



Organisation intergouvernementale pour les transports internationaux ferroviaires
Zwischenstaatliche Organisation für den internationalen Eisenbahnverkehr
Intergovernmental Organisation for International Carriage by Rail



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

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

Prep. Comm. Rail/9/Doc. 6
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Item n° 6 on the Agenda: Discussion and approval of the updated Baseline Draft Regulations for the International Registry for railway rolling stock

This document complements the document Draft regulations for the International registry (ref. Prep. Comm. Rail/9/Doc. 5) and provides a comparison with the previous draft.

A comparison with the previous draft

In 2014, the Preparatory Commission approved a set of draft regulations ([Baseline Rail Registry Regulations](#)) for the operation of the International Registry under the Luxembourg Rail Protocol. These regulations (the 2014 draft) were based in large part on the comparable regulations applicable for the International Registry operating under the Aircraft Protocol (the Aircraft Registry Regulations), tracking where possible the then current edition of those regulations when the Rail Registry Regulations were drafted.

Since then, the Aircraft Registry Regulations have gone through a number of iterations and the current working version is the 8th edition. Over the intervening years therefore UNIDROIT, OTIF, the co-chairs of the Preparatory Commission and the Rail Working Group have been working together to monitor the changes in the Aircraft Registry Regulations evaluating how and to what extent the changes should be also adopted in the 2014 draft.

The cumulative changes in the Aircraft Registry Regulations - and therefore in the Rail Registry Regulations - have been extensive. Most of the new provisions are carried across from the latest edition of the Aircraft Registry Regulations. In particular, you will see that:

- informational searches have been deleted
- the concept of a guest user has been introduced

- more detail has been included in Section 5.3 (c) concerning the alternative asset identification systems where the URVIS identifier is not attached to the rolling stock
- the closing room facility has been added
- it is now clear that searches must be by reference to the URVIS number or the group identifier
- significant work has been done tightening up the rules on unilateral registrations, and in particular registrable non consensual rights and interests, where debtor consent is not required (which have been causing some practical problems for the aircraft registry) – see Sections 2.1.19, 2.1.20, 5 and also the complaints Section 9 creating more transparency and giving the registrar a sanction against abuse.
- much more detail has been added on the use of designated entry points (section 13).

Accordingly, a marked-up version would be difficult to follow and we set out below therefore a note of the substantive changes that have been made since the 2014 draft. We do not highlight minor drafting changes or changes/corrections of punctuation or layout. Where section numbering has changed between the drafts, we show the corresponding parallel subsection in the 2014 draft for ease of reference.

This is a general guidance note and readers should rely on their own evaluation of the differences between the two drafts.

It should be borne in mind that the Aircraft Registry Regulations will go through another iteration, to the 9th edition, during the course of this year and these changes will need to be taken into account. In addition, it is inevitable that there will be some further changes to the draft Rail Registry Regulations before the Luxembourg Rail Protocol enters into force, reflecting comments and individual design and software issues relating to the operation of the International Registry. However, after the major updating of the working draft attached, we hope that the possible future changes to the regulations will be relatively modest.

Lastly the Procedures of the International Registry are, in common with the 2014 draft, not added at this point. The decision was made then to allow the registrar to suggest these Procedures for approval by the Preparatory Commission once the entry into force date is clear.

The revised proposed draft regulations for the International Registry for railway rolling stock according to the Luxembourg Protocol to the Cape Town Convention (the Luxembourg Rail Protocol)

Section 1 AUTHORITY

No changes

Section2 DEFINITIONS

2.1.1 Minor change

2.1.2 Minor change

2.1.5 New (note 2.1.4 in 2014 draft has been deleted)

2.1.6 New

2.1.8 New

2.1.9 New

2.1.12 New, replacing 2.1.9 in the 2014 draft

2.1.13 Reduced (compare with 2.1.10 in the 2014 draft)

2.1.14 New

2.1.15 Minor change (compare with 2.1.11 in the 2014 draft)

2.1.16 New

2.1.17 Moved from 2.1.12 in the 2014 draft but with some changes

2.1.18 Extended (compare with 2.1.13 in the 2014draft)

2.1.19 New

2.1.20 New

2.1.22 New

2.1.24 New

2.1.25 Revised (compare with 2.1.16 in 2014 draft)

2.2 Substantive revision – entry point now a separate definition (2.1.9).

2.3 Last paragraph eliminated

Section 3 GENERAL PROVISIONS

3.2 Revised - Added last sentence

3.3 Minor change

3.4 Minor change

3.5 Minor change

3.7. Added

Section 4 ACCESS TO THE INTERNATIONAL REGISTRY

- 4.1 Substantive revision
- 4.2 Minor change
 - 4.2.1 Added
- 4.3 Substantive revision
- 4.4 Amended
- 4.5 Amended

