



EN

GOVERNING COUNCIL
105th session
Rome, 20-23 May 2025

UNIDROIT 2025
C.D. (105) 14
Original: English
April 2025

Item No. 7 on the agenda: International Interests in Mobile Equipment

(b) Implementation and status of the Luxembourg Rail Protocol

(prepared by the Secretariat)

<i>Summary</i>	<i>Update on the implementation and status of the Luxembourg Rail Protocol to the Cape Town Convention</i>
<i>Action to be taken</i>	<i>The Secretariat invites the Governing Council to take note of the developments in relation to the implementation of the Luxembourg Rail Protocol</i>
<i>Mandate</i>	<i>Work Programmes 2014-2016, 2017-2019, 2020-2022, 2023-2025</i>
<i>Priority level</i>	<i>High</i>
<i>Related documents</i>	<i>UNIDROIT 2019 – C.D. (98) 17</i> ; <i>UNIDROIT 2020 – C.D. (99) B.13</i> ; <i>UNIDROIT 2021 – C.D. (100) B.10</i> ; <i>UNIDROIT 2022 – C.D. (101) 13</i> ; <i>UNIDROIT 2023 – C.D. (102) 15</i> ; <i>UNIDROIT 2024 – C.D. (103) 14</i>

I. INTRODUCTION

1. The Luxembourg Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Railway Rolling Stock (“the [Luxembourg Rail Protocol](#)” or “the Protocol”) was opened for signature in Luxembourg on 23 February 2007 and entered into force on 8 March 2024.

2. UNIDROIT is designated as the Depositary for the instrument pursuant to its Article XXXIV(1). UNIDROIT’s responsibilities as Depositary under the Luxembourg Rail Protocol include the operation of a system for the receipt and notification of all instruments of ratification, declarations, and other documents lodged with the Depositary. Under the 2023-2025 Work Programme, the implementation of the Luxembourg Rail Protocol continues to be given a high degree of priority ([UNIDROIT 2022 – C.D. \(101\) 21](#), para. 277; [UNIDROIT 2022 – A.G. \(81\) 9](#), para. 67). This document provides an update on implementation since the 103rd session of the Governing Council in May 2024.

II. STATUS OF THE TREATY AND NEW RATIFICATIONS

3. As of March 2025, the Luxembourg Rail Protocol had been signed by seven States (France, Germany, Italy, Mozambique, South Africa, Switzerland, and the United Kingdom), ratified by six States (Gabon, Luxembourg, Paraguay, South Africa, Spain, and Sweden), and approved by one Regional Economic Integration Organisation (the European Union). See the [Annexe](#) for further details.

4. Two significant steps forward in relation to the status of the treaty have taken place between late 2024 and early 2025:

- On 27 November 2024, Paraguay became the first State to be a contracting State of all four Protocols. First Secretary Mr Miguel Dionisi Battilana, acting on behalf of H.E. Ms Maria José Argana Mateu, Ambassador of Paraguay to Italy, deposited the instruments of ratification of all the remaining Protocols (Paraguay already having been a contracting State of the Aircraft Protocol), including the Luxembourg Rail Protocol, which entered into force for Paraguay as of 1 March 2025.
- On 27 January 2025, the Republic of South Africa deposited its instrument of ratification of the Luxembourg Rail Protocol in a ceremony with participation of H.E. Ambassador Ms Nosipho Nausca-Jean Jezile and Minister Plenipotentiary Ms Mmathari Mashao. The Protocol will enter into force for South Africa on 1 May 2025.

