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**DIPLOMATIC CONFERENCE FOR THE ADOPTION OF THE
DRAFT PROTOCOL TO THE CONVENTION
ON INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT
ON MATTERS SPECIFIC TO MINING, AGRICULTURAL
AND CONSTRUCTION EQUIPMENT (THE "MAC
PROTOCOL")**

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DRAFT RESOLUTION 1

**RELATING TO THE ESTABLISHMENT OF THE PREPARATORY COMMISSION FOR THE
ESTABLISHMENT OF THE INTERNATIONAL REGISTRY FOR MINING, AGRICULTURAL AND
CONSTRUCTION EQUIPMENT**

(prepared by the UNIDROIT Secretariat)

THE DIPLOMATIC CONFERENCE FOR THE ADOPTION OF THE DRAFT PROTOCOL TO THE CONVENTION ON INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT ON MATTERS SPECIFIC TO MINING, AGRICULTURAL AND CONSTRUCTION EQUIPMENT,

HAVING ADOPTED the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Mining, Agricultural and Construction Equipment (the Protocol);

HAVING REGARD to Article XIV of the Protocol;

BEARING IN MIND the Convention on International Interests in Mobile Equipment (the Convention), opened to signature in Cape Town on 16 November 2001;

CONSCIOUS of the need to undertake preparatory work regarding the establishment of the International Registry for mining, agricultural and construction equipment in order to ensure that it is operational by the time the Protocol enters into force;

CONSIDERING the advantages of formulating the policies and procedures as well as adapting the procedures employed in establishing the International Registry for aircraft objects and the International Registry for railway rolling stock in order to facilitate the expeditious establishment of the International Registry for mining, agricultural and construction equipment and contain the costs thereof to the extent possible;

RESOLVES:

TO ESTABLISH, pending the entry into force of the Protocol, a Preparatory Commission to act with full authority as Provisional Supervisory Authority for the establishment of the International Registry for mining, agricultural and construction equipment, under the guidance and supervision of the Governing Council and the General Assembly of UNIDROIT.

Such Preparatory Commission shall be composed of

- (1) Up to twenty representatives who shall have the necessary qualifications and experience, nominated by the following states:
 - (a) States or Regional Economic Integration Organizations that have signed, ratified or acceded to the Protocol;
 - (b) Up to seven States from among the States that participated in the Conference (*negotiating States*);
 - (c) Up to seven States nominated by the sponsoring Organisation UNIDROIT;
- (2) The UNIDROIT Secretariat, as the Secretariat of the Preparatory Commission
- (3) The following may participate as observers to the meetings of the Preparatory Commission:
 - (a) The Chair of each of the Commissions and Committees established by the Conference;
 - (b) The MAC Working Group;
 - (c) The International Registries of the other Protocols;
 - (d) The World Customs Organization, the World Bank Group and the Kozolchuk National Law Center (NatLaw)

other negotiating States and relevant international organizations may also be invited to participate as observers.

THAT all participants in the Preparatory Commission's work shall participate without any financial implications for either the Preparatory Commission or UNIDROIT;

THAT the Preparatory Commission shall have such legal personality as may be necessary;

TO INSTRUCT the Preparatory Commission to carry out, under the guidance and supervision of the Governing Council and the General Assembly of UNIDROIT, the following functions:

- (1) to establish its rules of procedure and methods of work, including the appointment of its chair (s), the setting up of expert committees, and the determination of the place and dates of meetings to carry out its work;
- (2) with a view to guarantee the operability of the International Registry by the time of entry into force of the Protocol, to ensure that the Registrar managing the International Registry be selected in accordance with an objective, transparent and fair selection process, and that all necessary regulations and procedures be prepared and approved, with a target date of two years from the convening of the first meeting of the Commission, which is to take place before six months have passed from the adoption of the Protocol;

(3) to work on such other matters relating to the International Registry for mining, agricultural and construction equipment as may be required with a view to ensuring the establishment of the International Registry;

(4) to enter into a contract with the Registrar that makes provision for the testing of the software, the initial fees, the user application process and timelines, as well as other relevant details;

(5) to ensure the necessary liaison and co-ordination with private industry which will be users of the International Registry; and

(6) to initiate consultations capable of ensuring effective co-operation with relevant existing national and regional registries;

TO DIRECT the Preparatory Commission to make use, in the carrying out of its functions, to the maximum extent feasible and appropriate, of the prior experience acquired in the establishment and operation of the International Registry for other Protocols;

TO DIRECT the Preparatory Commission to prepare the establishment of the Supervisory Authority;

TO URGE the States participating in the Conference and interested private parties to make available, at the earliest possible date, the necessary start-up funding on a voluntary basis for the tasks of the Preparatory Commission and of UNIDROIT, required under this Resolution and to entrust UNIDROIT, with the task of administering such funds.