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

(Cape Town, 29 October to 16 November 2001)

CONCLUSIONS OF THE EUROCONTROL INFORMAL CONSULTATION GROUP

(Presented by South Africa on behalf of the Informal Consultation Group)

The Informal Consultation Group was comprised of the following delegations: Argentina, Belgium, Cameroon, Canada, Congo, Ivory Coast, Egypt, France, Germany, Jamaica, Kenya, Malawi, Nigeria, Saudi Arabia, Sweden, United States, EUROCONTROL, IATA.

CONCEPTS:

- (1) If applicable law permits collection of fees in a Contracting State for aviation charges, wherever incurred, the Contracting State may make a declaration to that effect.
- (2) Non-Contracting States should not be permitted to make such declarations.

RECOMMENDATION:

Revise definition as follows in Article 1(s):

“Non-consensual right or interest” means a right or interest conferred under a declaring State’s law to secure the performance of an obligation, including an obligation to a State, State entity or an intergovernmental or private organization.

Add the following paragraph to the *travaux préparatoires* concerning both Articles 38 and 39:

“A declaration under paragraph 1 of Articles 38 and 39 shall, besides reference to the non-consensual right or interest, include reasonable information on its nature and on the nature of the obligation, which performance it may secure.”

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