Diplomatic Conference for the Adoption of the Draft Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Mining, Agricultural and Construction Equipment (The “MAC Protocol”)
Pretoria, 11-22 November 2019

DRAFT FINAL ACT

of the diplomatic Conference for the adoption of the draft Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Mining, Agricultural and Construction Equipment held at the invitation of the Government of the Republic of South Africa and under the auspices of the International Institute for the Unification of Private Law (UNIDROIT) in Pretoria from 11 to 22 November 2019

(presented by the UNIDROIT Secretariat)


Representatives of the Governments of 41 States participated in the Conference.

The representatives of the Governments of the following 33 States presented credentials in due and proper form:

Australia
Benin, the Republic of
Brazil, the Federative Republic of
Canada
Chile, the Republic of
China, the People’s Republic of
Congo, the Republic of the
Côte d’Ivoire, the Republic of
Democratic Republic of the Congo,
the

Finland, the Republic of
French Republic, the
Gambia, the Republic of the
Germany, the Federal Republic of
Ghana, the Republic of
Hellenic Republic, the
Holy See
Ireland
Italy, the Republic of
Japan
The following eight States also participated in the Conference:

- Argentine Republic, the
- Cameroon, the Republic of
- Egypt, the Arab Republic of
- Indonesia, the Republic of

The European Union also participated in the Conference.

The following three intergovernmental Organisations were represented by observers:

- Intergovernmental Organisation for International Carriage By Rail (OTIF)
- World Bank Group
- World Customs Organization (WCO)

The following four international non-governmental Organisations were represented by observers:

- Aviation Working Group (AWG)
- MAC Working Group
- Rail Working Group (RWG)
- Kozolchyk National Law Center (NatLaw)

The following technical adviser participated in the Conference:

Aviareto, Registrar of the International Registry under the Aircraft Protocol

The Conference unanimously elected as President Ms Sandea de Wet (South Africa) and further unanimously elected as Vice-Presidents:

- H.E. Ms Ana Luisa Fajer (Mexico)
- Mr Pierre Oba (Republic of Congo)
- H.E. Mr César Eneas Rodríguez Zavalla (Uruguay)
- Mr Yun Ye (People’s Republic of China)
- Mr Marvin Yuen (Germany).

The Secretariat of the Conference was as follows:

- Secretary General – Mr Ignacio Tirado, Secretary-General of UNIDROIT
- Executive Secretary – Mr William Brydie-Watson, Senior Legal Officer of UNIDROIT
- Deputy Secretary – Ms Anna Veneziano, Deputy Secretary-General of UNIDROIT
Deputy Secretary – Ms Marina Schneider, Principal Legal Officer & Treaty Depositary of UNIDROIT
Assistant Secretary – Mr Hamza Hameed, Legal Consultant of UNIDROIT

Other members of the UNIDROIT Secretariat also provided services to the Conference.

The Conference established a Commission of the Whole, which was chaired by Mr Dominique D’Allaire (Canada) and to which Sir Roy Goode (United Kingdom) acted as Rapporteur, and the following Committees:

**Credentials Committee**

Chairperson: Mr Kofi Rodrigue N’Guessan (Côte d’Ivoire)

Members: Australia, Brazil, Côte d’Ivoire, Japan, Spain

Adviser: South Africa

**Drafting Committee**

Co-Chairpersons: M. Jean-François Riffard (France) / Mr Charles W. Mooney (United States of America)

Members: Australia, Canada, France, Germany, Japan, Spain, United Kingdom, United States of America

**Final Clauses Committee**

Co-Chairpersons: Mr Thembile Joyini (South Africa) / Reverend Mark Winton Smith (United Kingdom)

Members: Argentina, Australia, Brazil, Canada, China, Germany, Ghana, Japan, Mexico, Paraguay, South Africa, Spain
Syrian Arab Republic
United Kingdom
United States of America
Uruguay
Uzbekistan

Observers: Kozolchyk National Law Center (Natlaw)
World Bank Group
World Customs Organisation (WCO)

Working Group on HS Codes

Chairperson: Mr Ole Böger (Germany)

Members: Australia
China
Germany
Indonesia
Japan
Poland
Republic of Congo
South Africa
United Kingdom
United States of America
Uzbekistan

Observers: Kozolchyk National Law Center (NatLaw)
MAC Working Group
World Bank Group
World Customs Organization (WCO)

Following its deliberations, the Conference adopted the text of the MAC Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Mining, Agricultural and Construction Equipment.

The said Protocol has been opened for signature in Pretoria this day.

The texts of the said Protocol and the Resolutions adopted by the Conference are subject to verification by the Secretariat of the Conference under the authority of the President of the Conference within a period of ninety days from the date hereof as to the linguistic changes required to make the texts in the different languages consistent with one another.

The Conference furthermore adopted by consensus the following Resolutions, which are set out in [an] appendix to this Final Act.

IN WITNESS WHEREOF the representatives,

HAVE SIGNED this Final Act.

DONE at Pretoria, this twenty-second day of November two thousand and nineteen in a single copy in the English and French languages, each text being equally authentic.
ANNEX I

PROTOCOL TO THE CONVENTION ON INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT ON MATTERS SPECIFIC TO MINING, AGRICULTURAL AND CONSTRUCTION EQUIPMENT
ANNEX II

RESOLUTION 1

......