

# **INTERNATIONAL CARRIAGE OF PERISHABLE FOODSTUFFS (CONSOLIDATION) REGULATIONS 1993**

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**SCHEDULE**

Fees payable in respect of tests, type approval and examinations of transport equipment, etc.

S.I. No. 188 of 1993.

I, BRIAN COWEN, Minister for Transport, Energy and Communications, in exercise of the powers conferred on me by sections 2 (1), 4,5,6,7 and 15 of the International Carriage of Perishable Foodstuffs Act, 1987 (No. 20 of 1987), as adapted by the Tourism and Transport (Alteration of Name of Department and Title of Minister) Order, 1991 (S.I. No. 25 of 1991), and the Tourism, Transport and Communications (Alteration of Name of Department and Title of Minister) Order, 1993 (S.I. No. 17 of 1993), hereby make the following Regulations:

**PART I**

**PRELIMINARY**

**REG 1**

Commencement and citation.

1. These Regulations shall come into operation on the 1st day of August, 1993, and may be cited as the International Carriage of Perishable Foodstuffs (Consolidation) Regulations, 1993.

**REG 2**

Interpretation.

2. (1) In these Regulations—

"the Act of 1987" means the International Carriage of Perishable Foodstuffs Act, 1987 (No. 20 of 1987);

"examination"—

( a ) in relation to insulated equipment, means the procedure for checking the insulating capacity of equipment specified in ATP, Annex 1, Appendix 2, paragraph 29, and

( b ) in relation to refrigerated, mechanically refrigerated and

heated equipment, means the procedure for verifying the efficiency of thermal appliances of equipment specified in ATP, Annex 1, Appendix 2, paragraph 49, and cognate words shall be construed accordingly;

"the Italian Agreement" means the Agreement on the Rules Governing the Carriage of Frozen and Deep Frozen Foodstuffs by Equipment with Thin Side Walls to and from Italy signed at Paris on the 24th day of June, 1986;

"K coefficient" has the same meaning as in ATP, Annex 1, Appendix 2, paragraphs 1 to 6;

"prescribed fee" means a fee prescribed by Regulation 25;

"prescribed standards", in relation to transport equipment, means the standards prescribed by Regulations 8, 9 and 10 for the transport equipment to which the said Regulations apply;

"test"—

( a ) as to measuring the K coefficient, means the procedures specified in ATP, Annex 1, Appendix 2, paragraphs 7 to 27,

( b ) as to determining the efficiency of thermal appliances, means—

(i) in relation to refrigerated equipment, the procedure specified in paragraphs 32 to 36 of the said Appendix,

(ii) in relation to mechanically refrigerated equipment, the procedure specified in paragraphs 37 to 42 of the said Appendix, and

(iii) in relation to heated equipment, the procedure specified in paragraphs 43 to 47 of the said Appendix, and

( c ) as to measuring the effective refrigerating capacity of a refrigeration unit, means the procedure specified in paragraphs 51 to 59 of the said Appendix, and cognate words shall be construed accordingly;

(2) A reference in these Regulations to a numbered Regulation is a reference to the Regulation so numbered in these Regulations.

(3) In these Regulations a reference to a paragraph is to the paragraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended.

(4) A word or expression that is used in these Regulations and is also used in ATP shall, unless the contrary intention appears, have in these Regulations the meaning it has in ATP.

### REG 3

Application of Regulations.

3. These Regulations apply to insulated, refrigerated, mechanically refrigerated and heated transport equipment used or intended to be used for the international carriage of perishable foodstuffs and "transport equipment" shall be construed accordingly.

### REG 4

Revocations.

4. (1) The International Carriage of Perishable Foodstuffs Regulations, 1989 (S.I. No. 52 of 1989), the International Carriage of Perishable Foodstuffs (Amendment) Regulations, 1991 (S.I. No. 266 of 1991), and the International Carriage of Perishable Foodstuffs (Amendment) Regulations, 1993 (S.I. No. 108 of 1993), are hereby revoked.

(2) Notwithstanding paragraph (1), a test or examination carried out,

accepted or recognised, or a certificate of compliance or certification plate issued, accepted or recognised under the said Regulations shall be regarded as carried out, accepted, recognised or issued, as the case may require, under these Regulations.

