



INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW  
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**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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#### **SUMMARY OF THE DECISIONS TAKEN ON 15 FEBRUARY 2007**

1. The Commission adopted Article IX(1).
2. The Commission decided to keep all three Alternatives of Article IX.
3. The Commission adopted Alternative A. In addition, it referred to the Drafting Committee the question as to whether provisions similar to Article XI(8) and the related provision of Article IX(1) of the Aircraft Protocol should be included in all three Alternatives.
4. The Commission invited the Drafting Committee to harmonise the wording used in paragraph 10 of Alternative A and paragraph 11 of Alternative C (“in insolvency proceedings” and “in the insolvency proceedings” respectively).
5. The Commission adopted Alternative B without any changes.
6. In Alternative C, the Commission adopted paragraphs 2, 5, 6, 8, 9, 10, 12 and 13 without any change. It referred paragraph 4 as well as other provisions which lay down certain periods in calendar days (Articles VII(3) and VIII(3)) to the Drafting Committee. It further referred paragraphs 3 and 7 to the Drafting Committee in order to harmonise the wording of these paragraphs.
7. The Commission adopted Article X, with the deletion of the words “so far as applicable” at the end of Article X(2) and the specification in Article X(1) that the reference to Article XXVII should be to Article XXVII(1). It did not adopt the proposal of the United States of America to substitute “unless precluded by” for “in accordance with” in paragraph 2 but it was agreed that the Reporter should make clear in the planned Officially Commentary that the words “in accordance with” were to be interpreted in this sense.

8. The Commission decided to delete Article XI.

9. With regard to Article III *bis* and other related proposals of the Rail Working Group, including the one regarding Article XII, the Commission reserved the right to revert to the issue as to whether to include contracts of sale in the future Rail Protocol and to take a decision on this issue later. It asked the Rail Working Group to present new proposals on this subject taking into account the results of the discussion which took place in the context of Article XII. The Commission provisionally adopted Article XII in its current wording.

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