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**MAC Protocol  
Committee of Governmental Experts  
First session  
Rome, 20 – 24 March 2017**

UNIDROIT 2016  
Study 72K – CGE1 – Doc. 1  
Original: English  
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**ANNOTATED DRAFT AGENDA**

1. Opening of the session and election of the officers.
2. Adoption of the annotated draft agenda and organisation of the session.
3. Introduction to the Convention on International Interests in Mobile Equipment and project history of the preliminary draft Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Agricultural, Construction and Mining Equipment.
4. Consideration of the preliminary draft Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Agricultural, Construction and Mining Equipment.
5. Future work.
6. Review of report.
7. Any other business.

## ANNOTATIONS

### **Item 1: Opening of the session and election of the officers**

1. The first session of the UNIDROIT Committee of Governmental Experts for the preparation of a draft Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Agricultural, Construction and Mining Equipment (the “MAC Protocol”) will be held at the Headquarters of the Food and Agriculture Organization of the United Nations (FAO, Viale delle Terme di Caracalla, 00153) in Rome in the Green Room, from 20 to 24 March 2017.
2. On Monday 20 March the session will be opened at 10:00. Registration will start at 08:30.
3. The session will be opened by the Secretary-General of UNIDROIT acting as provisional Chairman. Officers for the session will then be elected. The Committee may wish to elect a Chairperson, two Deputy Chairpersons and a Reporter.

### **Item 2: Adoption of the annotated draft agenda and organisation of the session**

4. The regular hours of the session will be as follows:  

Morning session:	09:00 – 12:30
Afternoon session:	14:00 – 17:00
5. The proceedings will be conducted in English and French, with simultaneous interpretation in the two languages.
6. Documentation for the session shall be made available on the UNIDROIT website (<http://www.unidroit.org/work-in-progress-studies/current-studies/mac-protocol>).
7. All States and governmental organisations have been invited to submit written comments on the preliminary draft MAC Protocol. Non-governmental organisations invited to participate as observers have also been invited to submit written comments.
8. UNIDROIT would like to draw attention to the security procedures of the FAO, which provide that participants must wear FAO-approved badges containing a photograph of the participant in order to be granted access to the conference rooms. Participants not wishing to find their access to FAO held up on arrival will need to supply to UNIDROIT colour passport-size photographs of themselves for inclusion on their badges by e-mail.

### **Item 3: Introduction to the Convention on International Interests in Mobile Equipment and project history of the preliminary draft Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Agricultural, Construction and Mining Equipment**

9. At its 84<sup>th</sup> session (Rome, April 2005), the UNIDROIT Governing Council recommended to the UNIDROIT General Assembly to include in the 2006 – 2008 Work Programme of the Institute the preparation of a fourth Protocol to the 2001 Cape Town Convention on International Interests in Mobile Equipment on Matters specific to Agricultural, Construction and Mining Equipment. At its 59<sup>th</sup> session (Rome, December 2005) the UNIDROIT General Assembly agreed to include such a project on the Institute’s Work Programme, as a lower priority project. The project was renewed on the

Institute's Work Programme by the General Assembly at its 63<sup>rd</sup> session (Rome, December 2008), 67<sup>th</sup> session (Rome, December 2010) and its 72<sup>nd</sup> session (Rome, December 2013). At its 95<sup>th</sup> session (Rome, May 2016), the Governing Council recommended to the General Assembly that the project be retained on the 2017 – 2019 Work Programme, as a high priority.

10. Between 2005 and 2014 a range of background research activities were conducted in relation to the project, including a questionnaire distributed to member States, consultations with private industry, two informal meetings in Washington D.C. and a preliminary economic analysis.

11. At its 93<sup>rd</sup> session (Rome, 2014) the Governing Council agreed to convene a Study Group entrusted with preparing a first draft of the MAC Protocol prior to its 95<sup>th</sup> session. The Study Group was composed of various international experts in secured transactions law and met four times (15-17 December 2014, 8-9 April 2015, 19-21 October 2015 and 7-9 March 2016) to consider legal issues associated with the preparation of the MAC Protocol and to prepare a preliminary draft text.

12. At the conclusion of the fourth Study Group meeting on 8 March 2016, the Study Group submitted a preliminary draft text to the Governing Council. At its 95<sup>th</sup> session (Rome, 18 – 20 May 2016), the Governing Council approved the preliminary draft text, and requested that the UNIDROIT Secretariat convene a Committee of Governmental Experts to further consider the preliminary draft MAC Protocol.

#### **Item 4: Consideration of the preliminary draft Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Agricultural, Construction and Mining Equipment**

13. The preliminary draft Protocol (as set out in document UNIDROIT 2016 - S72K – CGE1 – Doc. 2) will constitute the basic working document of the Committee at its first session.<sup>1</sup> It is accompanied by the Explanatory Report (UNIDROIT 2016 - Study 72K – CGE1 – Doc. 3), which contains commentary and analysis on each of the draft provisions. This document should also be considered in conjunction with the legal analysis (UNIDROIT 2016 - Study 72K – CGE1 – Doc. 4), which provides a more in-depth analysis of the legal and policy considerations underpinning the preliminary draft MAC Protocol.

#### **Item 5: Future work**

14. UNIDROIT envisages that a second session of the Committee of Governmental Experts will be held in late 2017, with the anticipation that a diplomatic Conference could be convened in 2018 to adopt the Protocol.

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<sup>1</sup> The preliminary draft MAC Protocol is substantively consistent with the preliminary draft MAC Protocol approved by the UNIDROIT Governing Council at its 95<sup>th</sup> session (Rome, 18-20 May 2016), but has been amended to address a number of minor drafting errors that were noted while translating the Protocol into French. At the Governing Council meeting, the Secretariat noted its intention to correct such minor errors before distributing the preliminary draft MAC Protocol for consideration by member States (see C.D. (95) 15, paragraph 145).