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**DIPLOMATIC CONFERENCE TO ADOPT A MOBILE EQUIPMENT
CONVENTION AND AN AIRCRAFT PROTOCOL**

(Cape Town, 29 October to 16 November 2001)

**COMMENTS ON (1) "DESIGNATED ENTRY POINTS" ARTICLE
(2) "TERRITORIAL UNITS" ARTICLE**

(Presented by China)

1. "Designated entry points" article

1.1 Draft Protocol

It is proposed that Article XVIII(1) of the draft Protocol be amended as follows:

Article XVIII
Designated entry points

1. - At the time of ratification, acceptance, approval of, or accession to this Protocol, a Contracting State may, subject to paragraph 2, designate one or more entities in its territory as the entity/entities through which the information required for registration shall or may be transmitted to the International Registry.

2. - [no change]

Note:

The purpose of the proposed amendments is to make clear that a Contracting State may designate different entry points for transmitting information to the International Registry. This proposal is particularly relevant to China and to any other States comprised of territorial units each with its own systems of law, administration and registration, and own systems of working hours and holidays. It would enable information to be transmitted to the International Registry directly from the designated entry point within each territorial unit, and would facilitate the prompt registration of International Interests.

1.2 **Draft Consolidated Text**

It is proposed that Article 28(1) of the draft Consolidated Text be amended as follows:

Article 28
Designated entry points

1. - At the time of ratification, acceptance, approval of, or accession to this Convention, a Contracting State may, subject to paragraph 2, designate one or more entities in its territory as the entity/entities through which the information required for registration shall or may be transmitted to the International Registry.

2. - [no change]

Note:

The proposed amendments are consequential to the proposed amendments to the draft Protocol.

2. **“Territorial units” article**

2.1 Draft Convention

It is proposed that the following article be added after Article 53 of the draft Convention as new Article 53 *bis*:

Article 53 *bis*
Territorial units

1. - If a Contracting State has two or more territorial units in which different systems of law are applicable in relation to the matters dealt with in this Convention, it may, at the time of ratification, acceptance, approval or accession, declare that this Convention is to extend to all its territorial units or only to one or more of them and may substitute its declaration by another declaration at any time.

2. - These declarations are to be notified to the depositary and are to state expressly the territorial units to which this Convention extends.

3. - If a Contracting State makes no declaration under paragraph 1, this Convention is to extend to all territorial units of that Contracting State.

4. - Where a Contracting State extends this Convention to one or more of its territorial units, declarations and reservations permitted under this Convention may be made in respect of each such territorial unit, and the declarations and reservations made in respect of one territorial unit may be different from those made in respect of another territorial unit.

Note:

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A “territorial units” article is proposed for the Convention on the basis that the subject matter of such article (i.e. the application of a treaty to a State with different systems of law applying in different territorial units) is relevant not only to Contracting States to the Protocol but may also be relevant to other Contracting States to the Convention. Therefore, the article should be included in the draft Convention itself and not only in the draft Protocol.

The proposed article is based on existing Article XXVII of the draft Protocol with modifications. A new paragraph (4) is added to make clear that a Contracting State may make different declarations and reservations in respect of different territorial units.

The proposal is of particular relevance to China because the Hong Kong and Macau Special Administrative Regions maintain their own systems in various aspects such as their own legal and judicial systems. The flexibility to apply different provisions of the Convention to different territorial units would facilitate the implementation of the Convention in China and also in any other States in which different systems of law exist.

2.2 **Draft Protocol**

It is proposed that Article XXVII of the draft Protocol be amended as follows:

Article XXVII *Territorial units*

1. - If a Contracting State has two or more territorial units in which different systems of law are applicable in relation to the matters dealt with in this Protocol, it may, at the time of ratification, acceptance, approval or accession, declare that this Protocol is to extend to all its territorial units or only to one or more of them and may substitute its declaration by another declaration at any time.
2. - These declarations are to be notified to the depositary and are to state expressly the territorial units to which this Protocol extends.
3. - In relation to a Contracting State that has two or more territorial units to which different systems of law apply in relation to the matters dealt with in this Protocol, references to “national register” and “registry authority” of a Contracting State shall be construed as referring to the relevant aircraft register and registry authority of the relevant territorial unit of that Contracting State.
4. - If a Contracting State makes no declaration under paragraph 1, this Protocol is to extend to all territorial units of that Contracting State.
5. - Where a Contracting State extends this Protocol to one or more of its territorial units, declarations and reservations permitted under this Protocol may be made in respect of each such territorial unit, and the declarations and reservations made in respect of one territorial unit may be different from those made in respect of another territorial unit.

Note:

A new Paragraph (3) is added to clarify the meaning of certain terms as used in the Protocol so as to make the reference to those terms more appropriate in their application to a territorial unit. A new Paragraph (5) is added for the reasons as set out in the Note to proposed new Article 53 *bis* of the draft Convention.

2.3 **Draft Consolidated Text**

It is proposed that Article 65 of the draft Consolidated Text be amended as follows:

Article 65 *Territorial units*

1. - If a Contracting State has two or more territorial units in which different systems of law are applicable in relation to the matters dealt with in this Convention, it may, at the time of ratification, acceptance, approval or accession, declare that this Convention is to extend to all its territorial units or only to one or more of them and may substitute its declaration by another declaration at any time.
2. - These declarations are to be notified to the depositary and are to state expressly the territorial units to which this Convention extends.
3. - In relation to a Contracting State that has two or more territorial units to which different systems of law apply in relation to the matters dealt with in this Convention, references to “national register” and “registry authority” of a Contracting State shall be construed as referring to the relevant aircraft register and registry authority of the relevant territorial unit of that Contracting State.
4. - If a Contracting State makes no declaration under paragraph 1, this Convention is to extend to all territorial units of that Contracting State.
5. - Where a Contracting State extends this Convention to one or more of its territorial units, declarations and reservations permitted under this Convention may be made in respect of each such territorial unit, and the declarations and reservations made in respect of one territorial unit may be different from those made in respect of another territorial unit.

Note:

The proposed amendments are consequential to the proposed amendments regarding the draft Convention and Protocol.

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