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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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PROPOSAL TO AMEND ARTICLE IV OF THE DRAFT RAIL PROTOCOL

(presented by the Rail Working Group (RWG))

At its meeting in May 2003 the drafting committee of the joint UNIDROIT/OTIF committee of government experts proposed a modified version of this Article IV. On further review, it is considered that the last seven words of the revised proposal add little and in fact have the effect of restricting the clause to creditors' representatives whereas the intention both in the protocol to the Cape Town Convention on matters specific to aircraft equipment and the previous draft of the Rail Protocol was to facilitate all parties acting through a nominee, trustee or other representative. We would submit therefore that the closing words of the Article be deleted in accordance with the draft set out below.

It will be noted that additional words which are highlighted "or a sale" form parts of separate proposal by the Rail Working Group in relation to the extension of the Rail Protocol to contracts of sale. For convenience however this amendment is shown here also so that delegates can see the consolidated version of Article IV as proposed by the Rail Working Group.

Proposed changes to the Draft Protocol

Article IV Representative capacities

A person may, in relation to railway rolling stock, enter into an agreement or a sale, effect a registration as defined by Article 16(3) of the Convention and assert rights and interests under the Convention, in an agency, trust or representative capacity ~~on behalf of a creditor or creditors~~.

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