



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

**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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## **DRAFT FINAL ACT**

**of the diplomatic Conference to Adopt a Rail Protocol to the Convention  
on International Interests in Mobile Equipment held under the joint auspices of the  
International Institute for the Unification of Private Law and the  
Intergovernmental Organisation for International Carriage by Rail  
in Luxembourg from 12 to 23 February 2007**

(presented by the Conference Secretariat)

The Plenipotentiaries at the diplomatic Conference to Adopt a Rail Protocol to the Convention on International Interests in Mobile Equipment, held under the joint auspices of the International Institute for the Unification of Private Law and the Intergovernmental Organisation for International Carriage by Rail, met in Luxembourg, at the invitation of the Government of the Grand Duchy of Luxembourg, from 12 to 23 February 2007 for the purpose of considering the *draft Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Railway Rolling Stock*, prepared by three Joint Sessions of a Committee of Governmental Experts of the International Institute for the Unification of Private Law and the Intergovernmental Organisation for International Carriage by Rail.

The Governments of the following 32 \* States were represented at the Conference and presented credentials in due and proper form:

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\* It will be recalled that, when presenting the Report of the Credentials Committee to the Conference on 21 February 2007, the Chairman of the Credentials Committee reported that the Committee had recommended that it should be open to States not then having submitted credentials or Full Powers in due and proper form to do so right up until 10 a.m. on 23 February 2007, and this with a view to ensuring that as many States as possible be able to sign the Final Act and the future Protocol on that date.

Algeria, the People's Democratic Republic of	Japan
Australia	Jordan, the Hashemite Kingdom of
Austria, the Republic of	Kenya, the Republic of
Brazil, the Federative Republic of	Luxembourg, the Grand Duchy of
Cameroon, the Republic of	Mexican States, the United
Canada	Netherlands, the Kingdom of the
Republic of Chile, the	Nigeria, the Federal Republic of
Czech Republic, the	Qatar, the State of
Finland, the Republic of	Russian Federation, the
French Republic, the	Slovak Republic, the
Gabonese Republic, the	Sweden, the Kingdom of
Germany, the Federal Republic of	Swiss Confederation, the
Hellenic Republic, the	United Kingdom of Great Britain
	and Northern Ireland, the
Hungary, the Republic of	United Republic of Tanzania, the
Indonesia, the Republic of	United States of America, the
Ireland	Viet Nam, the Socialist Republic of

The following nine international Organisations and groups were represented by observers:

- Aviation Working Group (AWG)
- Council of the European Union
- European Commission
- European Investment Bank
- Hague Conference on Private International Law
- International Union of Railways (UIC)
- Rail Working Group (RWG)
- Southern African Development Community
- World Bank.

The Conference elected as President Mr Jean Mischo (Luxembourg) and further elected as Vice-Presidents:

- Mr Abdul Razzaq Abulfeilat (Jordan)
- Mr Antonio Paulo Cachapuz de Medeiros (Brazil)
- Mr Yuri Khromov (Russian Federation)
- Mr Laurent Noël (Switzerland)
- Mr Fabien Owono Essono (Gabon).

The Secretariat of the Conference was as follows:

For the International Institute for the Unification of Private Law:

- Secretary General – Mr Herbert Kronke, Secretary-General
- Executive Secretary – Ms Marina Schneider, Senior Officer
- Deputy Secretary – Mr Martin Stanford, Deputy Secretary-General
- Deputy Secretary – Ms Frédérique Mestre, Senior Officer

For the Intergovernmental Organisation for International Carriage by Rail:

Secretary General – Mr Stefan Schimming, Secretary General  
Executive Secretary – Mr Gustav Kafka, Deputy to the Secretary General  
Deputy Secretary – Mr Gerfried Mutz, Honorary Counsellor  
Deputy Secretary – Mrs Eva Hammerschmiedova, Senior Officer

Other officials of both Organisations also provided services to the Conference.

The Conference established a Commission of the Whole, which was chaired by Mr Dominique D'Allaire (Canada) and to which Sir Roy Goode (United Kingdom) acted as *Rapporteur*, and the following Committees:

*Credentials Committee*

Chairman: Mr Dan Ogochukwu Obelle (Nigeria)

Members: Indonesia  
Luxembourg  
Nigeria  
Qatar  
Russian Federation.

*Drafting Committee*

Chairman: Mr Antti Leinonen (Finland)

Members: Austria  
Canada  
Finland  
France  
Germany  
Japan  
Kenya  
Luxembourg  
Russian Federation  
United States of America.

*Final Clauses Committee*

Chairman: Mr Jorge Sánchez Cordero (Mexico)

Members: Greece  
Luxembourg  
Mexico  
United States of America.

*Registry Committee*

Chairman: Mr Henrik Kjellin (Sweden)

Members: Canada  
Finland

France  
Gabon  
Germany  
Greece  
Indonesia  
Italy  
Kenya  
Luxembourg  
Nigeria  
Russian Federation  
Slovakia  
Sweden  
Switzerland  
United Kingdom  
United States of America  
Vietnam.

Following its deliberations, the Conference adopted the text of the *Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Railway Rolling Stock*.

The said Protocol has been opened for signature in Luxembourg this day.

The texts of the said Protocol are subject to verification by the Secretariat of the Conference under the authority of the President of the Conference within a period of ninety days from the date hereof as to the linguistic changes required to make the texts in the different languages consistent with one another.

The Conference furthermore adopted by consensus the following Resolutions: