

# MODEL INSTRUMENTS OF RATIFICATION, ACCEPTANCE, APPROVAL AND ACCESSION FOR THE ASSISTANCE OF STATES IN THE IMPLEMENTATION OF THE CAPE TOWN CONVENTION AND LUXEMBOURG RAIL PROTOCOL

## I. BACKGROUND

This paper has been prepared by the UNIDROIT Secretariat and sets out model instruments of ratification, acceptance, approval and accession for the assistance of States that are contemplating becoming Contracting States under the *Convention on International Interests in Mobile Equipment* (hereinafter referred to as the *Convention*) and the *Protocol to the Convention on Matters Specific to Railway Rolling Stock* (hereinafter referred to as the *Luxembourg Rail Protocol*). This paper can be read in conjunction with the explanatory memorandum on the system of declarations that has been prepared by the UNIDROIT Secretariat to assist in the preparation of declarations under the Convention and Luxembourg Rail Protocol.

## II. MODEL INSTRUMENTS OF RATIFICATION/ACCEPTANCE/APPROVAL

(i) *Convention*

**MODEL INSTRUMENT OF [RATIFICATION]  
[ACCEPTANCE] [APPROVAL] *(delete the inapplicable options)*  
BY ... *(insert the name of the State)***

*WHEREAS* the Convention on International Interests in Mobile Equipment (hereinafter referred to as the *Convention*) was concluded in Cape Town on 16 November 2001;

*WHEREAS* the Convention was signed on behalf of ... *(insert the name of the State)* on ... *(insert the date of signature)*;

*AND WHEREAS* Article 47(2) of the Convention specifies that the latter is subject to ratification, acceptance or approval by States which have signed it;

*NOW THEREFORE*, ... *(insert the name of the State)*, having considered the Convention, hereby [RATIFIES] [ACCEPTS] [APPROVES] *(delete the inapplicable options)* it and undertakes faithfully to abide by all the provisions contained therein.

*IN WITNESS THEREOF*, I have signed this Instrument of [Ratification] [Acceptance] [Approval] *(delete the inapplicable options)* and affixed hereunto the Seal of ... *(insert the name of the State)*.

Date

(Signature by Head of State,  
Head of Government or  
Minister of Foreign Affairs)

Seal

(ii) *Luxembourg Rail Protocol*

**MODEL INSTRUMENT OF [RATIFICATION]  
[ACCEPTANCE] [APPROVAL] *(delete the inapplicable options)*  
BY ... *(insert the name of the State)***

*WHEREAS* the Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Railway Rolling Stock (hereinafter referred to as the *Luxembourg Rail Protocol*) was concluded in Luxembourg on 23 February 2007;

*WHEREAS* the Luxembourg Rail Protocol was signed on behalf of ... *(insert the name of the State)* on .... *(insert the date of signature)*;

*AND WHEREAS* Article XXI(2) of the Luxembourg Rail Protocol specifies that the latter is subject to ratification, acceptance or approval by States which have signed it;

*NOW THEREFORE*, ... *(insert the name of the State)*, having considered the Luxembourg Rail Protocol, hereby [RATIFIES] [ACCEPTS] [APPROVES] *(delete the inapplicable options)* it and undertakes faithfully to abide by all the provisions contained therein.

*IN WITNESS THEREOF*, I have signed this Instrument of [Ratification] [Acceptance] [Approval] *(delete the inapplicable options)* and affixed hereunto the Seal of ... *(insert the name of the State)*.

Date

(Signature by Head of State,  
Head of Government or  
Minister of Foreign Affairs)

Seal

### III. MODEL INSTRUMENT OF ACCESSION

(i) *Convention*

#### MODEL INSTRUMENT OF ACCESSION

BY ... (*insert the name of the State*)

*WHEREAS* the Convention on International Interests in Mobile Equipment (hereinafter referred to as the *Convention*) was concluded in Cape Town on 16 November 2001;

*AND WHEREAS* Article 47(3) of the Convention specifies that any State which does not sign the Convention may accede to it at any time;

*NOW THEREFORE*, ... (*insert the name of the State*), having considered the Convention, hereby *ACCEDES* to it and undertakes faithfully to abide by all the provisions contained therein.

*IN WITNESS THEREOF*, I have signed this Instrument of Accession and affixed hereunto the Seal of ... (*insert the name of the State*).

Date

(Signature by Head of State,  
Head of Government or  
Minister of Foreign Affairs)

Seal

*(ii) Luxembourg Rail Protocol*

**MODEL INSTRUMENT OF ACCESSION**

**BY ...** *(insert the name of the State)*

*WHEREAS* the Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Railway Rolling Stock (hereinafter referred to as the *Luxembourg Rail Protocol*) was concluded in Luxembourg on 23 February 2007;

*AND WHEREAS* Article XXI(3) of the Luxembourg Rail Protocol specifies that any State which does not sign the Luxembourg Rail Protocol may accede to it at any time;

*NOW THEREFORE*, ... *(insert the name of the State)*, having considered the Luxembourg Rail Protocol, hereby **ACCEDES** to it and undertakes faithfully to abide by all the provisions contained therein.

*IN WITNESS THEREOF*, I have signed this Instrument of Accession and affixed hereunto the Seal of ... *(insert the name of the State)*.

Date

(Signature by Head of State,  
Head of Government or  
Minister of Foreign Affairs)

Seal