## **PART II**

### **PERISHABLE FOODSTUFFS**

#### **REG 5**

Foodstuffs prescribed as perishable foodstuffs.

5. The foodstuffs and classes of foodstuffs specified in ATP, Annexes 2 and 3, are hereby prescribed as perishable foodstuffs for the purposes of section 4 of the Act of 1987.

#### **REG 6**

Temperature limits prescribed for the carriage of perishable foodstuffs in transport equipment.

6. The temperature limits specified in ATP, Annexes 2 and 3, for the international carriage of perishable foodstuffs specified in the said Annexes are hereby prescribed for the purposes of section 4 of the Act of 1987.

## **PART III**

### **TRANSPORT EQUIPMENT**

#### **REG 7**

Prescribed minimum volume of container.

7. For the purposes of the Act of 1987 and these Regulations, the minimum volume of a container shall be one cubic metre.

#### **REG 8**

Standards prescribed for transport equipment.

8. Transport equipment shall belong to one of the classes defined in paragraphs 1 to 4, of ATP, Annex 1, and the prescribed standard for such transport equipment shall be the standard specified in the said paragraphs for its class.

#### **REG 9**

Transport equipment prescribed for the international carriage of perishable foodstuffs.

9. Transport equipment shall be such as to ensure that throughout an international journey for the carriage of perishable foodstuffs of a particular class, the temperature limits prescribed by Regulation 6 are not exceeded in respect of perishable foodstuffs of that class.

## REG 10

Additional standards prescribed for certain transport equipment used for carriage to or from Italy.

10. Transport equipment with side walls of a thickness of less than 45 mm and used for the carriage of frozen or deep frozen foodstuffs to or from Italy in the period from the 1st day of April to the 31st day of October each year shall, in addition to the standards prescribed by Regulation 8 for that equipment, comply with—

- ( a ) the technical requirements specified in Article 2 or 3, as the case may require, of the Italian Agreement, and
- ( b ) the operating conditions specified in Article 3 of that agreement, so as to maintain during carriage the temperature conditions specified in ATP, Annex 2.

## PART IV

### TESTS AND EXAMINATIONS OF TRANSPORT EQUIPMENT AND OTHER MATTERS RELATING TO TRANSPORT EQUIPMENT

## REG 11

Conditions to be complied with as respects designated test stations.

11. (1) The owner of every designated test station shall—
- ( a ) maintain the designated test station and all apparatus thereat for the testing of transport equipment, so that they continue to be of the standard required for the carrying out of the said tests in accordance with these Regulations;
  - ( b ) maintain in written form work instructions and procedures so that the said tests can be carried out in accordance with these Regulations and make such instructions and procedures available for inspection by a certifying authority;
  - ( c ) maintain a written record of all such tests, so as to establish to the satisfaction of a certifying authority, that each individual test of transport equipment was carried out in accordance with these Regulations and make such record available for inspection by a certifying authority;
  - ( d ) at suitable intervals have the said apparatus thereat calibrated with traceability to national or international standards;
  - ( e ) co-operate with such person as is approved by the Minister for the purpose of this Regulation to enable the carrying out at the owner's expense of twice-yearly inspections of the designated test station and the said apparatus thereat;
  - ( f ) submit the reports of the said inspections forthwith to the Minister;
  - ( g ) on due notice, make provision for and make available the designated test station and all apparatus thereat for carrying out the said tests in accordance with these Regulations, and
  - ( h ) notify the Minister forthwith of any alteration made or deterioration arising or damage caused to the designated test station

or to the said apparatus thereat which could adversely affect or prevent the carrying out of the said tests in accordance with these Regulations and shall not permit any test to be carried out at the designated test station or using the said apparatus thereat for the purposes of these Regulations for so long as that alteration, deterioration or damage has not been rectified to the satisfaction of the Minister.

(2) Notwithstanding paragraph (1), the Minister may at any time require the owner of a designated test station to have an independent inspection carried out at the owner's expense of both the designated test station and the said apparatus thereat and to have the results of that inspection furnished forthwith to the Minister.

#### REG 12

Tests required for new transport equipment.