III. INSTITUTIONAL ACTIVITIES SINCE THE LAST SESSION OF THE GOVERNING COUNCIL

A. Supervisory Authority

5. At its inaugural session held in Bern (Switzerland) and remotely on 8 March 2024, the Supervisory Authority for the Registry of the Luxembourg Rail Protocol was established by a Resolution signed by the designated representatives of the members in accordance with Article XII of the Protocol, confirming the Preparatory Commission's Resolution on this matter. The Supervisory Authority, among other things, approved its Statutes and Rules of Procedure; elected its officers for a period of two years (Prof. Teresa Rodríguez de las Heras Ballell, representative of Spain, as Chair, Ms Ashrafi Najlah, representative of Sweden, and Mr Jan-David de Villiers, representative of South Africa, as first and second Vice-Chairs, respectively); approved the Agreement between the Supervisory Authority and the Intergovernmental Organisation for International Carriage by Rail (OTIF) concerning the functions of the Secretariat; approved all decisions and documents connected with the establishment of the Registry including the Regulations and Rules of Procedure; approved the Model Rules for the Permanent Identification of Railway Rolling Stock adopted by the UN Inland Transport Committee and as revised after the first meeting of the Revisions Committee, for the purposes of the Regulations; and established the initial membership of a Commission of Experts entrusted with the task of assisting it in the discharge of its functions.

6. According to Article XII of the Protocol, the Supervisory Authority is composed of representatives appointed by the States Parties and by the States designated by OTIF and UNIDROIT. As of 31 March 2025, the Supervisory Authority is composed of representatives of the following States: Algeria, the European Union (for the matters within its competence), France, Gabon, Paraguay, South Africa, Spain, Sweden, the United Kingdom, and Türkiye. Representatives of UNIDROIT, the Rail Working Group (RWG), and the United Nations Economic Commission for Europe (UNECE) attend as observers. The Registrar is invited to attend selected parts of the session.

7. The second session of the Supervisory Authority (SA) is to be held in hybrid format at the premises of OTIF in Berne (Switzerland) on 23 April 2025. It will focus on the following items:

approval of proposed amendments to the Statutes and the Rules of Procedure regarding, among other things, a remote procedure for extraordinary sessions of the SA for urgent approvals; approval of the second revision of the Model Rules for the Permanent Identification of Railway Rolling Stock (as amended by the UN Inland Transport Committee's Working Party on Rail Transport on 13 November 2024) for the purposes of the Regulations for the International Registry; and proposals for election of new members of the Commission of Experts.

B. Ratification Task Force (RTF)

8. The RTF, originally composed of the Co-Chairs of the Preparatory Commission, UNIDROIT, OTIF, the RWG, and the Registrar-designate, had been set up at the sixth session of the Preparatory Commission to develop an implementation and ratification strategy for the Luxembourg Rail Protocol. The RTF – subsequently joined by Luxembourg, South Africa, Sweden, the European Union (represented by the European Commission's DG Move), the United Nations Economic Commission for Europe (UNECE), and the representatives of the Registry – had planned an intense agenda for its work through formal and informal meetings, mostly via teleconference, with the purpose of reaching the number of adhesions required for the entry into force of the Protocol and the operability of the Registry. At the twelfth and last session of the Preparatory Commission in March 2024, it was decided that the RTF should continue to work after the setting-up of the Supervisory Authority and the entry into force of the Protocol, with UNIDROIT as Chair, to fulfil its primary role of developing strategies to promote the Protocol and its worldwide ratification. The RTF should include States engaged in the ratification process or specifically interested in the Protocol, including the members of the Supervisory Authority.

9. To this end, a meeting of the RTF was convened on 8 July 2024 in hybrid format (in Rome and remotely) for updates on the Supervisory Authority and the International Registry for Railway Rolling Stock, reports on promotion and implementation activities since the Protocol's entry into force, information on implementation in Luxembourg as State of the seat of the Registrar and implementation in other contracting States, news and discussion of the ratification process in other States, and wider ratification strategy and priorities, including planned promotion and implementation activities.

10. The next meeting of the RTF will be held in Bern and remotely on the same day of the second session of the Supervisory Authority (23 April 2025). Invitations to attend the RTF have been sent to the European Union (European Commission DG Move), France, Gabon, Luxembourg, Paraguay, South Africa, Spain, Sweden, Türkiye, and the United Kingdom, as well as to OTIF, RWG, the parent company of the Rolling Stock Registry (Information Services Corporation, ISC), UNECE, the United Nations Economic Commission for Africa (UNECA), and Professor Sir Roy Goode as author of the Official Commentary. Hungary was invited to join as observer State.

