



INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW
INSTITUT INTERNATIONAL 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

Preparatory Commission regarding the
establishment of the International
Registry for railway rolling stock
according to the Luxembourg Protocol

PrepCom/2/Doc.1

**SUMMARY REPORT
OF THE FIRST SESSION
(Bern, 16 – 17 July 2007)**

1. The first session of the Preparatory Commission regarding the establishment of the International Registry for railway rolling stock according to the Luxembourg Protocol took place at the headquarters of the Intergovernmental Organisation for International Carriage by Rail (OTIF) in Berne on 16 and 17 July 2007 (for the List of Participants see Annex I to this report).

Point n° 1 on the agenda – Welcome by host Organisation

2. On behalf of the host Organisation the Secretary General of the OTIF welcomed the participants, thanked them for having positively responded to the invitation by the Chairman of the Diplomatic Conference that adopted the Luxembourg Protocol and underlined the importance of the work to be done by the Preparatory Commission pursuant to Resolution No. 1 of the Diplomatic Conference.

3. The agenda sent out with the invitation was adopted as drafted (see PrepCom/1/Doc.7 in the Annex II to this report).

Point n° 2 on the agenda – Discussion and adoption of the Commission's Rules of Procedure

4. The Preparatory Commission adopted its Rules of Procedure (see PrepCom/1/Doc.1/Rev.2). In this context the term "Commission Member" was defined such that it includes all States invited and not having declined the invitation to be appointed as a Commission Member pursuant to Resolution No. 1 of the Diplomatic Conference.

Point n° 3 on the agenda – Election of the Chair of the Commission

5. According to Section II of its Rules of Procedure the Preparatory Commission elected Sweden and the United States of America to the Chair, and Algeria to the first and Slovakia to the second Vice-Chair.

Point n° 4 on the agenda – Selection process for the International Registry

6. The Preparatory Commission undertook an initial overall examination of the Draft Request for Proposal (RFP) for the International Registry as prepared by the secretariat (see PrepCom/1/Doc.5). Based upon comments by participants and the secretariat, it was clear that some points will need to be reconsidered and clarified. The Chair also undertook to review the evaluation process.

7. In examining the Draft Regulations for the International Registry as prepared by the secretariat (see PrepCom/1/Doc.3) the Preparatory Commission assumed that this text would evolve with the system following the development of the International Registry. The Preparatory Commission also gave preliminary consideration to the draft Rules of Procedure of the Supervisory Authority.

8. With regard to the question of legal personality of the Preparatory Commission addressed in Resolution No. 1 of the Diplomatic Conference, there was a common understanding that this question may be reviewed at the time when the Chair, on behalf of the Preparatory Commission, signed a contract with the appointed Registrar.

Point n° 5 on the agenda – Timetable for further work

9. The Preparatory Commission was of the opinion that work should be carried in three working groups in cooperation with the secretariats and the Chair. Those working groups would be open-ended and work on the following issues:

- a) **Liability issues** which are of particular interest in connection with Article XV(5) of the Luxembourg Protocol and Resolution No. 6 of the Diplomatic Conference but also with regard to the **estimated costs for insurance** in the RFP. Germany has volunteered to take the lead and proposed to organise a meeting which would take place in Berlin in September 2007. Participation of interested States is welcome and it is hoped that the insurance industry would participate as well. Finland and the Rail Working Group (RWG) have offered their assistance;
- b) **Finalisation of the RFP**: Slovakia, the Russian Federation, Canada, OTIF and the RWG have offered their cooperation;
- c) The **Registry Regulations and the Rules of Procedure for the Supervisory Authority** would be examined under the auspices of France, Algeria, a country of the Asia region, UNIDROIT and the RWG.

10. The Preparatory Commission also decided to establish an industry group, which would include the RWG, to provide input and advice to the Preparatory Commission. The Chair undertook to work on the membership of this group.

11. The timeframe agreed to by the Preparatory Commission is as follows:

- 14 September 2007 (at the latest): all comments needed to finalise the documents, in particular the RFP, need to arrive at the secretariats and the Chair;
- 2 days between 3 and 10 October 2007: next session of the Preparatory Commission to finalise the RFP, if necessary;
- 12 October 2007: deadline for finalising the RFP which would then be sent out with a period of 6 weeks to receive candidatures;
- End of November 2007 - February 2008: evaluation process;
- February 2008: appointment of the first Registrar.

12. In conclusion, it was agreed that the date of the next session of the Preparatory Commission will depend on the comments received and the results achieved in preparation of the RFP. If possible, finalisation of the RFP may be carried out by e-mail and telephone calls only. If not, the RFP would have to be adopted in a session of the Preparatory Commission due to take place in October 2007 (sometime between 3 and 10 October). A session of the Preparatory Commission would then be required to close the evaluation process and choose the Registrar (probably February 2008).

13. The Chair then closed the session.

ANNEX I**LIST OF PARTICIPANTS****ALGERIA**

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ANNEX II

AGENDA

1. Welcome by the host Organisation
2. Discussion and adoption of the Commission's Rules of Procedure
3. Election of the Chairman of the Commission
4. Selection Process for the International Registry (definition of criteria)
5. Timetable for further work