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**Preparatory Commission regarding the
establishment of the International Registry
for railway rolling stock according to the
Luxembourg Protocol**

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DRAFT

**BASELINE REGULATIONS FOR THE INTERNATIONAL REGISTRY
FOR RAILWAY ROLLING STOCK ACCORDING TO THE
LUXEMBOURG PROTOCOL**

October 2014

DRAFT
REGULATIONS FOR THE INTERNATIONAL REGISTRY

(Article 17(2) (d) of the Convention on international interests in mobile equipment and the
Luxembourg Protocol)

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Section 1 AUTHORITY

These Regulations are issued by the Supervisory Authority pursuant to Article 17(2)(d) of the *Convention on International Interests in Mobile Equipment* ("Convention") and are authorised by the *Luxembourg Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Railway Rolling Stock* ("Protocol").

Section 2 DEFINITIONS

- 2.1 Terms defined in the Convention and the Protocol shall have the same meanings in these Regulations. In addition, the following terms shall have the meanings set out below:
- 2.1.1. “Administrator” means the person with authority to act on behalf of a registry user entity on administrative matters in dealings with the International Registry, and an “acting administrator” has the meaning set out in Section 4.1.
- 2.1.2. “Amendment” means any change in registration information, including any change in the duration of a registration, but does not include assignment, subrogation or subordination.
- 2.1.3. “Authorization” means an electronic authorization given by the administrator of a transacting user entity to one of its transacting users or to a professional user to transmit information to the International Registry to effect or consent to a registration on behalf of that transacting user entity.
- 2.1.4. “Authorised Representative” means a person authorised to effect a registration of an international interest, prospective international interest, or assignment or prospective assignment of any of the foregoing in an agency, trust or other representative capacity.
- 2.1.5. “Consent” means an electronic consent to a registration.
- 2.1.6. “Controlled entity” means a business entity, trust or association of any kind, however established, with capacity to be a named party in registrations, where a transacting user entity electronically asserts that it controls, manages or administers that business entity, trust or association.
- 2.1.7. “Fee Schedule” means a schedule issued by the Supervisory Authority in accordance with section 14.1 and which is in force at the relevant time.
- 2.1.8. “Identification data” means information required to effect a registration of an international interest in an item of rolling stock referred to in Section 5.3 (a) - (c).
- 2.1.9. “Identity” means the name, address and electronic address of the entity or person in respect of whom the identity information is sought.
- 2.1.10. “Named party” means a party named as a party in a registration, and a “named representative” means a person named in a registration and acting for others in an agency, trust or other representative capacity in accordance with Article IV of the Protocol.

- 2.1.11. “Professional user entity” means a firm, limited liability partnership or corporation or other grouping of persons (such as an internal legal department of a transacting user entity) providing professional services to transacting user entities in connection with the transmission, to the International Registry, of information relating to registrations, and a “professional user” means an individual employee, member or partner of a professional user entity.
- 2.1.12. “Registration” means an interest electronically registered with the International Registry. For the purposes of Sections 4.3(c), 4.4 and 6, the term has the extended meaning set out in Section 6.1. A “registering person” means a registry user or an entity designated as an entry point transmitting information to the International Registry to effect a registration in accordance with Section 13 below.
- 2.1.13. "Registry user entity" means:
- (a) a transacting user entity; or
 - (b) a professional user entity; and
- a “registry user” means a transacting user or a professional user.
- 2.1.14. “Searching person” means a person making a search in accordance with Sections 7 or 8 of these Regulations.
- 2.1.15. “Transacting user entity” means a legal entity, natural person or more than one of the foregoing acting jointly intending to be a named party in one or more registrations, and a “transacting user” means an individual employee, member or partner of a transacting user entity or an affiliate of that entity.
- 2.1.16. “URVIS identifier” means, in respect of an item of railway rolling stock, the unique, 20-digit identification number allocated in accordance with the system prescribed by Section 5 of these Regulations.
- 2.2 The term or terms:
- “entry point” has the meaning set out in Section 13.1;
 - “International Registry Procedures” has the meaning set out in Section 17.1;
 - “priority search”, “priority search certificate”, “informational search listing”, “Contracting State search” and “Contracting State search certificate” have the meanings set out in Section 8;
 - “group registration” and “group search” shall mean respectively a registration of international interests held by a creditor in a multiple number of items of railway rolling stock identified in accordance with Article XIV of the Protocol and a search at the International Registry against such multiple number of items.
- 2.3 For the purposes of these Regulations an “item of railway rolling stock” means a vehicle which:
- (a) satisfies the definition of “railway rolling stock” in Article I.(2) (e) of the Protocol;
 - (b) is able to be operated with or without traction;

- (c) may be physically separated from other vehicles and may continue to be operated under normal industry conditions after such separation; and
- (d) may be operated alone or contiguous to various other vehicles without the need for any special adaptation or use of additional special equipment.

