prevent distortions of competition.
Feasibility:	The proposed amendment may entail a change in certification methods for some competent authorities and the purchase of new equipment for the carriers concerned.
Enforceability:	It is proposed to introduce a two-year delay before the implementation of this proposal, without retroactive effect for equipment already manufactured.
