



**PREPARATORY COMMISSION FOR THE
ESTABLISHMENT OF THE INTERNATIONAL REGISTRY
FOR MAC EQUIPMENT PURSUANT TO THE MAC
PROTOCOL**

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***Registrar Working Group
Fifth session (remote)
16 November 2021***

Introduction to the MAC Registrar Working Group

1. Chapter IV (Articles 16 and 17) of the Convention on International Interests in Mobile Equipment (hereinafter the 'Cape Town Convention') and Article XIV of the Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Mining, Agricultural and Construction Equipment (hereinafter the 'MAC Protocol') provide for the establishment of an International Registry and appointment of the Registrar.
2. For general information related to the Cape Town Convention, see <https://www.unidroit.org/instruments/security-interests/cape-town-convention/overview/>. For general information related to the MAC Protocol, see <https://www.unidroit.org/instruments/security-interests/mac-protocol/overview/>.
3. The Diplomatic Conference for the adoption of the MAC Protocol, in Resolution 1, established a Preparatory Commission, inter alia, to ensure that the international registration system be set up in accordance with an objective, transparent and fair selection process. The Registrar Working Group was established by the MAC Protocol Preparatory Commission at its first session (hereafter "PC1") under Rule 6 of the Rules of Procedure.
4. The Registrar Working Group was established with the objective of preparing a draft Request for Proposals (RFP) for consideration by the MAC Preparatory Commission. Once finalised, the RFP will be published by the Preparatory Commission to solicit bids from interested entities to establish and operate an international registry for the MAC Protocol.
5. The Registrar Working Group has met, or has had its work discussed at the following past meetings:
 - First Meeting of the MAC Preparatory Commission – 21-22 May 2020
 - First Session of the Registrar Working Group – 4 November 2020.
 - Second Meeting of the MAC Preparatory Commission – 10-11 December 2020
 - Second Session of the Registrar Working Group – 26 February 2021
 - Third Session of the Registrar Working Group – 7 May 2021
 - Fourth Session of the Registrar Working Group – 20 May 2021
 - Third Meeting of the MAC Preparatory Commission – 3-4 June 2021
6. All documents related to the MAC Preparatory Commission can be found at <https://www.unidroit.org/work-in-progress/mac-prepcom/>. All documents related to the previous

sessions of the Registrar Working Group can be found on this password protected page: <https://www.unidroit.org/work-in-progress/mac-prepcom/panel-for-members-and-experts-of-the-mac-registrar-working-group/>. The password to access the page is **MACprotocol2021**

7. The documents and deliberations of the MAC Registrar Working Group are confidential. You are requested not to share these documents with anyone outside the group without permission from the UNIDROIT Secretariat. Please contact Hamza Hameed (h.hameed@unidroit.org) for all such enquiries.

8. The Registrar Working Group is Chaired by Mr Ole BÖGER. During its first three sessions, the Registrar Working Group deliberated a draft RFP prepared by the UNIDROIT Secretariat based on the RFPs published for the Aircraft Protocol, the Luxembourg Rail Protocol, and other RFPs the Secretariat had examined in its research. The Group explored various issues identified by the Secretariat, the Group's members, and outside experts in the RFP. These issues included technical, substantive, and process related matters, and can be found in the various Issues Papers for these sessions.

9. At its Fourth Session on 20 May 2021, the Registrar Working Group finalised a draft RFP for consideration by the MAC Preparatory Commission at its Third Meeting (3-4 June 2021). At this session, *'The Commission agreed with the policy positions recommended by the Registrar Working Group in the draft RFP'*. However, *'The Commission decided to withhold approval of the draft RFP until the draft RFP had been reviewed one final time by experts and the evaluation process had been agreed upon.'*¹

10. Additionally, inter alia, the Commission came to the following conclusions:

'The Commission agreed that further information regarding the evaluation process and the operation of the Evaluation Committee was required, including how it would interpret the evaluation criteria set out in the draft RFP and how the committee would weight the technical scores for the proposals.'

'The Commission agreed that the Registrar Working Group should be tasked with further consideration of the draft RFP and the development of an evaluation plan and a guidance document for the Evaluation Committee. The Commission requested that the Secretariat prepare a formal communication inviting States to nominate experts with relevant expertise in the fields of (i) procurement, (ii) registry design and operation and (iii) information and communications technology to advise the Registrar Working Group.'

11. Accordingly, by means of a letter from the Secretary-General issued on 6 July 2021, the UNIDROIT Secretariat initiated a process to invite Member and Observer States of the Commission to nominate experts to advise the Registrar Working Group. This process was closed on 30 September 2021, and the following experts have been nominated to advise the Registrar Working Group:

IRELAND

Mr John CUMMINGS
Head of Spot Buying
Office of Government Procurement

Mr Derek MELIA
Category Manager
Spot Buying Unit
Office of Government Procurement

¹ For the full report of the deliberations of the Commission, please see Paragraphs 51-83 of the Report of the 3rd Session of the MAC Preparatory Commission available at <https://www.unidroit.org/english/documents/2021/mac/pc03/mac-pc03-06-e.pdf>

GAMBIA (Republic of the)	Ms Marang SANYANG Senior State Counsel
JAPAN	Ms Megumi HARA Professor of Law Gakushuin University
UNITED STATES OF AMERICA	Ms Carly SWEET Contracting Officer Department of State Ms Katherine VULTAGGIO Senior Contracting Officer and Advisor Department of State Ms Alexandra WILSON Attorney Advisor Department of State

12. Moving forward, the Registrar Working Group and its affiliated experts have three core objectives:

- a. Finalisation of the Draft RFP
- b. Preparation of an Evaluation Plan which will outline the process of assessing and evaluating the proposals received in response to the RFP
- c. Preparation of a Guidance Document which will outline the best practices to be followed by an Evaluation Committee, to be established by the MAC Preparatory Commission, with special regard to the recruitment and/or appointment of experts to the Evaluation Committee, and matters related to ensuring transparency of the evaluation process

13. The recommendations of the Registrar Working Group, including final documents, will be discussed by the MAC Preparatory Commission at its next session on 17-18 January 2021. The Registrar Working Group conducts its work in a slightly more informal manner as compared to the Preparatory Commission.

14. To facilitate the work of the Registrar Working Group, the UNIDROIT Secretariat has updated the draft RFP to reflect the changes proposed by the Preparatory Commission. These can be found in tracked mode as Document 3 of this meeting. Additionally, the Secretariat has also prepared Document 4 which outlines a preliminary Evaluation Plan and includes details on the process of assessing and evaluating the proposals received in response to the RFP. It also details some issues (which are non-exhaustive in nature) for the consideration for the Working Group. This document has been prepared based on advice received from experts and other international organisations in the area of procurement.