Where a vehicle is made up of a number of articulated sections which are physically fixed to each other, but it is possible to replace or substitute such sections in the normal course of maintenance operations, whether using specialist equipment or otherwise, each articulated section shall be regarded as an item of railway rolling stock.

In order to ensure consistent application of this Section 2.3, the Registrar shall publish from time to time as it considers appropriate, and with the consent of the Supervisory Authority, guidance notes as to what constitutes an item of railway rolling stock. Such notes may not be challenged in the absence of manifest error but may be superseded by notes issued subsequently by the Registrar with the consent of the Supervisory Authority.

Section 3 GENERAL PROVISIONS

- 3.1 The International Registry is established as the facility for effecting and searching registrations under the Convention and the Protocol.
- 3.2 Since the International Registry merely provides notice of registrations, the facts underlying any such registration or registered interest shall determine whether it falls within the scope of the Convention and the Protocol. Without limiting the foregoing, registrations of pre-existing rights and interests or assignment thereof shall have no legal effect under the Convention and the Protocol, except where, by virtue of a declaration under Article 60 (3) of the Convention, registration thereof is required. The contents of this Section 3.2 shall be prominently displayed by the International Registry as a general cautionary note on its website.
- 3.3 The International Registry shall be accessible 24 hours a day, 7 days a week, except if precluded by maintenance performed outside peak periods, or technical or security problems, as set out in the International Registry Procedures. The International Registry shall be available in English and such other languages as shall be agreed between the Registrar and the Supervisory Authority from time to time.
- 3.4 The Registrar shall operate the International Registry and perform the functions assigned to it by the Convention, the Protocol, these Regulations and the International Registry Procedures and such other functions and duties assigned to it or permitted by the Supervisory Authority. The Registrar shall not undertake other operations or responsibilities nor permit other parties to have access to or use the facilities of the International Registry without the prior written consent of the Supervisory Authority.

3.5 Technical support shall be provided to registry users, searching persons and administrators by a help desk of the International Registry, which shall be available during the Registrar's normal business hours (or otherwise as may be agreed between the Supervisory Authority and the Registrar), via telephone and/or fax, and/or electronic mail or otherwise, as set out in the International Registry Procedures.

3.6 The International Registry may be used for no other purpose than that set forth in Sections 3.1 and 3.2, unless approved in advance by the Supervisory Authority and subject to the terms of that approval.

Section 4 ACCESS TO THE INTERNATIONAL REGISTRY

4.1. No registry user, registry user entity or administrator of that entity shall have access to the International Registry unless that entity and administrator are first approved as such by the Registrar and are otherwise in compliance with these Regulations and the International Registry Procedures. For the purposes of the preceding sentence, such approval shall be given when the Registrar reasonably concludes:

- (a) that such entity and administrator are who they claim to be; and
- (b) on the basis of information submitted, and without undertaking specific legal analysis, that the latter is entitled to act as administrator of the former, in each case, following the standards and procedures set out in the International Registry Procedures.

An administrator may electronically delegate his/her powers to an "acting administrator" from time to time for periods not to exceed three (3) months.

A requested change to the electronic contact details of an administrator or other registry user may be made after the Registrar reasonably concludes that such requested change is authentic.

4.2. No registry user shall have access to the International Registry unless that user is first electronically approved as such by the administrator of the subject registry user entity and is otherwise in compliance with these Regulations and the International Registry Procedures. No approved registry user shall be entitled to transmit information to the International Registry to effect a registration unless that user has first received authorization to do so. For the purposes of the preceding sentence, such electronic approval and authorization may be given at the sole discretion of the relevant administrator and may be revoked by such administrator at any time.

