

THE 2001 CAPE TOWN CONVENTION
ON INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT



INSIDE TRACK

This is the second issue of the RWG's new e-newsletter "Inside Track" keeping members and colleagues up to date on the progress of the Luxembourg Protocol.

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[EU deposits instrument of ratification for the Protocol](#)

On 18 December 2014 the instrument of approval of the European Union in respect of the Luxembourg Protocol, with a declaration made under Article XXII(2), was deposited with Unidroit. A copy of the instrument of approval and declaration may be accessed [here](#).

[UK ratification on the horizon?](#)

In a parliamentary reply last October Baroness Kramer, Minister of State at the UK Department for Transport, stated that the British government "*supports the principles in the Luxembourg Rail Protocol which it believes would be advantageous to the UK and European rail industry, and will ratify the Protocol once the procedures around the European Union acceding to it.*"

With the EU ratification now complete, the RWG has written to the minister asking her to move forward with signature and then ratification. Owing to the pending UK election in May, it is considered unlikely that the process for ratification can get under way before the new parliament meets.

The RWG has now formed a UK contact Group, led by Martin Fleetwood, of its members wishing to be directly involved in working with the UK government on ratification issues. To join this group contact [Martin](#).

[Prof. Goode's official commentary on the Luxembourg Protocol](#)

We are pleased to announce that we have negotiated with UNIDROIT for members of the Rail Working Group to be entitled to purchase Prof. Goode's official commentary on the Luxembourg Protocol at a 15% discount. If you wish to use this facility, please use the official form which you can find [here](#).

[Topic of the month: what does the Protocol apply to?](#)

One of the remarkable aspects of the Protocol is that railway rolling stock is very broadly defined as vehicles movable on a fixed railway track or directly "on, above or below a guideway" (Article 1.2 (e)). This means that the Protocol covers not just conventional rolling stock operating within or between conurbations, but it also applies to people movers at airports, trams, mountain railways as well as vehicles not running on conventional tracks, such as trains on the Paris Metro running on pneumatic tyres and maglev and monorail vehicles. Less obviously, cranes, tunnel boring machines and other equipment that runs on tracks are also covered by the Protocol. On the other hand trolley buses, being vehicles picking up power from a fixed line but able to navigate autonomously are not within the definition.

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