12. Except as provided in section 6 of the Act of 1987 (which relates to the approval of type equipment), a certificate of compliance shall not be issued in respect of transport equipment which is first brought into service after the commencement of these Regulations unless it first satisfies a test in accordance with Regulation 17 (a) or (b).

#### REG 13

Tests and examinations of transport equipment.

13. (1) Any person wishing to have transport equipment tested shall, at least 28 days before the date on which such person proposes that the test should take place, make an application for that purpose to a qualified authority and any person wishing to have transport equipment examined shall, at least 14 days before such person proposes that the examination should take place, make an application for that purpose to a qualified authority.

(2) Every such application shall be made on a form approved of by the Minister and shall contain the particulars required by that form and be accompanied by the prescribed fee.

(3) Every test and examination of transport equipment shall be carried out by or under the direction of a qualified authority in accordance with the relevant provisions of ATP, Annex 1, Appendix 2.

(4) In the case of transport equipment or a refrigeration unit which is produced, sold, leased or hired by a person who is a qualified authority, the test shall be carried out by or under the direction of another qualified authority.

#### REG 14

Results of tests.

14. (1) On completion of a test of transport equipment the qualified authority by or under whose direction the test was carried out shall complete a Test Report in accordance with ATP, Annex 1, Appendix 2, paragraph 48.

(2) On completion of a test of the refrigerating capacity of a refrigeration unit to be fitted to insulated transport equipment, the qualified authority by or under whose direction the test was carried

out shall complete a Test Report in accordance with ATP, Annex 1, Appendix 2, paragraph 60.

(3) If, as a result of a test, transport equipment is found to comply with the prescribed standards for the class of equipment in respect of which the application for the test was made, the qualified authority by or under whose direction the test was carried out shall notify the applicant in writing of that fact.

(4) If, as a result of a test, transport equipment is found not to comply with the prescribed standards for the class in respect of which the application was made, the qualified authority shall notify the applicant in writing of that fact and of the respects in which the equipment is found not to comply with such standards.

(5) Without prejudice to paragraph (4), if, as a result of a test, transport equipment is found not to comply with the prescribed standards for the class of equipment in respect of which the application was made, but the qualified authority is satisfied that the equipment complies with the prescribed standards for another class, the qualified authority shall notify the applicant in writing of that fact.

## REG 15

Results of examinations.

15. (1) If, as a result of an examination, transport equipment is found to comply with the prescribed standards for the class of equipment in respect of which the application for the examination was made, the qualified authority by or under whose direction the examination was carried out shall notify the applicant in writing of that fact.

(2) If, as a result of an examination, transport equipment is found not to comply with the prescribed standards for the class in respect of which the application was made, the qualified authority shall notify the applicant in writing—

( a ) of that fact and of the respects in which the equipment is found not to comply with such standards, and

( b ) that a certificate of compliance or a certification plate cannot be issued in respect of the equipment unless specified repairs are carried out to the equipment to the satisfaction of the qualified authority so as to bring the transport equipment into compliance with the prescribed standards, or

( c ) that a certificate of compliance or a certification plate cannot be issued in respect of the equipment unless it is subjected to a test and is found to comply with the prescribed standards for that class or another class of transport equipment.

## REG 16

Requirements as to the maintenance of transport equipment and in respect of alterations made or damage caused to transport equipment.

16. The operator of transport equipment in respect of which there is a certificate of compliance or certification plate shall—

( a ) maintain the said equipment so that it continues to comply with the prescribed standards for the class of equipment to which the certificate or plate relates, and

( b ) on any alteration being made or damage caused to the

transport equipment which may affect its insulating capacity or thermal efficiency, forthwith give notice of the alteration or damage to the certifying authority.

## **PART V**

### **CERTIFICATES OF COMPLIANCE, CERTIFICATION PLATES AND DESIGNATED MARKS**

#### **REG 17**

Issue of a certificate of compliance or certification plate.