4.3. Notwithstanding the preceding paragraphs:

- (a) the administrator of a transacting user entity approved by the Registrar may electronically approve a controlled entity as a transacting user entity upon the payment to the Registrar of the fee provided for in the Fee Schedule; and

- (b) in such a case, the rights, powers and obligations of the administrator of the approving transacting user entity and its transacting users, respectively, shall apply equally to the approved transacting user entity; and
- (c) a registration or a transfer of a right to discharge is valid if it is effected by a natural person who has been given the power to do so by a registry user authorised to effect such registration or such transfer of the right to discharge.

- 4.4. Subject to these Regulations and in accordance with the International Registry Procedures, a registration may only be effected, with an authorization, by a registering person on behalf of the transacting user entity, which is a named party required or permitted to effect that registration under Article 20 of the Convention.
- 4.5. No searching person shall have access to the International Registry unless that person is first in compliance with these Regulations and the International Registry Procedures.

Section 5 INFORMATION REQUIRED TO EFFECT REGISTRATION

- 5.1. In order to effect a registration, use of the URVIS identifier provided by the International Registry relating to railway rolling stock is mandatory and, where so provided, is the sole means of satisfying the requirements of Section 5.3 (c) (i) and (ii). To the extent such information is not so provided at the time the registration data are submitted to the International Registry, it shall be electronically entered by a registering person using the format prescribed in the International Registry Procedures, except as regards named parties (other than those whose consent is not required under Sections 5.7, 5.9 or 5.11) because they must be approved transacting user entities.
- 5.2. Identity information shall be deemed complete only if each of the three elements contained in the definition of identity is provided and verified to the Registrar's satisfaction.
- 5.3. The information required to effect the registration of an international interest, a prospective international interest, a notice of a national interest or a registerable non-consensual right or interest is:
- (a) the identity and digital signature of the registering person and a statement identifying on whose behalf that person is acting;
 - (b) the identity of the named parties, which in the case of the debtor shall include the state in which it is situated (in accordance with Article 4 of the Convention) both at the time the international interest is created and on the effective date of registration of the international interest;
 - (c) the following information identifying the item of railway rolling stock:
 - (i) the URVIS identifier allocated by the Registrar pursuant to Article XIV(1) of the Protocol;

- (ii) the manufacturer's name and the identifier affixed to the item, if different to the URVIS identifier and if required pursuant to the International Registry Procedures; and
 - (iii) the national or regional identification number assigned to the item under a national or regional system stated by a declaration made by a Contracting State according to Article XIV(2) of the Protocol and affixed to the item and all of the national or regional identification numbers to which the item has been subject since the entry into force of the Protocol, and the time during which each number has applied to the item.
- (d) the lapse date of the registration if the registration is to lapse prior to the filing of a discharge;
 - (e) in the case of an international interest or a prospective international interest, the consent of the named parties, given under an authorization; and
 - (f) the names and electronic addresses of persons to which the Registrar is required to send information notices pursuant to Section 6.

Where all of the information required in this Section 5.3 is not provided by the registry user entity at the time of the registration application, the Registrar shall not effect that registration. However nothing shall preclude information being provided under subsection (c) (iii) even if no declaration referred to therein is made and if so provided the Registrar shall ensure that such information is recorded and is searchable in respect of such item.

The URVIS identifier shall be composed of nineteen digits wholly numeric; zeroes shall be permitted in any position other than the first position and an automatically generated check digit shall form the twentieth digit derived from the Luhn mod 10N algorithm. The URVIS identifier shall be unstructured, i.e shall be allocated as determined by the Registrar subject to Section 5.4 below, save that it must incorporate all or part of national or regional identification numbers where relevant (that is, where a Contracting State has made a declaration pursuant to Article XIV(2) of the Protocol) in accordance with the terms of the agreement between the Contracting State and the Supervisory Authority. Criteria for marking items of railway rolling stock with the URVIS identifier shall be set out in the International Registry Procedures.

- 5.4. The International Registry will allow a registry user to access the International Registry in order to obtain or reserve an URVIS number in accordance with the International Registry Procedures.
- 5.5. The International Registry will provide a method or methods for group registrations and group searches, which may be further delineated as to type and other factors, consistent with filings and search solutions in the International Registry Procedures which accommodate current railway rolling stock financing practices. It will also allow for pre-requested searches and for the Registrar to issue to interested persons notifications of registration of a security interest registered subsequently to that registered by such interested persons.

