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ZWISCHENSTAATLICHE ORGANISATION FÜR DEN
INTERNATIONALEN EISENBAHNVERKEHR

INTERGOVERNMENTAL ORGANISATION FOR INTERNATIONAL
CARRIAGE BY RAIL

**DIPLOMATIC CONFERENCE TO ADOPT A RAIL
PROTOCOL TO THE CONVENTION ON
INTERNATIONAL INTERESTS IN MOBILE
EQUIPMENT**

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COMMENTS ON DRAFT RAIL PROTOCOL

(presented by the Government of the Russian Federation)

Article I

To assure clarity of the definitions we would like to propose to arrange the last three terms this way:

- (e) "railway rolling stock"
- (f) "railway vehicle"
- (g) "public service rolling stock"

We propose to formulate the sub-paragraph (g) like this:

"“railway rolling stock” means railway vehicles together with all related documentation (operating and technical data, manuals, notebooks etc)."

We also propose to specify the meaning and the content of the definition "ancillary railway rolling stock" in sub-paragraph (e).

Article XIII

The paragraph 5 of Article XIII contains provisions on the appointment of the Registrar. Yet there are no information about procedure of the appointment and requirements for candidates.

Article XIV

We propose to formulate this Article as follows:

“The first regulations shall be made so as to take effect upon the entry into force of this Protocol. Prior to issuing regulations, the Supervisory Authority shall publish draft regulations in good time for review and comment and thereafter consult with representatives of manufacturers, operators and financiers thereon.”

Article XV

Article XV fixes that functions of the International Registry shall be operated and administered by the Registrar on a 24-hour basis. According to Article 1 (sub-paragraph (ee)) of the Convention “Registrar” means, in respect of the Protocol, the person or body designated by that Protocol or appointed under Article 17(2)(b)”. However taking in consideration that Article XV does not define whether the Registrar is a person or a body we propose to make more precise the meaning of “Registrar” in respect of the draft Protocol.

We also recommend adding throughout the text of the Protocol after words “Article...” words “of this Protocol” where there are no such words.

The draft Protocol uses two terms “Contracting State” and “State Party”. We think that to achieve the uniform understanding of the Protocol it would be better if only one of these terms is used.

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