



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

**PREPARATORY COMMISSION FOR THE
ESTABLISHMENT OF THE INTERNATIONAL REGISTRY
FOR MAC EQUIPMENT PURSUANT TO THE MAC
PROTOCOL**

First session (remote)
Rome, 21-22 May 2020

EN

UNIDROIT 2020
MACPC/1/Doc. 1
Original: English
April 2020

ANNOTATED DRAFT ORDER OF BUSINESS

1. Opening of the session and welcome by the UNIDROIT Secretary-General
2. Adoption of the order of business of the session
3. Adoption of the Commission's Rules of Procedure
4. Election of the Chair and Vice-Chairs of the Commission
5. Consideration of matters relating to the appointment of a Supervisory Authority
6. Establishment of a working group to develop draft regulations for the International Registry for MAC equipment
7. Establishment of a working group to draft a request for proposals for the selection of a Registrar
8. Time-table and planning of further work
9. Any other business
10. Closing of the session.

ANNOTATIONS TO THE DRAFT ORDER OF BUSINESS

Item No. 1 Opening of the session

1. Due to the ongoing global COVID19 pandemic, the first session will be held via videoconference using the Zoom platform. The session will be opened on Thursday 21 May 2020, at 13:00 CEST by the UNIDROIT Secretary-General as Provisional Chair.

To join the first session, Join Zoom Meeting, please visit the following website and enter the meeting ID and Password below as necessary:

<https://zoom.us/j/91228275501?pwd=c2lzcWRxNDh1SytVc1MrTFJ5ZWJGQT09>

Meeting ID: 912 2827 5501

Password: 420059

Alternatively, participants may dial into the meeting using the below phone numbers. Where possible, participants are encouraged to participate via the above link rather than dialling-in using a phone, as participation via videoconference provides technological advantages, such as viewing screens or documents being shared by the Secretariat on the Zoom platform.

+61 8 7150 1149	Australia
+1 778 907 2071	Canada
+33 7 5678 4048	France
+49 30 5679 5800	Germany
+39 020 066 7245	Italy
+81 342 339 241	Japan
+82 2 6105 4111	Republic of Korea
+27 87 551 7702	South Africa
+34 84 368 5025	Spain
+44 208 080 6591	United Kingdom
+1 253 215 8782	United States of America

Item No. 2 Adoption of the order of business of the session

2. In order to accommodate the different time zones of participating States, the hours of the first session will be:

Thursday 21 May:	13:00 – 17:00 CEST
Friday 22 May:	13:00 – 17:00 CEST

Item No. 3 Discussion and adoption of Commission's Rules of Procedure

3. The Preparatory Commission will consider the provisional Rules of Procedure (MACPC/1/Doc. 2), prepared by the UNIDROIT Secretariat based on the Rules of Procedure adopted by previous Cape

Town Convention Protocol Preparatory Commissions. The provisional Rules of Procedure will be distributed in advance of the first session.

Item No. 4 Election of the Chair and Vice-Chairs of the Commission

4. In accordance with Rules 2 and 3 of the provisional Rules of Procedure, the Commission shall elect its Chair from amongst its Members, as well a first and a second Vice-Chair.

5. However, as the first session will be held remotely and States will not have the opportunity to meet in person to undertake the necessary consultations to elect the officers, it is suggested that Commission Members consider deferring the election of the Chair and Vice-Chairs until the Commission holds its first in-person session. Under such circumstances, the UNIDROIT Secretary-General would act as Provisional Chair for the entirety of the first session.

Item No. 5 Consideration of matters relating to the appointment of a Supervisory Authority

6. [Resolution 2](#) of 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 (Pretoria, 11 – 22 November 2019) noted the active participation in the preparatory work and at the Diplomatic Conference by the International Finance Corporation (IFC) of the World Bank Group, and in the light of preliminary consultations with the said international financial institution, invited the governing bodies of the IFC to accept the functions of Supervisory Authority upon or after the entry into force of the Protocol, to take the necessary action in this regard, as appropriate, and to inform the Secretary-General of UNIDROIT accordingly.

7. Resolution 2 also established a six month time period for the IFC to make a decision in relation to whether to accept the role of Supervisory Authority, after which the Preparatory Commission would begin to consider the appointment of another International Organisation or entity as Supervisory Authority. However, the challenges created by the COVID19 pandemic constitute a case of *force majeure*, which is likely to have affected the ordinary decision making-process of the IFC. In light of this situation, the UNIDROIT Secretariat would deem it prudent to consider the 6-month period as suspended for the time during which the United States, of America, the country of IFC's Seat, declared a state of emergency. This happened formally on 13 March 2020 and continues as of the date of issuance of this document. The Secretariat would propose that the Preparatory Commission adopts the decision to formally deem the said period suspended and to provide guidance as to where the suspension should end.

8. At its first session, the Preparatory Commission will hear an oral report by the UNIDROIT Secretariat regarding the ongoing discussions with the IFC.

Item No. 6 Establishment of a working group to develop draft regulations for the International Registry

9. The Preparatory Commission will be provided with a preliminary draft version of the regulations for the future MAC Registry, as prepared by the UNIDROIT Secretariat based on the regulations adopted under the Aircraft Protocol, Luxembourg Rail Protocol and Space Protocol (MACPC/1/Doc. 3).

10. The Commission may wish to establish an informal working group to further develop the draft regulations for the International Registry for MAC equipment for consideration by the Commission in due course.

Item No. 7 Establishment of a working group to draft a request for proposals for the selection of a Registrar

11. The Commission may wish to establish an informal working group to develop a draft request for proposals for the selection of the Registrar under the MAC Protocol for consideration by the Commission in due course.