Unless expressly permitted by these Regulations or the International Registry Procedures, free-form data entry will not be permitted in the International Registry with regard to registration and searches of Convention interests that affect priority, perfection or enforcement or non-Convention interests to be filed pursuant to Section 7.

5.6. The information required to effect the registration of notices of sale and prospective notices of sale, which shall be subject to Article XVII of the Protocol, is:

- (a) the identification data and the information referred to in Section 5.3 (f)
- (b) the consent of the named parties, given under an authorization; and
- (c) in the case of a prospective sale, the duration of the registration, if that registration is to lapse prior to the time of discharge.

5.7. The information required to effect the registration of the assignment of an international interest, the prospective assignment of an international interest, the assignment of a registerable non-consensual interest or an international interest acquired through subrogation is:

- (a) the identification data;
- (b) the consent of the named parties, given under an authorization except for that of the assignor in the case of an absolute assignment or where it is otherwise agreed between the assignor and assignee that only the assignee's consent is required;
- (c) if the interest being assigned is a registered interest, the file number of the registration (if any) and any other registered identifier relating to that interest;
- (d) if the interest being assigned is not a registered interest, a description of the interest assigned and the original debtor thereunder, using the format prescribed by the International Registry Procedures; and
- (e) in the case of an international interest acquired through subrogation, the file number of the registration of that interest.

5.8. The International Registry may provide a facility permitting the registration of all assignments included in a "block assignment registration request". A "block assignment registration request" shall include:

- (a) an electronic certification by the assignor that all of the underlying interests evidenced by registrations on the International Registry in which it is a named party have been assigned to the assignee, and
- (b) a consent thereto given by the assignee,

each given under an authorization.

5.9. The information required to discharge a registration is:

- (a) the identification data;
- (b) the identity of the creditor, or holder of a national interest or registerable non-consensual right or interest, as the case may be;
- (c) except as provided in Sections 5.9(d) and 5.9.1, the consent of the named parties benefiting from the registered interest, given under an authorization;
- (d) where a right of consent to discharge a registration has been transferred, the consent of the party having this right;
- (e) the file number of the registration to be discharged; and
- (f) the date the discharge is to be effective.

5.9.1 The parties mentioned in Sections 5.9(c) and (d) do not include the debtor, assignor, subrogor or person subordinating the registered interest.

5.9.2 A party referred to in Section 5.9(c) may electronically transfer to a registry user entity, with the consent of that entity, the sole right to consent to the discharge of such registration. Such sole right to consent to the discharge may be further transferred by a holder thereof to another registry user entity with the consent of the latter.

5.9.3 The party holding the right to discharge a registration has the sole right to consent to the discharge of that registration.

5.10. The information required to effect the registration of a subordination of an international interest, a prospective international interest, a national interest or a registerable non-consensual interest is:

- (a) the identification data and information referred to in Section 5.7 (e), and for the purposes of the foregoing reference to Section 5.3 (b) and for the purposes of Section 5.10 (b), the “named parties” shall be the registry user entities subordinating their interest;
- (b) the consent of the named party whose interest is subordinated, given under an authorization;
- (c) the file number of the registration of the interest benefiting from the subordination;
- (d) if the interest being subordinated or benefiting from the subordination is a registered interest, the URVIS identifier relating to each such interest; and
- (e) if the interest being subordinated or benefiting from the subordination is not a registered interest, a description of such interest and the original debtor thereunder, using the format prescribed by the International Registry Procedures.

5.11. Notwithstanding Sections 5.3 (e) and 5.7 (b), the information needed to effect the registration of a pre-existing right or interest required by virtue of a declaration under Article 60 (3) of the Convention (as amended by Article

XXVI of the Protocol) need not include the consent of the debtor, assignor or person subordinating the right or interest.

