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**ECONOMIC COMMISSION FOR EUROPE**

**INLAND TRANSPORT COMMITTEE**

Working Party on the Transport of Perishable Foodstuffs  
(Fifty-ninth session,  
Geneva, 27-31 October 2003)

**ARTICLES 3 AND 5 OF ATP**

**ANNEX 1, APPENDIX 1, PARAGRAPH 6 OF ATP**

**Transmitted by Spain**

1. Spain proposes the amendment of articles 3 and 5 of ATP and annex 1, appendix 1, paragraph 6, as follows:

2. **“Article 3:**

1. The provisions of article 4 of this Agreement shall apply to all carriage, whether for hire or reward or for own account, carried out exclusively - ~~subject to the provisions of paragraph 2 of this article~~ - by rail, by road, [**by sea**] or by a combination of the two [**or of the three means of transport cited**], of

- quick (deep)-frozen and frozen foodstuffs, and of
- foodstuffs referred to in annex 3 to this Agreement even if they are neither quick (deep)-frozen nor frozen,

if the point at which the goods are, or the equipment containing them is, loaded on to a rail, [**sea-going**] or road vehicle and the point at which the goods are, or the equipment containing them is, unloaded from that vehicle are in two different States and the point at which the goods are unloaded is situated in the territory of a Contracting Party.

~~In the case of carriage entailing one or more sea crossings other than sea crossings as referred to in paragraph 2 of this article, each land journey shall be considered separately.~~

~~2. The provisions of paragraph 1 of this article shall likewise apply to sea crossings of less than 150 km on condition that the goods are shipped in equipment used for the land journey or journeys without transloading of the goods and that such crossings precede or follow one or more land journeys as referred to in paragraph 1 of this article or take place between two such land journeys.~~

~~3. [2] Notwithstanding the provisions of paragraphs 1 and 2 of this article, the Contracting Parties need not apply the provisions of article 4 of this Agreement to the carriage of foodstuffs not intended for human consumption.~~

### Consequential amendments:

3. Amend article 5 to read:

#### **“Article 5**

~~The provisions of the Agreement shall not apply to [C]arriage in containers [ISO 1496-2 (thermal containers)] classified as thermal maritime [by sea or] by land without transloading of the goods where such carriage is preceded or followed by a sea crossing other than a sea crossing as referred to in article 3, paragraph 2, [are subject only to the technical conditions set out in annex 1, appendix 1, paragraph 6] of this Agreement.~~

4. Replace paragraph 6 of annex 1, appendix 1 by the following:

**[6. Containers constructed in conformity with standard ISO 1496-2 shall meet the following conditions:**

**(a) units serially produced and the prototype manufactured in conformity with standard ISO 1496-2 shall be subject to an initial inspection by an inspection body approved by the competent authority. This body shall draw up a certificate for each unit;**

**(b) ISO 1496-2 containers shall be subject to an inspection (internal, external and refrigerating equipment) every six years, either by the owner himself or under his responsibility, or by an inspection body approved by the competent body of the country where the inspection takes place.**

**In both cases, a copy of the inspection certificate shall be kept and presented at the request of the competent authorities of the Contracting Parties.]**

*Note: New texts appear in bold in square brackets. Texts struck through are existing texts.*

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