C. Model Rules for the Permanent Identification of Railway Rolling Stock under the Luxembourg Rail Protocol (UNECE) – Revisions Committee

11. On 24 February 2023, the United Nations Inland Transport Committee unanimously adopted the Model Rules for the Permanent Identification of railway rolling stock under the Luxembourg Protocol at its 85th session in Geneva, Switzerland. The Model Rules were developed to enable the practical application of the Unique Rail Vehicle Identification System (URVIS), which provides for the unique identification necessary for the registration of the international interest in railway rolling stock equipment. A Revisions Committee chaired by the United Kingdom and with the participation of UNIDROIT was established to consider proposals for the modification of the Model Rules, based on the needs of the industry sector and technological developments. The Model Rules, including their first revision adopted in November 2023, were approved by the Supervisory Authority at its first session in March 2024 for the purpose of their use in relation to the International Registry. The revised text

of the Model Rules is available [here](#). The Model Rules are accompanied by a guidance document that can be found [here](#) on the UNECE website.

12. From 2 to 4 September 2024, UNIDROIT participated in the second session of the Revisions Committee to the Model Rules hosted by UNECE in Geneva. On 14 November 2024, the United Nations Inland Transport Committee's Working Party on Rail Transport approved the proposed changes to the Model Rules ("Revision 2"), which intended to facilitate the transition from currently used identification numbers to the URVIS identifier. Those changes will be submitted to the second session of the Supervisory Authority for approval, to render them applicable to registrations in the International Registry for Railway Rolling Stock.

13. In addition, two workshops were organised around the second session: one on the role of public-private partnerships (PPPs) in the financing of investment in railways, and one on integrating the URVIS identifier into digital solutions. In relation to the latter issue, during the session it was decided to create an Informal Group of Experts on the application of digital solutions to the marking of the URVIS identifier. The UNIDROIT Secretariat participated remotely in the first session, held on 13 November 2024, which sought to identify the potential application of such solutions to the marking of the URVIS identifier as a technology-agnostic standard, as well as interaction with other technology and complementary regulatory requirements. The session considered the wider implications, identified the potential additional benefits (including real-time tracking), and considered whether and how the Model Rules needed to be updated to reflect the technological developments.

14. The next session of the Revisions Committee is planned for early September 2025 and will consider, among other issues, proposals to adapt the Model Rules to digital solutions.

D. Dissemination events, lectures, and other promotional activities

15. The UNIDROIT Secretariat has continued to undertake various actions to promote the implementation and entry into force of the Luxembourg Rail Protocol, in cooperation with OTIF, the RWG, and the RTF, as well as other organisations. The Secretariat has also continued to monitor developments in several jurisdictions, meet with governmental and private sector representatives (including, among others, from China, Colombia, India, Italy, the Republic of Korea, Latvia, Mongolia, Saudi Arabia, Singapore, South Africa, and the United Kingdom) and either directly draft or assist the RWG in drafting support documentation for interested governments (including for Ghana, Mauritius, Serbia, and Uzbekistan).

16. Promotional activities with participation of, or organised by, the Secretariat since the last session of the Governing Council include the following:

- Targeted actions for implementation and dissemination of knowledge in contracting States: a practical workshop was held at the University of Stockholm (Sweden), organised by the RWG, on 15 May 2024, with participation of the UNIDROIT Secretary-General. More information is available [here](#).
- Conferences and seminars for experts and stakeholders in other States: a conference was held in Lyon (France) on 21 June 2024, jointly organised by the RWG, the University of Clermont Auvergne (Prof. Jean-François Riffard) and the Jean Moulin University of Lyon (Prof. Paul Guedon), to raise awareness about the Protocol among interested experts and stakeholders in France. The conference, which was held in French and English, saw participation of academics and representatives of the financing sector and was attended by the UNIDROIT Secretary-General, remotely, and Deputy Secretary-General who, attending in person, made a general presentation on the Protocol. More information is available [here](#).

