



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

December 2016

The MAC Protocol

**The first session of the Committee
of Governmental Experts (CGE)**

20 – 24 March 2017

Rome

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Overview

- **Purpose and function of the Committee of Governmental Experts (CGE)**
- **Operation of the meeting**
- **Why participation is important**
- **Preparing for the meeting**
- **Logistical details**



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Development of the MAC Protocol

1. Preliminary Stage (2005 – 2013)
2. Study Group Stage (2014 – 2016)
- 3. Intergovernmental Stage (2017)**
4. Diplomatic Conference (possibly 2018)



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Purpose of the CGE

- **To draft an international instrument**
 - Debate and discuss different approaches to legal questions
 - Negotiate and agree on provisions that are acceptable in different legal systems
- **More specifically, to draft an additional Protocol to the Cape Town Convention**
 - Devise a Protocol that is consistent with the underlying values of the Cape Town Convention
 - Decide where it is necessary and appropriate to deviate from the Convention itself and its existing Protocols
 - Design a Protocol that is commercially operable



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Operation of the CGE

The convening of the CGE is governed by Article 51 of the Cape Town Convention:

- Preliminary draft text is communicated to UNIDROIT member States, States Parties to the Cape Town Convention and member States of the United Nations and all States invited to participate in the CGE.
- Relevant intergovernmental organisations are invited to participate, non-governmental organisations are invited to observe.
- All States and organisations invited to provide comments on preliminary draft text in advance of the meeting.
- When UNIDROIT member States adjudge the draft Protocol is ripe for adoption, the Depositary shall convene a diplomatic conference for its adoption.



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Operation of the CGE

- Officers to preside over the first session of the CGE will be elected on the morning of the first session (Monday 20 March 2017)
- The CGE may wish to elect a Chairperson, two Deputy Chairpersons and a Reporter for the session.
- The CGE will consider the preliminary draft text, article by article, in order to prepare the draft Protocol.
- A drafting committee will work after-hours each day of the CGE meeting to prepare a report of the meeting and confirm the text of the draft Protocol.

The value of participation

- Play an active role in shaping the MAC Protocol to address issues of national interest:
 - Types of MAC equipment covered
 - Relationship with immovable property
 - Changes to the scope to accommodate technological innovation
- Targeted participation at an influential juncture.
- Anticipated limited number of CGEs.
- Contribute to the future success of the instrument.



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Preparing for the meeting

- Documents for CGE1 sent to all States via Note Verbale in September 2016.
- States invited to submit comments on the preliminary draft text by 9 January 2017 (to allow for translation).
- States responsibility to nominate members of delegation: delegations often include governmental officials, legal advisors and practitioners, academics and/or members of national organisations.
- Domestic private industry (manufacturers, financiers, professional associations and end-users) encouraged to join the private sector MAC Working Group.



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Final logistical details

- Written comments on the preliminary draft text: Due by **9 January 2017** to allow for translation.
- Complete registration forms for delegation complete with picture, send to Secretariat preferably before **28 February 2017**.
- The first session of the CGE will commence at **10am on 20 March 2017** at the FAO headquarters, Rome.
- The meeting will continue for the entire week (20 - 24 March), concluding at **5pm 24 March 2017**.



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**Please contact the Secretariat if you have
queries about the CGE or the MAC Protocol project
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We hope to see you in March 2017!