

Proposal for amendment of article 5 of the ATP agreement.**Introduction**

In article 5 of the agreement the use of maritime thermal containers for land journeys is only allowed if the land journey is preceded or followed by a sea voyage of 150 kilometers or more. It can be argued whether this condition is justified and enforceable by the control authorities.

It is proposed to delete the 150 km condition for thermal maritime containers.

Recent developments prove that the wording "containers classified as thermal maritime", in article 5 of the agreement is not precise enough.

New container systems like the 45 foot Pallet Wide container (45PW) have been developed that are presumed to be maritime thermal containers, but also are used inland without sea voyage as well. The 45PW container systems have the same floor capacity as semi-trailers used in Europe resulting in a greater width, which requires specialized vessels to accept them. Sea voyages are mainly coastal around Europe and adjoining countries. 45PW containers do not comply with the international standard for thermal container nor to ATP requirements.

It is proposed to specify which containers are Maritime thermal containers.

Above mentioned 45PW containers not approved on ATP requirements, taken into service before the proposed amendment, should be allowed to be used further.

It is proposed to include transitional provisions.

Proposal 1

Replace the existing text of Article 5 by

Article 5

"Carriage in containers classified as thermal maritime, in conformity with the specification in Annex 1, by land is allowed without transloading of the goods where such carriage is preceded or followed by a sea voyage."

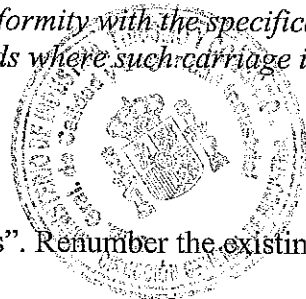
Proposal 2

Introduce a new Annex 1 with the heading "General Provisions". Renumber the existing Annexes 1 to 3 as 2 to 4.

Introduce a new section 1. in the new Annex 1 to read:

1. Use of Maritime thermal containers

Containers classified as thermal maritime shall comply with the standard ISO 1496-2.



Proposal 3

Introduce a new section 2. in the new Annex 1 to read

2. Transitional provisions

2.1 Insulated containers intended for regional sea transport not in compliance with the requirements of Annex 1, which are constructed before xx-xx-xxx, may continued to be used.

Justification

Thermal maritime containers comply with the international standard ISO 1496-2, which is comparable to ATP requirements. Approval of the thermal maritime containers to ATP requirements is not practical because these containers will travel all around the world and only a limited number will be used in the treaty area.

Maritime containers are checked on a regular basis if the load compartment is structurally sound (CSC) and fit for containing a load. Before a sea voyage with a thermal container a Pre Trip Inspection of the thermal appliance (PTI) is performed, which will prove the thermal appliance will function properly.

To prevent road congestion and reduce pollution, short sea shipping is promoted by the European Union. For this reason sea voyages shorter than 150 km should also be possible with maritime thermal containers.

The exemption for the use of Maritime thermal containers should only be valid for containers that have a comparable performance with ATP equipment. At this moment only a container that complies with ISO 1496-2 can be regarded as such.

The 45PW containers used in and around Europe cannot comply with the ISO 1496-2 standard nor do they comply with ATP requirements. Specifications are depending on the organization that orders the containers.

In reality these containers are also intended to be transported inland by road vehicles, trains and inland waterway barges, and are in fact ATP equipment.

At this moment Annex 1 deals with ATP special transport equipment and Annexes 2 and 3 with the foodstuffs. Because technical details can change due to technical progress these should not be part of the text of the agreement itself. Introducing a new Annex 1 for general provisions is therefore proposed. This new annex may prove to be an ideal place for future definitions, transitional provisions, exemptions, etc. Introducing a new Annex will result in subsequent amendments to the existing annexes.