



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

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

UNIDROIT/OTIF 2007

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**RESOLUTION PROPOSED TO THE CONFERENCE
FOR THE ADOPTION OF A COMMENTARY ON THE RAILWAY PROTOCOL**

(proposed by the Governments of Kenya and Togo)

Many delegations to the Diplomatic Conference have made comments on the text of the Railway Protocol relating to the intended objectives of various provisions and to the need that these comments be included in a Commentary. It is also recognised that the Explanatory Report is a useful tool to the understanding of the Protocol. It is therefore proposed that the Diplomatic Conference adopt a resolution mandating the Rapporteur to prepare an official commentary.

The text of the resolution would be as following:

**“RESOLUTION RELATING TO THE OFFICIAL COMMENTARY
ON THE RAILWAY PROTOCOL**

THE CONFERENCE,

HAVING ADOPTED the Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Railway Rolling Stock;

MINDFUL of the existing Commentary to the Convention and Aircraft Protocol and its importance;

RECOGNISING the increasing use of commentaries of this type in the context of modern, technical commercial law instruments;

CONSCIOUS of the need for an official commentary on this text as an aid for those called upon to work with this document; and

MINDFUL that the Explanatory Report (DCME-IP/4) provides a sound starting point for the further development of this official commentary;

RESOLVES:

TO REQUEST the preparation of an official commentary on the *Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Railway Rolling Stock* by the Rapporteur, in close co-operation with OTIF and UNIDROIT, and in co-ordination with the Chairman of the Commission of the Whole, the Chairman of the Final Clauses Committee, the Chairman of the Registry Committee and the Chairman of the Drafting Committee;

TO REQUEST that the official commentary be circulated for comments in draft form to States and observers that participated in the Conference prior to its formal adoption.”

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