17. A certificate of compliance or a certification plate may be issued in respect of transport equipment by a certifying authority if—

( a ) as a result of a test of the equipment, it is found by a qualified authority to comply with the prescribed standards for the class to which that equipment belongs and the appropriate Test Report is completed by that qualified authority as required by Regulation 14 (1), or

( b ) in the case of transport equipment which is transferred into the State, as a result of a test carried out by the competent authority of the State of manufacture (which is a Contracting Party to ATP) it is found that the equipment or type equipment to which the equipment conforms complies with the prescribed standards for the class to which the equipment belongs and the appropriate Test Report is completed by that competent authority in accordance with ATP, Annex I, Appendix 2, and is supplied to the certifying authority together with, in the case of transport equipment which is serially produced, the technical specification of the equipment to be certified, or

( c ) in the case of equipment already in service as a result of an examination of the equipment, it is found by a qualified authority to comply with the prescribed standards for the class to which that equipment belongs, or

( d ) not more than 6 years before the date of the issue of the certificate of compliance, the equipment is certified by its manufacturer as conforming to type equipment approved in accordance with the provisions of section 6 of the Act of 1987, and a certifying authority is satisfied that the equipment does so conform.

#### **REG 18**

Form of and particulars to be contained in a certificate of compliance and certification plate.

18. A certificate of compliance and a certification plate shall be in the form, and shall contain the particulars specified, in ATP, Annex 1, Appendix 3, and, in so far as the certificate of compliance or certification plate relates to transport equipment to which Regulation 10 applies, shall also contain the mark specified in Article 5 of the Italian Agreement.

## REG 19

Duration of a certificate of compliance and certification plate.

19. A certificate of compliance and a certification plate shall, unless previously cancelled, be valid—

- ( a ) if it is issued as a result of a test of the transport equipment to which it relates, for a period not exceeding 6 years from the date of the test;
- ( b ) if it is issued as a result of an examination of the transport equipment to which it relates, for a period not exceeding 3 years from the date of the examination;
- ( c ) if it is issued on the basis of compliance with an approved type equipment, for a period not exceeding 6 years from the date on which the equipment is produced.

## REG 20

Position and manner in which certification plate to be affixed.

20. A certification plate issued in respect of transport equipment shall be affixed to the equipment in the position and in the manner specified in ATP, Annex 1, Appendix 3.

## REG 21

21 Issue of a certified copy of a certificate of compliance or duplicate of certification plate.

21. (1) If a certificate of compliance or a certification plate has been lost, destroyed or defaced, the operator of the transport equipment shall forthwith in writing inform a certifying authority of the loss, destruction or defacement.

(2) If—

( a ) a certifying authority is satisfied that a certificate of compliance or a certification plate has been lost, destroyed or defaced during the currency thereof and

( b ) in the case of any such certificate or plate which has been defaced, the certificate or plate is surrendered to the certifying authority,

the certifying authority shall, on receipt of the prescribed fee, issue a copy of such certificate or a duplicate of such plate to the person to whom the original certificate or plate was issued.

(3) In the event of any person to whom a certificate of compliance has been issued—

( a ) requesting the certifying authority to issue a copy of that certificate, and

( b ) paying the prescribed fee,  
the certifying authority shall issue a copy of that certificate to such person.

(4) Every copy of a certificate of compliance issued in accordance with paragraph (2) or (3) shall—

( a ) be certified, by the certifying authority by whom it is issued, as a copy and

( b ) have effect as if it were the certificate of which it is a copy.

(5) Every duplicate of a certification plate issued in accordance with this Regulation shall be marked as a duplicate and shall have effect as if it were the certification plate of which it is a duplicate.

#### REG 22

Cancellation of a certificate of compliance or certification plate.

22. A certifying authority which, following an examination or test of transport equipment in respect of which a certificate of compliance or a certification plate issued in the State or recognised pursuant to Regulation 23 is in force, is satisfied that the equipment does not comply with the prescribed standards for the class or equipment to which the certificate or plate relates may cancel the certificate or plate, whereupon—

( a ) it shall notify the holder of the certificate or plate in writing of that fact, and

( b ) the holder shall deliver up the certificate or plate to the certifying authority.

#### REG 23

Recognition of certain certificates of compliance and certification plates.