Section 5 INFORMATION REQUIRED TO EFFECT REGISTRATION

- 5.1 Amended
- 5.2 Amended
- 5.3 Substantive revision
- 5.4 Substantive revision
- 5.5 Amended
- 5.6 Added
 - 5.6.1 Added
- 5.7 Amended (compare with 5.6 in the 2014 draft)
- 5.8 Amended (compare with 5.7 in the 2014 draft)
- 5.10 Amended (compare with 5.9 in the 2014 draft)
 - 5.10.1 Minor change (compare with 5.9.1 in the 2014 draft)
 - 5.10.2 Minor change (compare with 5.9.2 in the 2014 draft)
 - 5.10.3 Amended (compare with 5.9.3 in the 2014 draft)
- 5.11 Amended (compare with 5.10 in the 2014 draft)
- 5.12 Substantive revision (compare with 5.11 in the 2014 draft)
- 5.13 Minor change (compare with 5.12 in the 2014 draft)
- 5.14 New (5.15 deleted in the 2014 draft)
- 5.15 Minor change (compare with 5.13 in the 2014 draft)
- 5.18 New
- 5.19 Amended (compare with 5.16 in the 2014 draft)
- 5.20 Substantive revision (compare with 5.17 in the 2014 draft)
- 5.21 Amended (compare with 5.18 in the 2014 draft)
- 5.22 New
- 5.23 New
 - 5.23.1 New
- 5.24 New

Section 6 CONFIRMATION AND NOTICE OF REGISTRATION

- 6.1 Amended
- 6.2 Amended
- 6.3 Amended
- 6.4 Amended
- 6.5 Amended

Section 7 NON-CONVENTION FILINGS

- 7.2 Amended
- 7.3 New

Section 8 SEARCHES IN THE INTERNATIONAL REGISTRY

- 8.1 Substantive revision 8.2 Minor change
- 8.3 Amended (note that the terms "informational search" and the "informational search listing" have been deleted and compare with 8.3 in the 2014 draft)
- 8.4 Amended (compare with 8.5 in the 2014 draft)
- 8.5 New
- 8.6 New
- 8.7 Significantly expanded (compare with 8.6 in the 2014 draft)

Section 9 COMPLAINTS

- 9.1 Minor change
- 9.2 Minor change
- 9.4 Minor change
- 9.5 New
- 9.6 New
- 9.7 New
- 9.8 Minor modifications (compare with 9.5 in the 2014 draft)

Section 10 CONFIDENTIALITY

- Expanded

Section 11 STATISTICS

- No change

Section 12 ANNUAL REPORT TO THE SUPERVISORY AUTHORITY

- Minor change

Section 13 RELATIONS WITH THE DESIGNATED ENTRY POINTS

13.1 New

13.2 New

13.3 Minor change (compare with 13.1 in the 2014 draft)

13.4 New

13.5 Amended (compare with 13.2 in the 2014 draft)

13.6 New

13.7 Amended (compare with Section 13.3 in the 2014 draft)

13.8 Amended (compare with Section 13.3 in the 2014 draft)

13.9 Amended (compare with Section 13.4 in the 2014 draft)

Section 14 FEES

No change

Section 15 RELATIONSHIP WITH REGIONAL AND NATIONAL SYSTEMS

No change

Section 16 LIABILITY AND INSURANCE OF THE REGISTRAR

16.3 Minor change

16.6 Minor change

Section 17 INTERNATIONAL REGISTRY PROCEDURES

17.1 Minor change

17.2 Minor change

17.3 Minor change

Section 18 PUBLICATION

18.1 Minor change

18.2 Minor change

Section 19 NOTIFICATIONS

No change

Section 20 FINAL PROVISIONS

20.1 Minor change

20.2 Minor change

20.3 New

20.4 New

Appendix RAIL CLOSING FACILITY

New