



INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW
INSTITUT INTERNATIONAL POUR L'UNIFICATION DU DROIT PRIVE

OTIF



ORGANISATION INTERGOUVERNEMENTALE POUR LES
TRANSPORTS INTERNATIONAUX FERROVIAIRES

ZWISCHENSTAATLICHE ORGANISATION FÜR DEN
INTERNATIONALEN EISENBAHNVERKEHR

INTERGOVERNMENTAL ORGANISATION FOR INTERNATIONAL
CARRIAGE BY RAIL

**PREPARATORY COMMISSION FOR THE ESTABLISHMENT
OF THE INTERNATIONAL REGISTRY FOR RAILWAY
ROLLING STOCK PURSUANT TO THE LUXEMBOURG
(RAIL) PROTOCOL**

UNIDROIT 2014
Prep. Comm. Rail/6/Doc. 7
English only
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SUMMARY REPORT

OF THE SIXTH SESSION

**(held via e-mail confirmation procedure as permitted by Rule 16 of the Rules of
Procedure of the Preparatory Commission)**

1. The Sixth Session of the Preparatory Commission regarding the establishment of the International Registry for railway rolling stock according to the Luxembourg Protocol was jointly convened by Unidroit and OTIF on 9 July 2014 by Note Verbale addressed to member States on 9 July 2014 (N.V. DC10/571). N.V. DC10/571 indicated that the approval or rejection of the draft contracts, their annexed schedules and related documents (software security agreement; deed of business continuity), for the establishment and operation of the International Registry for international interests in railway rolling stock, which were attached to that Note Verbale, would take place via e-mail confirmation procedure as permitted by Rule 16 of the Rules of Procedure of the Preparatory Commission. Member States were requested to express their views no later than 30 August 2014.

2. Following receipt of N.V. DC10/571, a few members of the Preparatory Commission requested an extension of the deadline for approval of the documents attached thereto. Moreover, one State member of the Commission expressed reservations to the procedure set forth in that Note Verbale and requested that the decision on the approval of the contract be taken by a majority of positive votes.

3. In response to those requests, UNIDROIT and OTIF decided to grant the members of the Preparatory Commission an extension of the deadline until 31 October 2014 within which to express their views, so as to allow those members that had not yet participated in the consultation and wished to do so to express their vote. The decision and extension of the deadline was communicated to members by Note Verbale DC10 IR/1026 on 2 October 2014. The contract documents and the appointment of the registrar was therefore to be deemed approved if a majority of the members actively participating in the consultation expressed a positive vote.

Approval or rejection of the contracts for the establishment of the International Registry and their annexed schedules and connected documents (software security agreement; deed of business continuity)

4. Preparatory Commission members participated by e-mailing UNIDROIT (at info@unidroit.org), expressing their approval, rejection of, or any other comments to, the contracts and their annexed schedules and connected documents (software security agreement; deed of business continuity). The session, as set out by N.V. DC10 IR/1026, was closed a midnight on 31 October 2014.

5. Twelve member States and three organisations members of the Preparatory Commission (see Annex) participated in the session, thus meeting the quorum required by Rule 16 of the Rules of Procedure of the Preparatory Commission. There were twelve expressions of approval and the appointment of the registrar, one rejection and two abstentions.

6. In the light of the above results, the *Co-chairs* declared the contract documents and the appointment of the Registrar approved by the Preparatory Commission.

ANNEX I

LIST OF PARTICIPANTS

States

Canada
Finland
Germany
Ireland
Italy
Latvia
Lithuania
Luxembourg
South Africa
Sweden
Switzerland
United States

Organisations

OTIF
Rail Working Group
UNIDROIT