



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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PROPOSAL

presented by the observer of the Aviation Working Group

Re: Article II(3) and Article I(2)(1) ("space assets")

While the only logical way to fully avoid overlap between this Protocol and the Aircraft Protocol is to exclude from the former assets covered by the latter (which we would support), we understand that such may raise select policy considerations.

Thus, the text should minimize that overlap to the maximum extent possible, respecting the core policies of both protocols.

Accordingly, we propose the following wording for Article II(3):

"3. - This Protocol shall not apply to a space asset which:

(a) falls within the definition of "aircraft objects" under the Protocol to the Convention on International Interests in Mobile Equipment on matters specific to Aircraft Equipment; and

(b) is designed to transit air space to space, where it is to be primary used, as set out in the regulations."

Alternatively, the foregoing concept can be contained as an exclusion to the definition of "space assets" (Article I(2)(1)).

Finally, we suggest that the Official Commentaries to both Protocols (in the case of the Aircraft Protocol, the contemplated 3rd edition) provide examples and illustrations.