- Capacity-building programmes: the Protocol was discussed during the third edition of the International Programme for Law and Development (IPLD) in June-July 2024 as a tool for sustainable economic development for Africa, with participation of the Chairman of the RWG, Mr Howard Rosen, and the CEO of the African Rail Industry Association (ARIA), Ms Mesela Nhlapo.
- Lectures: a lecture was delivered to the Master on International Business Law at the University La Sapienza (Rome, Italy), an initiative held in three languages (Italian, Spanish, and English) in the framework of the section coordinated by the UNIDROIT Secretary-General.

17. Moreover, the Cape Town Convention Academic Project Annual Conference, held on 11-13 September 2024, had a special focus on the “Cape Town Convention in action: from aircraft to rail to MAC”, and featured, among other topics, a keynote addressing the significance of the coming into force of the Luxembourg Rail Protocol delivered by Mr David Bamlango (Trade and Development Bank Group) and various panels comparing registration requirements, financing models, insolvency provisions, treatment of non-consensual interests, and pre-existing rights. The programme of the conference is available [here](#).

18. The Luxembourg Rail Protocol was further presented in conjunction with the MAC Protocol at a conference jointly organised by UNIDROIT and the University of Cambridge on 13 September 2024. The event, entitled “*Sustainable Economic Development through Credit Expansion – A Focus on the Mining, Agriculture and Construction (MAC) Protocol and Rail Protocol*”, brought together governmental officers, practitioners, and academics to discuss the benefits of the two Protocols.

19. In addition, the Protocol was featured during the South African Presidency Day event, held on 13 December 2024 as a side event to the 84th session of the General Assembly and co-hosted by UNIDROIT and the Embassy of the Republic of South Africa in Rome to commemorate the closing of the year of South Africa’s 2024 chairing of the General Assembly, to which Member State and non-Member State delegations were invited. The Luxembourg Rail Protocol and imminent ratification by South Africa were discussed in a panel moderated by Deputy Secretary-General Prof. Anna Veneziano, with the participation of Ms Lunesterline Andriamahatahitry (Head of Administration and Finance Department, OTIF) and Ms Mesela Nhlapo (Chief Executive Officer, ARIA), who provided an illustration of the benefits of adhering to the Protocol after its entry into force in March 2024, on the functioning of the Registry, and on its key role as a catalyst in the objectives in “The Africa We Want” Agenda 2063 of the African Union. The event was opened by the President of UNIDROIT, Prof. Maria Chiara Malaguti; the Ambassador of South Africa to Italy and Chair of the UNIDROIT General Assembly 2023-2024, H.E. Ms Nosipho Nausca-Jean Jezile; Minister Plenipotentiary Mr Marco Giungi of the Directorate General of Cooperation and Development of the Italian Ministry of Foreign Affairs and International Cooperation; the Ambassador of Angola to Italy and Chair of the Southern African Development Community, H.E. Ms Maria De Fatima Jardim; and the Ambassador of Niger to Italy and Chair of Africa Regional Group, H.E. Ms Fatimata Cheiffou, with a keynote by the UNIDROIT Secretary-General, Prof. Ignacio Tirado, on the significance of UNIDROIT’s instruments of access to credit to foster growth and sustainable economic development, and on beneficial interactions with other areas of work.

E. Next steps

20. The Secretariat will continue to exercise its mandate as Depositary of the treaty, to monitor the activity of the Supervisory Authority by cooperating with OTIF in the preparation of the sessions, to participate in the meetings of the Revisions Committee of the Model Rules for the Permanent Identification of Railway Rolling Stock and other informal subgroups created in connection with the application of the Model Rules, and to actively engage in the promotion of the Protocol in cooperation with OTIF, contracting States, the RWG, and the Registrar, as well as UNECA, the African Union, and

the EU, particularly through participation in promotional and informational events and the organisation of the activity of the RTF.