23. The following certificates of compliance and certification plates issued in conformity with ATP shall, during the period for which they are in force, or in the case of a certificate or plate which has not been issued for a period, during the period from the date of its issue until the third anniversary of that date or the earlier cancellation of the certificate or plate, be recognised as certificates of compliance or certification plates for the purposes of the Act of 1987—

( a ) a certificate or plate issued before the commencement of these Regulations by any of the following organisations—

(i) EOLAS — The Irish Science and Technology Agency, whether before or after the commencement of the Science and Technology Act, 1987 (No. 30 of 1987),

(ii) the National Standards Authority of Ireland;

( b ) a certificate or plate issued at any time by the competent authority or another State which is a Contracting Party to ATP or, if not such a party, which is a member State of the European Communities—

(i) in respect of transport equipment which is registered or recorded in that State, and

(ii) in respect of other transport equipment in so far as an arrangement entered into between that competent authority and a certifying authority, with the approval of the Minister, provides for the mutual recognition of any such certificate or plate;

( c ) a certificate or plate issued at any time in respect of transport equipment by any of the following organisations—

(i) Transfrigoroute Europe,

(ii) Interfrigo, and

(iii) Transfesa;

(d) a copy of a certificate or duplicate of a plate issued by any

authority or organisation referred to in paragraphs ( a ) to ( c ) and certified by that authority or organisation as a copy of a certificate or duplicate of a plate issued by it.

#### REG 24

Form of and the particulars to be contained in designated marks.

24. (1) Markings in the form and of the colour and size specified in ATP, Annex 1, Appendix 4, are hereby prescribed as designated marks to be affixed to transport equipment in respect of which there exists a certificate of compliance or certification plate. Such marks shall be appropriate to the class or equipment to which the certificate of compliance or certification plate relates.

(2) In addition to the designated marks specified in paragraph (1) of this Regulation, the marks specified in Article 5 of the Italian Agreement shall be a designated mark and shall be affixed to transport equipment to which Regulation 10 applies.

### **PART VI**

#### **FEES**

#### REG 25

Fees payable in respect of tests, type approval and examinations of transport equipment, etc.

25. (1) The fees specified in Part I of the Schedule to these Regulations are hereby prescribed as the fees to be paid for and in connection with the testing of a unit of transport equipment and of a refrigeration unit to be fitted to insulated transport equipment and the certification of a unit of transport equipment which has been tested.

(2) The fees specified in Part II of the said Schedule are hereby prescribed as the fees to be paid for and in connection with the examination and testing of a unit of transport equipment as type equipment, for the certification of type equipment and for the certification of equipment which a certifying authority is satisfied conforms with type equipment.

(3) The fees specified in Part III of the said Schedule are hereby prescribed as the fees to be paid for and in connection with the examination of a unit of transport equipment and the certification of a unit of transport equipment which has been examined.

(4) The fees aforesaid shall be payable to the relevant qualified authority, certifying authority or occupier of the designated test station, as may be appropriate.

### **PART VII**

#### **APPEALS**

#### REG 26

26 Appeal to Minister against decision of a certifying authority.

26. If a certifying authority—

( a ) refuses to issue or renew a certificate of compliance or a

certification plate in respect of transport equipment either in any class or in the class in respect of which the application for a certificate or plate was made, or  
 ( b ) refuses to approve transport equipment as type equipment in accordance with the provisions of section 6 of the Act of 1987, or  
 ( c ) cancels a certificate of compliance or a certification plate, it shall notify the applicant for the certificate or plate, or for approval of the transport equipment as type equipment under the said section 6, or the person who was the operator of the transport equipment immediately before the certificate or plate was cancelled, as the case may be, and any person aggrieved by such a decision may within a period of 6 weeks from the date of such notification appeal to the Minister by giving notice in writing to the Minister specifying the grounds for the appeal and the Minister may make such determination on the appeal as he thinks fit.

**SCHEDULE**

Regulation 25.  
 FEES PAYABLE IN RESPECT OF TESTS, TYPE APPROVAL AND EXAMINATIONS OF TRANSPORT EQUIPMENT, etc.

The fees specified in this Schedule are exclusive of value-added tax.

**PART I (TESTS)**

£1.Fee for the testing of a unit of transport equipment  
 9752.Fee in respect of the use of the facilities of a designated test station for each day, or part of a day, in which such facilities are used for the purpose of the testing of a unit of transport equipment  
 ... ..

