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**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

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#### **SUMMARY OF THE DECISIONS TAKEN ON 13 FEBRUARY 2007**

1. After hearing an introduction to the operation of the International Registry set up under the Protocol to the Cape Town Convention on Matters specific to Aircraft Equipment, the Conference, on a proposal moved by the Government of the United States of America and supported by the Government of Greece, established a Registry Committee.
2. Resuming its consideration of the draft Rail Protocol to the Cape Town Convention, the Commission of the Whole decided to refer Article XXV of the draft Protocol to an open-ended *ad hoc* working group, to be organised by the representative of Germany, for preliminary consideration.
3. The Commission adopted the proposal, moved by the adviser of the Rail Working Group, for the introduction of a new Article III *bis* in the draft Protocol, on the understanding that it would be an optional provision (that it would, therefore, be open to States either to take or not to take at the moment of the deposit of their instrument of ratification, approval or accession) and that it would need to be reviewed, as to its wording, by the Drafting Committee.
4. The Commission adopted Article IV of the draft Protocol, with the deletion of the concluding words “on behalf of a creditor or creditors”.
5. In the course of its consideration of Article V of the draft Protocol, the Commission decided that there should be no reference in Article V(3) to one or more specific regional systems but that examples might be given in the planned Official Commentary.
6. The Commission referred Article V(3) in general, and in particular the words “an international interest created by a debtor situated in that Contracting State”, to the Drafting Committee.

7. The Commission referred Article V(6), and in particular a proposal for its amendment by the words “A description of an item of railway rolling stock that contains the identification number allocated by the Registrar pursuant to the regulations is necessary and sufficient to identify the item for the purposes of Article 18(1)(a) of the Convention” moved by the Government of the United States of America, to the Drafting Committee.

8. The Commission adjourned its discussion of Article V of the draft Protocol until its following session.

9. At the invitation of the President of the Conference, the Chairman of the Credentials Committee gave the Conference an interim report on the work of that Committee.

10. The Conference decided that the composition of the Drafting Committee should be as follows: Austria, Canada, Finland, France, Germany, Japan, Kenya, the Russian Federation and the United States of America, with it being open to the Chairman of that Committee also to invite others to assist its work, as appropriate. The Conference further decided that the Reporter to the Commission of the Whole and the Rail Working Group should also assist the Drafting Committee in its work.

11. The Conference established a Final Clauses Committee.

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