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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 DRAFT CONVENTION AND DRAFT PROTOCOL

(Presented by the Government of the Czech Republic)

Following an internal debate on both instruments, the Czech side considers it useful to make the following changes to the *draft Convention*:

- (a) In Article 30, add the following paragraph 3
“Any assignment of transfer pursuant this Article 30 shall be subject to the condition that any liability, obligation or responsibility (including, but not limited to, tax obligations) of the debtor shall not, as a consequence of such assignment or transfer be greater than it would have been in the absence of such assignment or transfer. Such assignment or transfer can be made only to the person, who:
 - (i) fulfils the criteria agreed in advance in the agreement between the creditor and debtor,
 - (ii) is not a competitor of debtor.”
- (b) In Article 14, specify the meaning of the term “parties”. In the light of the Convention, the term “parties” in this Article presumably includes parties to contractual relations and does not cover Member States of the Convention.
- (c) In Article 10 of the Convention, specify the basic forms of default affecting the exercise of the right and the adoption of measures mentioned in Articles 7 to 9 and 12.

The Czech side also suggests that a reference to “international Organisations (collecting charges) be included in Articles 38 and 39, and the necessary related modifications be made to other Articles and to the Definitions.

As regards the *draft Protocol*, the Czech side recommends:

In Article XI, to adopt the procedure according to Alternative B.

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