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Proposals of amendments to ATP: new proposals

Correction of the definition of "equipment" in Annex 1 paragraph 7

Transmitted by the Government of the Netherlands

Introduction

1. In the ATP, amended on 1 June 2022, a new definition is introduced in Annex 1 paragraph 7 for equipment. It was remarked after adoption in WP.11 that the definition is lacking clarity and may lead to confusion and even legal issues.

2. The definition reads as follows:

"Equipment means 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."

I. Proposal

3. It is proposed to replace the existing definition of equipment in Annex 1, paragraph 7 by the following:

"Equipment means a body built with rigid insulating walls doors, floors and roof , by which heat exchanges between the inside and outside of the body can be limited. In case of tanks, the term "body" means the tank itself. "

4. When the last part concerning tanks is now included, the foot note "2" to Annex 1 paragraph 1 may be deleted as consequential amendment (see below):

~~² In the case of tank equipment, the term "body" means under this definition, the tank itself.~~



II. Justification

5. The problems mentioned with the definition are the following:
 - The "supportive structure" is not part of the "equipment" but part of "special equipment". The difference between equipment and special equipment is that equipment is the insulated body proper while special equipment is the equipment complemented by the parts of a vehicle or container (see foot note 1 to the title of Annex 1). In practice this demarcation is less clear as the frame of the container, or chassis of trailers is often integrated in the equipment itself and should be included in the test and approval of the equipment.
 - The definition mentions "carriage on road and rail" but the ATP likewise applies to legs of the journey by sea. Although article 3 paragraph 1 of the agreement clearly states by "rail and road", paragraph 2 extents this to sea crossings of less than 150 km.
6. Although one option would be to delete the definition of "equipment" because it was already covered by the standards in Annex 1 for "Insulated equipment, Refrigerated equipment etc. However, after consultation with other experts it was agreed that having definitions in one place would benefit the understanding of the agreement.
