



**UNIDROIT COMMITTEE OF GOVERNMENTAL EXPERTS
FOR THE PREPARATION OF A DRAFT PROTOCOL TO
THE CONVENTION ON INTERNATIONAL INTERESTS IN
MOBILE EQUIPMENT ON MATTERS SPECIFIC TO
SPACE ASSETS
Fourth session
Rome, 3/7 May 2010**

UNIDROIT 2010
C.G.E./Space Pr./4/W.P. 12
Original : English
6 May 2010

**SUMMARY REPORT
FOR
6 May 2010**

(prepared by the UNIDROIT Secretariat)

Opening of the session

1. The Chairman opened the session at 11.50 a.m.

Agenda Item No. 3 on the revised draft agenda: consideration of the revised version of the preliminary draft Protocol: review of revised preliminary draft Protocol in general: *continued*

Article XXVIII

2. It was noted that discussion of this Article had been deferred until the following day.

Article XXIX

3. This Article was approved without modification.

Article XXX

4. It was noted that the criteria for identification of space assets for registration purposes contained in this Article had been discussed in the context of outstanding issues and that it had been agreed that they should be the subject of technical consultations before this Article was discussed further.

5. One delegation proposed the inclusion of an URL link between the future International Registry for space assets and the Registry of the United Nations Office for Outer Space Affairs in order to ensure that there were no inconsistencies between the data recorded on the two registries. Another delegation signalled that this would not be appropriate but, rather, that the Committee might recommend that the UNIDROIT Secretariat and the United Nations Office for Outer Space Affairs co-ordinate and develop a mechanism whereby the data registered on the future International Registry for space assets be provided to the Office for Outer Space Affairs for reference. This same delegation indicated that it would not, however, be appropriate to incorporate data from the United Nations Office for Outer Space Affairs on the future International Registry for space assets, because the data used to register assets in the latter would

necessarily need to be more specific and detailed than was required for registration in the United Nations' Registry. It was so agreed.

Article XXXI

6. The Committee was seized of a proposal from an observer for the adoption of an international standard for electronic registries designed to ensure the continued level of integrity that was already found in the International Registry for aircraft objects.¹ It was agreed that the Secretariat, together with other interested parties, should undertake consultations with the International Standards Organisation with a view to considering the full implications of this proposal.

7. Having regard to the difficulties experienced in obtaining the initial insurance coverage for the International Registry for aircraft objects, one delegation proposed that paragraph 5 of this Article be amended to permit the actual market availability of such insurance to be taken into account. That delegation proposed deleting the word "all" in that paragraph before the word "liability" and adding at the end of the paragraph the phrase "as specified by the regulations".

8. This proposal was accepted and referred to the Drafting Committee.

Article XXXII

9. This Article was approved without modification.

Article XXXIII

10. This Article was approved without modification.

Article XXXIV

11. This Article, having already been approved in the context of the Committee's discussions on outstanding issues, was not discussed further.

Title and preamble

12. The Secretariat drew attention to the proposal made regarding the fourth clause of the preamble by the Government of Greece.² Two delegations expressed their preference for maintaining the language already contained in that clause.

13. It was agreed that it was desirable to postpone further discussion of the preamble pending the outcome of the discussions of the Informal Working Group on limitations on remedies, given the proposals that had been tabled for dealing with the question of public service via the preamble.

Proposal for additional provisions

14. One delegation proposed excluding the application of Article 50 and Article 54(1) of the Cape Town Convention with respect to space assets, as it was felt that these provisions were not applicable to the case of space assets. It was agreed that such a proposal should be tabled in writing, for further consideration.

¹ C.G.E./Space Pr./4/W.P. 4 rev., pp. 32-33.

² C.G.E./Space Pr./4/W.P. 4 rev., p. 4.

Agenda Item No. 3 on the revised draft agenda: consideration of the revised version of the preliminary draft Protocol: review of the work of the Drafting Committee

15. The co-Chairman of the Drafting Committee presented an interim report of the Drafting Committee, illustrating the changes which had been made to the revised preliminary draft Protocol to reflect the conclusions of the Committee at that point.³

Article I(2)(b)

16. This Article as modified was approved.

Article I(2)(f)

17. It was agreed to keep this Article in square brackets pending the outcome of the work of the Informal Working Group on default remedies in relation to components.

Article I(2)(gg)

18. One delegation proposed adding the phrase “or is to become due” at the end of this Article. This proposal was accepted and referred to the Drafting Committee.

Article I(2)(jj)

19. It was agreed to postpone discussion on this Article pending further work on the issue of salvage insurance.

Article I(2)(l)

20. It was agreed to postpone further discussion on this Article pending the outcome of the work of the Informal Working Group on default remedies in relation to components.

Article I(3)

21. One delegation reiterated its preference for accommodating multiple jurisdictions through this provision and, therefore, suggested that the term “Contracting State” be replaced by “Contracting State[s]”.

22. One delegation indicated that Alternatives A and B of this provision seemed to be in conflict with Article VIII of the United Nations Outer Space Treaty of 1967 and that further consideration should be given to the relationship between Alternatives A and B, on the one hand, and that treaty, on the other. Several delegations raised the question whether Alternatives A and B and the Outer Space Treaty dealt with different aspects of the allocation of jurisdiction and might, therefore, not be inconsistent.

23. Several delegations wondered whether the concept of “on the territory of which a mission operation centre for the space asset is located” in Alternative A was covered by the term “from the territory of which the space asset may be controlled” in Alternative B and whether these two alternatives might not be usefully combined. These delegations also indicated a preference for a multiplicity of jurisdictions being referred to under this provision.

24. It was agreed that this provision should be the subject of further discussion.

³ C.G.E./Space Pr./4/W.P. 10.

Article II

25. This Article as modified was approved.

Article IV

26. The amendments made to the heading and paragraphs 2 and 4 were approved. It was noted that paragraph 5 would require further consideration by the Drafting Committee.

Article VII

27. This Article as modified was approved.

Article IX

28. This Article as modified was approved.

Article X

29. The changes found in paragraphs 2 and 3 had previously been approved in the context of the Committee's discussions on the outstanding issues.

Article XII

30. This Article as modified was approved.

Article XIII

31. This Article as modified was approved.

Article XIV

32. This Article as modified was approved.

Article XVIII

33. The amendments to paragraphs 1 and 2 were approved. The new paragraph 3 was left in square brackets pending the outcome of the work of the Informal Working Group on default remedies in relation to components.

Article XX

34. This Article as modified was approved.

Article XXI

35. This Article as modified was approved.

Article XXVII

36. The amendments to paragraph 2 were approved. Paragraph 3 was placed in square brackets pending the outcome of the work of the Informal Working Group on limitations on remedies.

[*Article XXVII bis*]

37. This Article was not discussed in view of the ongoing work of the Informal Working Group on limitations on remedies. One delegation requested that a footnote be appended to this Article to clarify that Article XXVII *bis* represented a discussion proposal that had emerged from the Informal Working Group on limitations on remedies during the third session of the Committee.

Article XXXI

38. This Article as modified was approved.

Article XXXIV

39. This Article as modified was approved.

40. The Chairman adjourned the session at 3.45 p.m.