3253.Fee for the testing of a unit of transport equipment or a refrigeration unit to be fitted to insulated transport equipment in accordance with Regulation 13 (4)

3754.Fee for the certification of a unit of transport equipment which has been tested  
 certificate of compliance ... ..  
 certification plate ... ..

80  
 805.Fee for the issue of a certified copy of a certificate of compliance ... ..  
 456.Fee for the issue of a duplicate of a certification plate  
 50

**PART II (TYPE APPROVAL)**

1.Fee for the testing of a unit of transport equipment  
 9752.Fee in respect of the use of the facilities of a designated test station for each day, or part of a day, in which such facilities are used for the purpose of the testing of a unit of transport equipment as type equipment ... ..

3253.Fee for the testing of a unit of transport equipment as type equipment in accordance with Regulation 13 (4)

3754.Fee for the certification of a unit of type equipment  
certificate of compliance ... ..  
certification plate ... ..  
300

3005.Fee for each day, or part of a day, required for the  
inspection of a unit of transport equipment and of arrangements  
designed to secure the production of units of transport equipment in  
conformity with approved type equipment ... ..

3756.Fee for the certification of a unit of transport equipment  
which a certifying authority is satisfied conforms with type  
equipment  
certificate of compliance ... ..  
certification plate ... ..

80  
807.Fee for the issue of a certified copy of a certificate of  
compliance ... ..458.Fee for the issue of a  
duplicate of a certification plate50  
PART II (EXAMINATIONS)

1.Fee for the examination of a unit of transport equipment being ( a ) insulated equipment  
1 unit ... ..  
each additional unit presented at the  
same time for examination ... ..  
70

63 ( b ) refrigerated or mechanically refrigerated or  
heated equipment  
1 unit ... ..  
each additional unit presented at  
the same time for examination ... ..

115

1002.Fee for the certification of a unit of transport equipment  
which has been examined  
certificate of compliance ... ..  
certificate plate ... ..

80  
803.Fee for the issue of a certified copy of a certificate of  
compliance ... ..  
454.Fee for the issue of a duplicate of a compliance plate50

GIVEN under my Official Seal, this 2nd day of July, 1993.

BRIAN COWEN,  
Minister for Transport, Energy and Communications.

## EXPLANATORY NOTE.

These Regulations, made by the Minister for Transport, Energy and Communications, under the International Carriage of Perishable Foodstuffs Act, 1987 (No. 20 of 1987), consolidate all existing Regulations made under the Act, in 1989, 1991 and 1993, to give statutory effect to the detailed requirements of

( a ) the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be Used for such Carriage (ATP) signed at Geneva on the 1st day of September, 1970, as amended in accordance with Article 18 thereof, and  
( b ) the Agreement on the Rules Governing the Carriage of Frozen and Deep Frozen Foodstuffs by Equipment with Thin Side Walls to and from Italy signed at Paris on the 24th day of June, 1986 (a multilateral agreement pursuant to Article 7 of ATP).  
Ireland's accession to ATP had effect on 22 March, 1989, and Ireland's accession to the "Italian Agreement" had effect on 21 October, 1989.

These Regulations

1. prescribe—

- (1) the foodstuffs specified in ATP, Annexes 2 and 3, as perishable foodstuffs (Regulation 5);
- (2) temperature limits for the international carriage of perishable foodstuffs so prescribed (Regulation 6);
- (3) one cubic metre as the minimum volume of containers for the purposes of the Act and Regulations (Regulation 7);
- (4) standards of insulating capacity, thermal efficiency and other requirements for transport equipment for the international carriage of perishable foodstuffs so prescribed (Regulations 8 to 10);

2. make provisions as to—

- (1) tests and examinations of transport equipment and other matters relating to transport equipment (Part IV),
- (2) certificates of compliance and certification plates in respect of transport equipment approved for the international carriage of perishable foodstuffs and the form of and the particulars to be contained in designated marks to be affixed to such transport equipment (Part V),
- (3) the fees payable in respect of tests, type approval and examinations of transport equipment, etc (Part VI and Schedule), and
- (4) appeals to the Minister for Transport, Energy and Communications against decisions of a certifying authority (Part VII).