



INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW
INSTITUT INTERNATIONALE 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

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

Luxembourg, 12 to 23 February 2007

UNIDROIT/OTIF 2007
DCME-RP – Doc. 34
Original: English
20 February 2007

DRAFT RESOLUTION N. X

**RELATING TO THE ESTABLISHMENT OF THE SUPERVISORY AUTHORITY AND
INTERNATIONAL REGISTRY FOR RAILWAY ROLLING STOCK**

(submitted by the Joint Secretariat of the Conference)

THE CONFERENCE,

HAVING ADOPTED the Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Railway Rolling Stock,

HAVING REGARD to Article XIII of the Protocol,

HAVING REGARD to the Convention on International Interests in Mobile Equipment, signed at Cape Town on 16 November 2001,

CONSCIOUS of the need to undertake preparatory work regarding the establishment of the International Registry in order to ensure that it is operational by the time the Protocol enters into force;

CONSIDERING the advantages of formulating the policies and procedures and of developing the technology to be employed as well as adapting the procedures and the technology employed in establishing the International Registry of Interests in Aircraft Equipment in order to facilitate the expeditious establishment of the International Registry for railway rolling stock and contain costs thereof to the extent possible;

CONSIDERING that the General Assembly of the Intergovernmental Organisation for International Carriage by Rail (OTIF) at its seventh session, held on 23 and 24 November 2005 (AG 7/9 of 24 November 2005), agreed that, subject to certain conditions, the Organisation assume the role of Secretariat of the Supervisory Authority of the International Registry for the purpose of the Protocol and to defer further decisions on this matter until the Diplomatic Conference;

RESOLVES:

TO SET UP, pending the entry into force of the Protocol, a Preparatory Commission to act with full authority as Provisional Authority for the establishment of International Registry in consultation with UNIDROIT and OTIF. The Preparatory Commission shall be composed of the following States, the representatives of which have the necessary qualifications and experience

[Presidents of the Conference will determine; recommendation is 16 States, plus the Chairpersons of the Conference Committees (if their countries are not otherwise represented), plus the two co-sponsoring Organisations, and the Rail Working Group]:

(a) States that have ratified or acceded to the Convention; (b) [10] States from amongst the States that participated in the Conference nominated by the President of the Conference; (c) [6] States nominated by the two sponsoring Organisations UNIDROIT and OTIF; (d) one representative each of the UNIDROIT and the OTIF Secretariats.

Other States participating in the Conference may attend and participate as Observers in meetings of the Commission. All participants in the Commission's activities shall do so without cost to the Commission or the sponsoring Organisations.

The Commission shall have legal personality as shall be necessary.

TO DIRECT the Preparatory Commission to carry out, in consultation with UNIDROIT and OTIF the following functions:

- (1) to establish its rules of procedure and methods of work, including the appointment of its chairperson, setting up expert committees and to determine the place and dates of meetings to carry out its work;
- (2) to prepare Regulations and Procedures for the International Registry;
- (3) to ensure that the International Registry for railway rolling stock be set up in accordance with a fair selection process, so as to assure both technical capacity and operational features which can maintain such a registry at a cost as low as feasible and its becoming operational on a target date of one year from the adoption of the Protocol and at the latest by the time of the entry into force of the Protocol;
- (4) to enter into a contract with the Registrar that makes provision for the testing of the software, the initial fees, the user application process, timelines for the consideration of including other than the initially selected language to be used for registrations and searches, as well as other relevant details;
- (5) to initiate consultations capable of ensuring effective co-operation with relevant existing national and regional Registries;

TO UTILIZE, in carrying out its functions, to the maximum extent feasible and appropriate the prior experience relating to the establishment and operation of the International Registry for aircraft objects, as well as guidance of the Rail Registry Task and the Rail Registry Committee of the Conference;

TO PROVIDE FOR the participation of private-sector advisers, including members of the Rail Working Group and in particular representatives of manufacturers, railway operators and financiers;

TO PREPARE the establishment of the Supervisory Authority whose members shall be composed of States as provided in accordance with Article XIII of the Protocol, which shall be effected by resolution of the Commission in consultation with UNIDROIT and OTIF.

TO MAKE ARRANGEMENTS for the establishment of a Commission of Experts consisting of not more than [8] members from amongst persons nominated by the Signatory and Contracting States to the Protocol, having the necessary qualifications and experience, with the task of assisting the Supervisory Authority, upon the entry into force of the Protocol.

TO REQUEST the two co-sponsoring Organisations of the Conference to provide such administrative assistance and facilities as may be necessary and to the extent feasible.

- END -