- 5.12. Subject to Section 5.13, the information required to amend a registration or to amend information contained in an assignment, subrogation or subordination is:
- (a) the identification data and information referred to in Section 5.3 (f);
 - (b) the consent of the named parties that consented to the registration to be amended and, where a right of consent to discharge a registration has been transferred, the consent of the party having this right in place of the immediate transferor;
 - (c) the file number of the registration to be amended; and
 - (d) the amendments to be made.
- 5.13. The following shall apply in respect of amendments to and discharges of amendments to registrations:
- (a) Registration of an amendment of the identification data referred to in Section 5.3 (c) or a change of a category of registration shall be treated as a new registration in respect of the object or category to which the amending registration refers, with priority ranking from the time the amending registration is complete save that this shall not apply if the only amendment is to the data provided pursuant to Section 5.3(c) (iii) if the URVIS identifier remains unchanged. The named parties to such amendment shall consent to the discharge of the previous registration under an authorization, which shall be effected automatically.
 - (b) Registration of an amendment in which the information referred to in Section 5.3 (b) has been changed shall require the consent of the named parties that consented to that registration and of the named party to be specified in the amended registration, each given under an authorization save that a name change notification request as described in Section 5.17 shall not require such consent.
 - (c) Registration of an amendment in which the information referred to in Section 5.3 (d) has been changed shall have no effect on the priority of the original registration for the amended duration of that registration. The foregoing is without prejudice as to whether a new underlying interest has been constituted that requires registration under the Convention.
 - (d) A change to a user capacity statement or the contact details of a registry user are outside of Section 5.13, and may be made after the Registrar reasonably concludes that such requested change is accurate.
 - (e) When a registration is discharged, the party consenting to that discharge shall be deemed to consent to the discharge of all amendments to that registration, which shall be effected automatically.
- 5.14. The consent requirements of this Section 5 shall be satisfied in the case of a registration initiated by an entry point in accordance with Article XIII (1) of the Protocol, when the International Registry receives the consent from all

parties whose consent is required under the Convention, the Protocol, and these Regulations.

- 5.15. Any registration may specify that multiple named parties hold or have granted an interest evidenced thereby.
- 5.16. With respect to an interest referred to in Section 5.15:
- (a) an increase or decrease to such interest arising by virtue of a sale or an assignment of an international interest shall be registered as such in accordance with Sections 5.5 or 5.7, respectively;
 - (b) a decrease in such an interest arising by virtue of payment of a secured obligation shall be partially or wholly discharged in accordance with Section 5.9; and
 - (c) an amendment changing such interest shall be permitted to correct an error when made in accordance with Section 5.12.
- 5.17. The International Registry will provide a facility for notice of a change of name to a registry user entity, where set out in a “name change notification request”. For purposes of the foregoing, a “change of name” means either that the registry user entity has changed its name, that the registered interest has become vested in a new entity created by merger or otherwise by operation of law, or that a correction is required due to an error in the name. In such a case:
- (a) the Registrar shall confirm that such changed name has been effected following the standard set out in Section 4.1;
 - (b) when so confirmed, all registrations on the International Registry in which that registry user entity is a named party shall, without amending registration information, be annotated to advise of the change of name, such annotation to be included in all priority search certificates;
 - (c) following the time at which such annotation is made, the renamed or resulting entity shall be deemed to be a registry user entity for all purposes of the International Registry; and
 - (d) the vesting shall have no effect on the priority of the original registration.
- 5.18. The Registrar shall correct an error in the International Registry created by a malfunction in the International Registry or discharge a registration created by a malfunction in the International Registry, provided that such correction or discharge:
- (a) shall be effective only from the time it is made and shall have no effect on the priority of any other registration, and
 - (b) shall appear on all priority search certificates relating to the subject railway rolling stock.

The Registrar shall promptly give notice of any such correction or discharge to the named parties in the original registration and, if different, the parties making that registration, other parties with registered interests in that item of railway rolling stock, and those who have conducted a priority search on that item of railway rolling stock since the time of the original registration.

Alternatively, the Registrar may request the named parties to the original registration to amend or discharge that registration, leave that registration in place as registered, or without limiting Sections 5.18 (a) or (b) seek an order from a court with jurisdiction under Article 44 (1) of the Convention.

Section 6 CONFIRMATION AND NOTICE OF REGISTRATION

- 6.1 In this Section, the term "registration" includes, where appropriate, an amendment, extension, or discharge of a registration.
- 6.2 The Registrar shall provide prompt electronic confirmation of a registration to the named parties, the registering person and all other interested persons. A confirmation shall contain the information set forth in Article 22 (2) (a) of the Convention.
- 6.3 When a registration is effected relating to an item of railway rolling stock, an electronic notice thereof shall be sent to the named parties and registering persons in any other registration relating to that item.
- 6.4 The confirmation and notice referred to in Sections 6.2 and 6.3, respectively, shall include information specified in Section 5 relating thereto and the file number of the registration.
- 6.5 Named parties may electronically elect not to receive the notices referred to in Section 6.3. Such elections shall require digital signatures. Registry users may request not to receive electronic notices in respect of one or more registrations.

