



INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW
INSTITUT INTERNATIONALE POUR L'UNIFICATION DU DROIT PRIVE

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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 14 FEBRUARY 2007

1. The Commission invited the Registry Committee to review Article V(7), and in particular the question as to whether a failure to comply with the duties laid down in the two penultimate sentences of that paragraph should remain without sanction, and to report back to it.
2. The Commission adopted Article VI, amended so as to bring it into line with the proposed new Article III *bis*.
3. The Commission decided to delete Article VII(1) and referred the task of considering the consequences of such deletion to the Drafting Committee.
4. The Commission adopted Article VII(2) and (3), in particular deciding to retain the expression "14 or more calendar days", i.e. a wording different from that employed in the Aircraft Protocol.
5. The Commission adopted the proposal, moved by the United States of America and supported by Canada, France and Ireland, for the deletion of Article VIII(2) and its replacement by wording to be taken from Article X(5) of the Aircraft Protocol.
6. The Commission adopted Article VIII(3), (4) and (5).
7. As the result of a discussion in which Luxembourg and other States pointed out a hidden problem with Article VIII(6), i.e. a possible conflict between a decision of a court under this Article and the "ordre public" of the State where insolvency proceedings have commenced, the Commission decided to delete this provision.

8. The Commission took note of the fact that the Registry Committee had established a sub-committee to deal with information technology issues. The sub-committee is composed of the following States: Canada, Indonesia, Luxembourg, Nigeria, Switzerland and the United States of America, with the participation of the European Commission and the Rail Working Group.

9. The Commission referred Article XX to the Drafting Committee, with the deletion of paragraphs (f) and (i) and the words “or regulation” appearing in square brackets in the final sentence of that Article.

10. The Commission had a general discussion on Article IX, in the course of which a trend emerged in favour of shortening it and in particular of possibly deleting either Alternative B or Alternative C, but no final decision was reached.

11. The Commission accordingly adjourned its discussion on Article IX until its following session.

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