21. Planned events for the remainder of 2025 with direct participation of the UNIDROIT Secretariat include, among others: (i) meetings with the Legal Team at the European Bank on Reconstruction and Development (EBRD) on the strategy for the promotion of the Cape Town Convention Protocols, including the Luxembourg Rail Protocol (May 2025); (ii) lectures during the fourth (enhanced) edition of the International Programme for Law and Development (IPLD Africa Plus – June 2025), financed by the Italian Ministry of Foreign Affairs and International Cooperation; (iii) a workshop organised by the RWG in cooperation with the *Universidad Externado* in Bogotá (Colombia) with participation of the Chair of the Supervisory Authority, Prof. Teresa Rodríguez de las Heras Ballell, and remote participation of the UNIDROIT Secretariat (September 2025); (iv) Lectures within the newly launched IPLD for the Balkans, Eastern Partnership, Central Asia, and the Caucasus, also financed by the Italian Ministry of Foreign Affairs and International Cooperation (September 2025); and (v) a workshop co-organised by UNIDROIT on the MAC and Rail Protocols in London (UK) for representatives of diplomatic delegations and stakeholders (September 2025).

IV. ACTION TO BE TAKEN

22. *The Secretariat invites the Governing Council to take note of the developments in relation to the implementation of the Luxembourg Rail Protocol.*

ANNEXE

**LUXEMBOURG PROTOCOL TO THE CONVENTION ON INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT ON
MATTERS SPECIFIC TO RAILWAY ROLLING STOCK**

**PROTOCOLE DE LUXEMBOURG PORTANT SUR LES QUESTIONS SPECIFIQUES AU MATERIEL ROULANT FERROVIAIRE
A LA CONVENTION RELATIVE AUX GARANTIES INTERNATIONALES
PORTANT SUR DES MATERIELS D'EQUIPEMENT MOBILES**

as of 31 March 2025 / *au 31 mars 2025*

Adoption: Place / *Lieu*: Luxembourg
Date: 23-02-2007

Entry into force / 08-03-2024 (ex Art. XXIII)

Entrée en vigueur:

Contracting States / 6 (+1 Regional Economic Integration Organisation / *Organisation*
États contractants *régionale d'intégration économique*)

Depositary / Dépositaire: UNIDROIT

STATE / <i>ETAT</i>	SIGNATURE	RATIFICATION / ACCESS. / ADHÉS.	ENTRY INTO FORCE / ENTREE EN VIGUEUR	DECL. / DECL.
France	03-03-17	–	–	–
Gabon	23-02-07	04-04-17	08-03-24	–
Germany / <i>Allemagne</i>	21-11-12	–	–	D
Italy / <i>Italie</i>	23-02-07	–	–	D
Luxembourg	23-02-07	31-01-12	08-03-24	–
Mozambique	15-11-16	–	–	–
Paraguay	–	27-11-24	01-03-2025	XXVII(1)-(3)
South Africa / <i>Afrique du Sud</i>	22-03-22	27-01-25	01-05-2025	XXVII(1),(2),(3)
Spain / <i>Espagne</i>	10-11-21	20-01-23	08-03-24	XIII, XIV(2)-(3), XXIV, XXV and/et XXVI XXVII(1)
Sweden / <i>Suède</i>	27-06-17	02-07-18	08-03-24	–
Switzerland / <i>Suisse</i>	23-02-07	–	–	–
United Kingdom / <i>Royaume-Uni</i>	26-02-16	–	–	–
European Union / <i>Union européenne</i> ¹	10-12-09	18-12-14	08-03-24	XXII(2)

¹ Regional Economic Integration Organisation / *Organisation régionale d'intégration économique*: Protocol(e) Article XXII.