Section 7 NON-CONVENTION FILINGS

- 7.1 To the extent approved by the Supervisory Authority, the Registrar shall provide for filings of other interests in railway rolling stock or contract information relating to international interests that are for the purposes of information only and do not affect the rights of any person, or have any other effect, under the Convention or this Protocol.
- 7.2 Such filings shall be subject to search but the Registrar shall bear no responsibility for any errors or omissions, and search results whether or not effective shall not affect perfection, priority or other rights or obligations under the Convention or the Protocol.

Section 8 SEARCHES IN THE INTERNATIONAL REGISTRY

- 8.1 A search of the International Registry as provided by Article 22 of the Convention in respect of an item of railway rolling stock shall be made by electronic means using one or more of the following criteria:

- (a) the URVIS identifier allocated to the item by the Registrar pursuant to Article XIV (1) of the Protocol;
- (b) the number assigned to the item under a national or regional identification system where a declaration is made by a Contracting State according to Article XIV(2) of the Protocol; and
- (c) the Registrar's group file number in relation to a group registration.

Such search may be by means of a priority search or informational search, as set out in Sections 8.2 and 8.3, respectively. Where no declaration is made by a Contracting State according to Article XIV(2) of the Protocol an informational search may be made against the number assigned to the item under a national or regional identification system, if recorded at the International Registry. A Contracting State search may also be made, as set out in Section 8.5. A search may be performed by any person who complies with the International Registry Procedures, whether or not that searching person has a specific interest. All searches shall be performed by electronic means.

The Registrar shall not permit searches other than by reference to the criteria stated above except where this has been approved by the Supervisory Authority.

- 8.2 A "priority search" is a search for registration information using the criteria specified in Section 8.1 (a), (b) and, if appropriate (c). Such information is searchable for purposes of Articles 19 (2) and (6) of the Convention and Article XV (1) of the Protocol.
- 8.3 An "informational search" is a search other than a priority search using the criteria specified in Section 8.1 (b), either alone or with another criterion set out in that Section. Such informational searches may include the use of symbols specified in the International Registry designed to produce inclusive search results. The results of an informational search, an "informational search listing", shall be a list of all matching items of railway rolling stock described by the items set out in Section 8.1(a) to (c). The facility to perform such an informational search does not make that information searchable for purposes of Articles 19 (2) and (6) of the Convention and Article XV (1) of the Protocol.
- 8.4 A "priority search certificate" is a certificate issued in response to a priority search. It shall:
- (a) set out the information required by Article 22 (2) (a) or (b) of the Convention, as applicable, and comply with Article 22 (3) of the Convention;
 - (b) if Article 22(2)(a) of the Convention applies, list the registered information in both
 - (i) chronological order and
 - (ii) a manner which indicates the transactional history of each registered interest; and

- (c) indicate the current holder of the right to discharge a registration and set out in chronological order when that right to discharge has been transferred and the parties executing such transfer.

8.5 A “Contracting State search” is a search for all declarations and designations, and withdrawals thereof, made under the Convention and the Protocol by the Contracting State specified in the search. A “Contracting State search certificate” is a certificate issued in response to a Contracting State search. A Contracting State search certificate shall:

- (a) indicate, in chronological order, all declarations and designations, and withdrawals thereof, by the specified Contracting State;
- (b) list the effective date of ratification, acceptance, approval or accession of the Convention and the Protocol, and of each declaration or designation, and withdrawal thereof, by the specified Contracting State; and
- (c) attach, in the electronic form set out in the International Registry Procedures, a copy of all instruments deposited by the specified Contracting State relating to items within the scope of Section 8.5(b).

8.6 Each priority search certificate and listing shall be issued and made available in electronic form. Upon request, a printed copy of a priority search certificate or Contracting State search certificate shall be provided by the Registrar.

Section 9 OPERATIONAL COMPLAINTS

9.1 Any person may submit a complaint to the Registrar concerning the operation of the International Registry. If not satisfactorily addressed by the Registrar, that complaint may be further submitted by that person to the Supervisory Authority pursuant to the International Registry Procedures.

