

October 2017

# MAC Protocol Committee of Governmental Experts Organisation of the second session

Second session of the Committee of Governmental Experts for the Development of a Fourth Protocol to the Cape Town Convention on Matters Specific to Agricultural, Construction and Mining Equipment



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## Overview

- **Status of the MAC Protocol project**
- **Context of negotiations**
- **Organisation of second session**
- **Documents for the second session**



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## Status of the MAC Protocol

1. Preliminary Stage (2005 – 2013)
2. Study Group Stage (2014 – 2016)
- 3. Intergovernmental Stage (2017)**
4. Diplomatic Conference



## Development of the MAC Protocol

### Core principles:

1. State interest
2. Private sector engagement
3. Economic viability
4. Cape Town suitability

### Work undertaken (2005 – 2017) includes:

- UN member State Questionnaire
- Twelve consultations with UNIDROIT Governing Council
- Domestic stakeholder consultations across four continents
- Two economic impact assessments
- Development and revision of 9 draft texts
- Substantive legal analysis on major issues

All documentation available on UNIDROIT website at:

<http://www.unidroit.org/work-in-progress-studies/current-studies/mac-protocol>

## Context of Negotiations

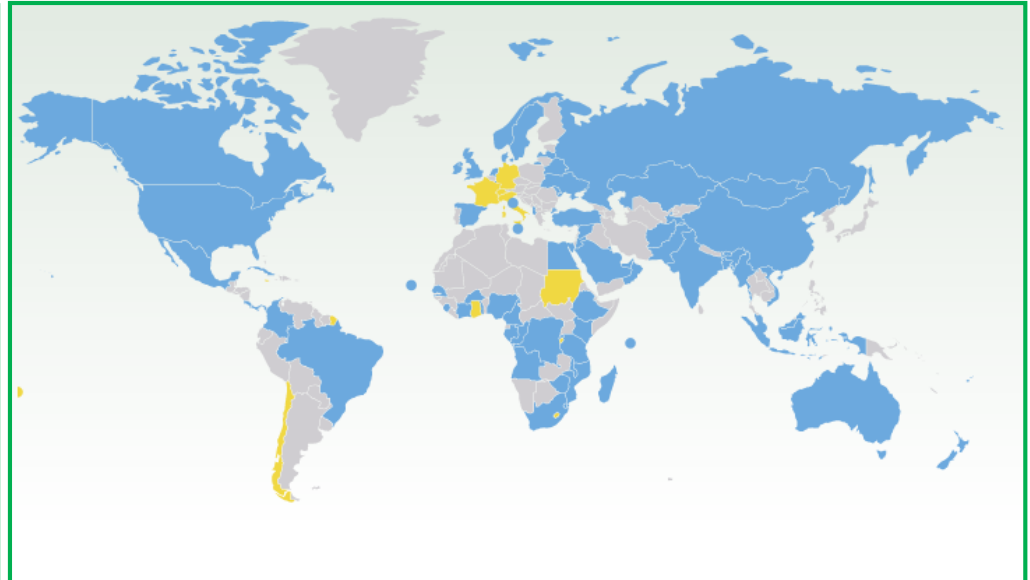
The MAC Protocol project builds upon the successful legacy of the Cape Town Convention System:

**Cape Town Convention:**  
73 Contracting States, EU

**Aircraft Protocol (2001)**  
68 Contracting States, EU

**Luxembourg Rail Protocol  
(2007)**  
2 ratifications, 7 signatures

**Space Protocol (2012)**  
4 signatures





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## Organisation of the Second Session

- Annotated Agenda (Doc. 1)
- Provisional Order of Business (W.P. 1)
- Session times:
  - Tuesday – Friday: 09:00 – 17:00
  - Lunch break: 12:30 – 14:00
  - Drafting Committee 18:00



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## Organisation of the Second Session

- **Monday:** Reports on Intersessional Work
- **Monday – Friday:** Consideration of Protocol: Article by Article
- **Friday:** Future Work, Review of Report



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## **Documents for the Second Session**

### Documents prepared by the Secretariat

- Doc. 2 – Text of preliminary draft Protocol
- Doc. 3 – Explanatory Report
- Doc. 4 – Legal Analysis
- Doc. 5 – Spreadsheet of HS codes
- Doc. 6 – 2017 revision to HS System

### Reports

- Doc. 11 – Conclusions Paper from Intersessional Working Group on Registration Criteria
- Doc. 16 – Preliminary economic assessment (prepared by Warwick Economics and Associates)



## Documents for the Second Session

### Documents updated by the Secretariat

- **Doc. 3 – Explanatory Report**

Additional commentary regarding the changes made to the preliminary draft Protocol adopted at CGE1 in March 2017.

- **Doc. 4 – Legal Analysis**

*64. The Committee requested that the Secretariat further review Article VIII to more clearly determine the types of circumstances that it would apply to, and to what extent domestic administrative authorities would need to cooperate and assist creditors in exercising their rights. **Part 4Q***

*174. The Committee requested that the Secretariat undertake further research to identify appropriate international organisations that could perform the role of Supervisory Authority for the MAC Protocol. **Part 4W and Appendix X***

## Documents for the Second Session

- Doc. 5 – Spreadsheet of HS codes

9	8429 - Self-propelled bulldozers, angledozers, graders, levelers, scrapers, mechanical shovels, excavators, shovel loaders, tamping machines and road rollers	Mechanical shovels, excavators and shovel loaders	842951 -- Front-end shovel loaders	Loaders (bucket loaders, front loaders, front-end loaders, payloaders, scoop, shovel, skip loaders, or wheel loaders) are used to move aside or load materials such as asphalt, demolition debris, dirt, snow, feed, gravel, logs, raw minerals, recycled material, rock, sand, woodchips, etc.	Front-end shovel loader: 	150,000 - 2,300,000	9,991,183,976	Agriculture, Construction and Mining
68	8433 - Harvesting or threshing machinery, including straw or fodder balers; grass or hay mowers; machines for cleaning, sorting or grading eggs, fruit or other agricultural produce, other than machinery of heading 84.37		843320 -- Other mowers, including cutter bars for tractor mounting	It includes i) cutter bars for tractor mounting and ii) heavy duty mowers principally designed to cut grass, stubble and other growth.	Cutting bar for tractor mounting: 	15,000 - 35,000 (Cutter) 9,000 - 75,000 (Mowers/Mower-Conditioner)	1,334,494,359	Agriculture



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## Documents for the Second Session

### Comments received on preliminary draft MAC Protocol

- Doc. 7 – Sierra Leone
- Doc. 8 – Holy See
- Doc. 9 – World Bank Group
- Doc. 10 – United States
- Doc. 12 – South Africa
- Doc. 13 – Sudan
- Doc. 14 – United Kingdom
- Doc. 15 – Japan
- Doc. 17 – China
- Doc. 18 – MAC Working Group



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**All documents and information available:**

**<http://www.unidroit.org/work-in-progress-studies/current-studies/mac-protocol>**

