



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

**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
Third session
Rome, 7/11 December 2009**

UNIDROIT 2009
C.G.E./Space Pr./3/W.P. 12
Original: English
December 2009

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

(as revised by the Committee of governmental experts at its first session
(Rome, 15/19 December 2003))

and

**ALTERNATIVE TEXT OF THE PRELIMINARY DRAFT PROTOCOL,
IMPLEMENTING POLICY ISSUES
REFERRED TO AND EXAMINED BY THE STEERING COMMITTEE**

(prepared, at the request of the Steering Committee,
for presentation to the Committee of governmental experts,
by Professor Sir Roy Goode (United Kingdom) and Mr Michel Deschamps (Canada):

COMMENTS

submitted by the Government of the United Kingdom

In considering the potential impact the preliminary draft Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Space Assets could have, the Government of the United Kingdom has consulted with stakeholders.

We acknowledge the excellent work to date spent on the preliminary draft Space Protocol. However stakeholders in both the satellite industry and lawyers have asked for clarification on the benefits of the Protocol.

Concerns raised by the U.K. consultation are that the current Protocol only seems to apply to the commercial world, and that those likely to be affected are unable to identify what benefits would flow as a result of implementation.

In the light of these concerns the Government of the United Kingdom proposes the following:

that UNIDROIT commission a *report on the economic impact the Protocol would have in its current format*. The report should seek to clarify what problems would the Protocol solve? Who would benefit from the Protocol and how? Would it add to current national regimes' capabilities to raise finance? Would it improve the ability of organisations to do business in Space? What detrimental effect could the Protocol have?

We believe it is important that the likely impact of the Protocol is understood and quantified. We therefore ask that any further work refining the text should be postponed pending publication of the report.

The Government of the United Kingdom hope that the UNIDROIT Committee will look favourably upon this proposal.