9.2 For the purposes of Section 9.1, a matter concerns the operation of the International Registry when the matter relates to general procedures and policies of the International Registry and does not involve specific adjudication by the Registrar or Supervisory Authority.

9.3 A person making a complaint shall substantiate his/her assertions in writing.

9.4 The Supervisory Authority shall promptly consider complaints and where, on the basis of that consideration, it determines changes in the procedures or policies are appropriate, it shall so instruct the Registrar or amend the International Registry Procedures.

9.5 The International Registry Procedures shall set out details relating to the procedure contemplated by Sections 9.1 to 9.4.

Section 10 CONFIDENTIALITY

All information in the International Registry shall be confidential except where it is:

- (a) provided by the Registrar in response to a search under Section 8;
- (b) made electronically available to enable registry users to effect, amend or discharge registrations;
- (c) provided to the Supervisory Authority at the latter's request;
- (d) used for the purposes of the statistics required by Section 11, or
- (e) required to be disclosed by applicable law or authorised to be disclosed by the Supervisory Authority.

Section 11 STATISTICS

11.1 The Registrar shall maintain updated registration statistics and shall publish them in an annual report. This report shall be electronically accessible to any person.

11.2 The registration statistics under Section 11.1 shall consist of

- (a) transactional volumes and revenues, subdivided, in each case, by registration type and geographic distribution, and
- (b) other compilations of non-confidential information requested by the Supervisory Authority.

Section 12 RELATIONS WITH THE SUPERVISORY AUTHORITY

12.1 The Registrar shall prepare an annual report, including statistical data referred to in Section 11, and shall submit it to the Supervisory Authority. The annual report may include recommendations for changes in these Regulations or in the International Registry Procedures.

Section 13 RELATIONS WITH THE ENTRY POINTS

13.1 The Registrar shall maintain a current list of Contracting States that have designated entry points under Article XIII (1) of the Protocol. The list shall also identify the entry points, the entities that operate them and their locations and shall be electronically accessible without limitation in the public domain.

13.2 Subject to any agreement between a Contracting State and the Supervisory Authority pursuant to Article XIV of the Protocol, the Registrar shall establish arrangements applicable to the electronic transmission of registration information from, or authorised by, entry points to the International Registry and, after consultations with each designated entry point, shall specify the procedures and costs applicable to that entry point. Such arrangements between

an entry point and the International Registry shall not impose any material additional costs or other material burden on the International Registry and shall not adversely affect the integrity or the functioning of the International Registry. The foregoing shall not require the establishment of electronically coordinated systems but rather arrangements designed to enhance the efficient use of the International Registry by entry points.

13.3 A registration effected in violation of the terms of a designation under Section 13.1 is invalid except where:

- (a) in the case of an authorizing designated entry point, an authorization code is not obtainable under its procedures (other than due to failure to comply with such procedures); or
- (b) in the case of a direct entry point, use of that entry point is not permitted under its procedures;

based on the facts of the transaction to which it relates.

13.4 The Registrar shall provide an electronic warning against a registration that is not effected in accordance with procedures required by an authorizing entry point to the extent agreed between the International Registry and the Contracting State declaring that entry point.

Section 14 FEES

14.1 Fees in relation to the services provided by the Registrar shall be established and adjusted by the Supervisory Authority as required by the Convention and the Protocol. The fee tariff shall be set by a schedule issued by the Supervisory Authority from time to time and which shall state the amount of fees payable for each service. Such schedule shall be published by the Registrar at the request of the Supervisory Authority on the website of the International Registry and enter into effect 30 days after that publication.

14.2 The Registrar shall collect a fee prior to undertaking services relating to the International Registry.

The Registrar may also charge a supplement on the fees in excess of the tariffs set out in the Fee Schedule where payment is made by credit or debit cards or other similar third party payment systems, provided that such supplement shall generally correspond to the Registrar's direct third party costs in collecting such payment.

14.3 Fees, including fees arising from operations through an entry point, must be paid to the Registrar prior to the requested operation unless otherwise agreed between the Registrar and such entry point provided that the Registrar shall not be permitted to require payment more than 7 days prior to such operation.

Section 15 RELATIONSHIP WITH REGIONAL AND NATIONAL SYSTEMS

Implementing or amending any procedures or mechanisms that involve declared national or regional systems shall require agreement between the Registrar and that system or systems and absent agreement cannot be imposed on that system or systems or vice versa.

