



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

**DIPLOMATIC CONFERENCE FOR THE ADOPTION
OF THE DRAFT PROTOCOL TO THE CONVENTION
ON INTERNATIONAL INTERESTS IN MOBILE
EQUIPMENT ON MATTERS SPECIFIC TO
SPACE ASSETS**

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**DRAFT PROTOCOL TO THE CONVENTION ON INTERNATIONAL INTERESTS
IN MOBILE EQUIPMENT ON MATTERS SPECIFIC TO SPACE ASSETS**

as established by the UNIDROIT Committee of governmental experts for the preparation of a draft Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Space Assets at the conclusion of its fifth session, held in Rome from 21 to 25 February 2011, and authorised for transmission to a diplomatic Conference, for adoption, by the UNIDROIT Governing Council at its 90th session, held in Rome from 9 to 11 May 2011:

COMMENTS

(submitted by Governments, Organisations and representatives of the international commercial space, financial and insurance communities)

INTRODUCTION

Subsequently to the comments on the text of the draft Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Space Assets (DCME-SP – Doc. 3) (hereinafter referred to as the *draft Protocol*) contained in DCME-SP – Doc. 6, 6 Add. 1 and 6 Add. 2, the UNIDROIT Secretariat received additional comments from the Government of the People's Republic of China. This paper reproduces these additional comments hereunder.

COMMENTS AND PROPOSALS SUBMITTED BY GOVERNMENTS

People's Republic of China

Definition of "Space Asset" (Article I(2)(1))

The definition at present comprehensively captures the basic features of the spacecraft of all States currently in orbit while taking into account of the need in the future of small and medium operators on independent financing on payload.

Relation to the Aircraft Protocol (Article II(3))

We propose that this provision be retained, which reads:

"Nothing in this Protocol affects the application of the Protocol to the Convention on Matters specific to Aircraft Equipment to an object designed predominantly for use in air space. An object which is designed predominantly for use in outer space does not constitute an aircraft object for the purposes of the latter Protocol."

Limitations on Remedies in respect of Public Service (Article XXVII)

It is proposed that, in addition to the public service provider, the Government of the State for which the public service is provided shall also be eligible to register a public service notice.