



UNIDROIT Committee of governmental experts for the preparation of a draft Convention on International Interests in Mobile Equipment and a draft Protocol thereto on Matters specific to Aircraft Equipment



Sub-Committee of the ICAO Legal Committee on the study of international interests in mobile equipment (aircraft equipment)

UNIDROIT CGE/Int.Int./3- DCRG/WP/1  
ICAO Ref. LSC/ME/3- DCRG/WP/1

### THIRD JOINT SESSION

(Rome, 20 – 31 March 2000)

### DRAFTING COMMITTEE / RESTRICTED GROUP

Monday 20 March, 6 / 8 pm.

#### CHAPTER I

#### SPHERE OF APPLICATION AND GENERAL PROVISIONS

##### Article I

##### *Defined terms*

1.– In this Protocol, except where the context otherwise requires, terms used in it have the meanings set out in the Convention.

2.– In this Protocol the following terms are employed with the meanings set out below:

(a) “aircraft” means [aircraft as defined for the purposes of the Chicago Convention which are either](#) airframes with aircraft engines installed thereon or helicopters; [(a)]

(b) “aircraft engines” means aircraft engines [ (other than those used in military, customs or police services) ] powered by jet propulsion or turbine or piston technology and:

(i) in the case of jet propulsion aircraft engines, have at least 1750 lbs of thrust or its equivalent; and

(ii) in the case of turbine-powered or piston-powered aircraft engines, have at least 550 rated take-off shaft horsepower or its equivalent,

together with all modules and other installed, incorporated or attached accessories, parts and equipment and all data, manuals and records relating thereto; [(1)]

(c) “aircraft objects” means airframes, aircraft engines and helicopters; [(d)]

(d) “airframes” means airframes [ (other than those used in military, customs and police services) ] that, when appropriate aircraft engines are installed thereon, are type certified by the competent aviation authority to transport:

- (i) at least eight (8) persons including crew; or
- (ii) goods in excess of 2750 kilograms,

together with all installed, incorporated or attached accessories, parts and equipment (other than aircraft engines), and all data, manuals and records relating thereto; [(e)]

(e) “authorised party” means the party referred to in Article XIII(2); [(m)]

(f) “Chicago Convention” means the Convention on International Civil Aviation, opened for signature at Chicago on 7 December 1944, as amended and its annexes; [(g)]

(g) “common mark registering authority” means the authority maintaining a the non-national register in which an aircraft of an international operating agency is registered in accordance with Article 77 of the Chicago Convention; [(b)]

(h) “de-register the aircraft” means delete or remove the registration of an aircraft from a national-its Chicago Convention aircraft register; [(n)]

(i) “Geneva Convention” means the Convention on the International Recognition of Rights in Aircraft, opened for signature at Geneva on 19 June 1948; [(h)]

(j) “guarantee contract” means a contract entered into by a person as guarantor; [(f)]

(k) “guarantor” means a person who, for the purpose of assuring performance of any obligations in favour of an obligee secured by a security agreement or under an agreement, gives or issues a suretyship or demand guarantee or a standby letter of credit or any other form of credit insurance; [(j)]

(l) “helicopters” means heavier-than-air machines [ (other than those used in military, customs or police services) ] supported in flight chiefly by the reactions of the air on one or more power-driven rotors on substantially vertical axes and which are type certified by the competent aviation authority to transport:

- (i) at least five (5) persons including crew; or
- (ii) goods in excess of 450 kilograms,

together with all installed, incorporated or attached accessories, parts and equipment (including rotors), and all data, manuals and records relating thereto; [(k)]

(m) “insolvency-related event” means:

- (i) the commencement of the insolvency proceedings;
- (ii) the declared intention to suspend or actual suspension of payments by

the debtor where the creditor’s right to institute insolvency proceedings against the debtor or to exercise remedies under Chapter III of the Convention is prevented or suspended by law or State action; [(q)]

(n) “Chicago Convention national—aircraft register” means any register maintained for the purposes of the Chicago Convention; [(o)]

(o) “Chicago Convention national—registry authority” means the national authority, or the common mark registering authority in a Contracting State which is the State of registry, responsible for the registration and de-registration of an aircraft in accordance with the Chicago Convention; [(c)]

(p) “primary jurisdiction” means the Contracting State in which the centre of the debtor's main interests is situated, which for this purpose shall be deemed to be the place of the debtor's statutory seat unless proved otherwise; [(p)] and

(q) “State of registry” means in respect of an aircraft the State where the Chicago Convention registry, or a State member of a common mark registering authority, on whose national aircraft register an the aircraft is entered under the Chicago Convention is situated. [(i)]

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