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

(Cape Town, 29 October to 16 November 2001)

PROPOSALS TO BE INSERTED IN THE CONSOLIDATED TEXT

(Presented by Saudi Arabia)

SUMMARY

This paper deals with support of the intention to adopt the Draft Consolidated Text and the proposal of certain amendments to some articles of the text.

Paragraph 2 of the paper contains action by the Conference.

REFERENCES

DCME Doc No. 5

1. INTRODUCTION

1.1 There is no doubt that the Convention on International Interests in Mobile Equipment has many positive aspects provided that the interests of all the parties participating in air transport are taken into consideration so as to keep a just and equitable balance between the creditor and the debtor (creditors v. debtors) as one of its main characteristics is the facilitation of financing and the creation of an international registry to register interests and give them priority over the rest of interests in the aircraft object or the aircraft itself. These characteristics must be reflected as promotion of aviation safety. From this starting point, certain amendments have been proposed to the Consolidated Text to take into consideration some of the legal characteristics which the text should contain.

(2 pages)

1. PROPOSED AMENDMENTS TO THE CONSOLIDATED TEXT ARE THE FOLLOWING:

- A. Support for the intention to adopt the Draft Consolidated Text arises from the legal starting point that the consolidation of the provisions of the Convention and the Protocol integrates the subject to be regulated and unifies the substantive character of the provisions of which they are formed.
- B. It is proposed to add an article clearly specifying the objective of the Convention and not to be content with the objectives provided for in the preamble to the Convention because they are general terms with unclear intention. This paper refers in the introduction to the most important objectives that the Convention endeavours to achieve.
- C. Support of the intention to create an autonomous body as the Supervisory Authority to oversee interests and registration, the establishment of which is proposed by the Convention (The Consolidated Text) because this subject is still under discussion and consultations and we support the intention for the ICAO to act as the Supervisory Authority which does not prevent the autonomous body in the formation of its cadres from seeking the aid of professionals from the various Contracting States, including the ICAO.
- D. It is proposed to increase the membership of “the Review Board” provided for in article 73 instead of being content with five members only and that the text includes an indication of the competence of the Council to propose amendments to the Convention which helps to make the Council representative of the interests of the various relevant parties to the Convention.

1. ACTION BY THE CONFERENCE

- 1.1 Approval of taking the proposals in paragraph 2 into consideration when adopting the Draft Consolidated Text.

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