Section 16 LIABILITY AND INSURANCE OF THE REGISTRAR

- 16.1 For the purposes of Article 28 (1) of the Convention, “loss suffered” means loss or damage resulting from an error or omission of the Registrar and its officers and employees or from a malfunction of the international registration system, except as provided for by Article 28 of the Convention, but does not include loss or damage resulting from lack of access to the International Registry as a result of measures referred to in Section 3.3 of these Regulations.
- 16.2 Any claim against the Registrar under Article 28 (1) of the Convention:
- (a) shall be made in writing within the time period applicable under the laws of the State where the International Registry is located;
 - (b) should be made, where practicable, following consultations between the claimant and the Registrar; and
 - (c) may be pursued by the claimant in accordance with Article 44 of the Convention.
- 16.3 The International Registry Procedures shall set out details relating to the procedure contemplated by Section 16.2.
- 16.4 For the purposes of the second sentence of Article XV paragraph 5 of the Protocol, the liability of the Registrar is determined not to exceed 5 million SDRs per event of loss. An event of loss comprises all losses suffered as a result of the same error or omission or malfunction insofar as the losses are compensable under Article 28 paragraph 1 of the Convention.
- 16.5 For the purposes of Article XV paragraph 7 of the Protocol, the amount of insurance or financial guarantee shall not be less than 5 million SDRs per event of loss. The Registrar is obliged to maintain such coverage through insurance or financial guarantee for the term of its appointment and under such conditions as set by the Supervisory Authority.
- 16.6 For the purposes of this Section 16, an error or omission or malfunction relating to more than one item of railway rolling stock registered as part of one group registration shall be considered as one event of loss.

Section 17 INTERNATIONAL REGISTRY PROCEDURES

- 17.1 International Registry Procedures addressing items required by these Regulations or otherwise relating to the technical operation and administrative processes of the International Registry shall be established by the Supervisory Authority Unless specifically prohibited by the Supervisory Authority, in situations where such operation or processes need to be changed urgently, the Registrar shall be entitled to issue interim amendments to the International Registry Procedures in relation to such changes which shall be notified to the Supervisory Authority as soon as reasonably practicable thereafter and immediately withdrawn if requested by the Supervisory Authority.
- 17.2 Without restricting their content, the International Registry Procedures shall set out the technical and administrative processes for:
- (a) effecting, amending and discharging registrations and making and obtaining copies of searches; and
 - (b) obtaining the approvals and authorizations required to access the International Registry.
- 17.3 Subject to the approval of the Supervisory Authority, the Registrar shall issue guidance notes from time to time concerning the implementation of these Regulations and the International Registry Procedures.

Section 18 PUBLICATION

- 18.1 The authentic version of these Regulations and the International Registry Procedures shall be published in an official publication of the Supervisory Authority on its website.
- 18.2 The Registrar shall make an electronic version of the authentic texts referred to in Section 18.1, as may be amended as contemplated by Section 19, available to the public at no cost.
- 18.3 Copyright in all documents published and information displayed on the website of the International Registry or published by the Supervisory Authority, and the domain of the website of the International Registry as identified by the Supervisory Authority in writing shall belong to the Supervisory Authority. The contents of this Section 18.3 shall be prominently displayed by the International Registry on its website.
- 18.4 Section 18.3 shall apply analogously to any other business or social media or applications used by the International Registry for effecting and searching registrations under the Convention and the Protocol.

Section 19 NOTIFICATIONS

The Registrar may notify an administrator or a registry user entity, by email to the current email address provided by or for that person, of any matters

affecting the International Registry. Any such notification shall be presumed to have been received 24 hours after it was sent.

Section 20 FINAL PROVISIONS

20.1 Requests for amendments to these Regulations or the International Registry Procedures may be submitted by the Registrar to the Supervisory Authority which shall consider such proposed amendments. In considering any proposed amendments, the Supervisory Authority shall take into consideration the views of rail industry groups. Approval by the Supervisory Authority, in consultation with the Registrar, shall be required to bring any amendments into effect.

20.2 The present Regulations and the initial International Registry Procedures shall take effect on the date the Protocol enters into force. Any amendments to these Regulations or the International Registry Procedures shall take effect 30 days after the date of their publication unless otherwise determined by the Supervisory Authority.
