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INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW
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**PREPARATORY COMMISSION FOR THE
ESTABLISHMENT OF THE INTERNATIONAL REGISTRY
FOR RAILWAY ROLLING STOCK PURSUANT TO THE
LUXEMBOURG (RAIL) PROTOCOL**

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REPORT OF THE CO-CHAIRS OF THE PREPARATORY COMMISSION

The Preparatory Commission for the establishment of an International Registry under the Luxembourg Rail Protocol was set up by Resolution No. 1 of the Luxembourg Diplomatic Conference on 23 February 2007. Its mandate is to act with full authority as Provisional Supervisory Authority for the establishment of the International Registry, until the Supervisory Authority is formally set up.

This document provides a brief update on institutional developments concerning the activities towards the implementation of the Luxembourg (Rail) Protocol since the 11th session of the Preparatory Commission held in Rome and by videoconference on 29-30 November 2022.

Outcome of the 11th session of the Preparatory Commission and conclusion of the agreements with the new Registrar

On 29 and 30 November 2022, OTIF and UNIDROIT jointly convened the 11th session of the Preparatory Commission, which was co-chaired by Peter Bloch (United States) and Antti Leinonen (Finland). The session was attended by 20 State delegations. The opening of the session featured statements from H.E. Michèle Pranchère-Tomassini, Ambassador of Luxembourg to Italy, and H.E. Nosipho Nausca-Jean Jezile, Ambassador of South Africa to Italy.

The main item under discussion was the Final Report of the negotiating team which had been set up at the 10th session of the Preparatory Commission, with the task of conducting the negotiations in relation to the proposed change of ownership/control of the Register-designate company Regulis SA. The Preparatory Commission approved the change of control in the Registrar-designate Regulis SA from SITA BV to ISC's wholly owned subsidiary, ISC Atlantic Services Inc., and the assignment of the Master Service Agreement, Software Security Agreement, and Deed of Business Continuity from SITA Ireland to ERS. The Preparatory Commission also approved the proposed amendments to the 2014 Agreements regarding the operation of the Registry. In relation to this latter issue, the negotiations had been conducted with the purpose of keeping revisions of the original agreements to a minimum and to preserve the purpose and structure of the agreements as well as the key contractual terms, while

recognising, however, that some changes were required in light of the lengthy period of time that had passed and developments in the sector.

The complete Report of the session is available [here](#).

Following the decision taken at the 11th session of the Preparatory Commission, ISC and SITA implemented the change of control for Regulis SA and the assignment of the Master Service Agreement, Software Security Agreement and Deed of Business Continuity on 20 December 2022. The amended and restated agreements for the operation of the International Registry were signed by the Secretary-General OF UNIDROIT, as the representative of the Preparatory Commission, by ISC and by ERS, as applicable, on 23 December 2022. A [press release](#) announcing the change of Registrar was published on 18 January 2023.

Status of the Protocol and achievement of the number of ratifications required by Article XXIII (1) (b) of the Protocol

On 20 January 2023, Spain, already a Party to the Cape Town Convention and its Aircraft Protocol, deposited its instrument of ratification of the Luxembourg Rail Protocol, with declarations under Articles XIII, XIV (2)-(3), XXIV, XXV and XXVI. With the ratification by Spain, the Luxembourg Rail Protocol obtained its fourth State Party, thereby fulfilling one of the conditions for the entry into force of the Protocol set out in Article XXIII (1).

As of 1 March 2024, the Luxembourg Rail Protocol has been signed by eight States (France, Germany, Italy, Mozambique, South Africa, Spain, Switzerland and the United Kingdom), ratified by four States (Luxembourg, Gabon, Spain and Sweden), and approved by one regional economic integration organisation (the European Union). The Preparatory Commission and the Depositary were informed that concrete steps towards ratification are ongoing in other States, particularly Mauritius, Paraguay, South Africa, and the United Kingdom.

Implementation of the Registry contracts and preparatory activities for the entry into force of the Protocol

Throughout 2023, a Task Force composed of the Co-Chairs of the Preparatory Commission, representatives of UNIDROIT, OTIF, the Rail Working Group and the new Registrar company continued work to meet the remaining condition set out in Article XXIII(1) for the entry into force of the Protocol, i.e., the deposit by the Secretariat (OTIF) with the Depositary (UNIDROIT) of a certificate confirming that the International Registry is fully operational. To this end, a series of meetings and workshops took place to finalise the institutional framework for the operation of the International Registry, update the Registry Regulations to ensure their operability in the design of the International Registry, monitor its timely development and the timely preparation and submission of all the required documentation and certifications, and prepare for the setting up of the Supervisory Authority.

Ratification Task Force meetings

The Ratification Task Force (RTF), initially composed of the Co-Chairs of the Preparatory Commission, UNIDROIT, OTIF, the Rail Working Group, and the Registrar-designate Regulis SA, was set up at the 6th session of the Preparatory Commission to develop an implementation and ratification strategy for the Luxembourg Rail Protocol. The RTF, subsequently joined by other participants, planned an intense agenda for its work through formal and informal meetings, mostly via teleconference, initially with the purpose of reaching the number of accessions required for the entry into force of the Protocol and to make the Registry operational.

RTF meeting on 23-24 January 2023

On 23 and 24 January 2023, a special Ratification Task Force (RTF) hybrid meeting was held in Rome to discuss, inter alia, the timeline for the entry into force of the Protocol, the preparations for to make the International Registry operational, strategies for ratification priorities and further implementation, and promotional activities. Sweden and Luxembourg joined the RTF as members.

RTF meeting on 29 August 2023

On 29 August 2023, the RTF held a virtual meeting to provide an update on the status of the Protocol in terms of ratifications, the development of the Registry, the preparation of the Supervisory Authority and the timeline for entry into force. The recommendation on the “target date” for the Protocol’s entry into force was discussed, as well as various updates on implementation in States Parties and ratification priorities for potential Contracting States. Participation broadened to include South Africa, Spain, the European Commission and the United Nations Economic Commission for Europe (UNECE).

RTF meeting on 14 November 2023 and recommendation on the target date for entry into force

On 14 November 2023, the RTF held another virtual session, in which the target date of 8 March 2024 for the Protocol to enter into force was officially recommended by the RTF to the Secretariat of the Supervisory Authority (i.e. OTIF).