



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-WP/2  
ICAO Ref. LSC/ME/3-WP/2

### THIRD JOINT SESSION

(Rome, 20 – 31 March 2000)

#### *Ad hoc Drafting Group*

(Rome, 25 – 27 November 1999)

### REPORT

1. Pursuant to the decision taken by the second Joint Session (cf. ICAO Ref. LSC/ME/2-Report / UNIDROIT CGE/Int.Int./2-Report, § 3:5), Mr K.F. Kreuzer (Germany), Chairman of the Drafting Committee, convened a meeting of a restricted *ad hoc* drafting group (hereinafter referred to as the **Drafting Group**) to complete the drafting work left unfinished by the Drafting Committee at the end of the second Joint Session. This meeting took place at the seat of UNIDROIT in Rome from 25 to 27 November 1999.

2. Invitations to attend this meeting were addressed not only to those elements of the Drafting Committee which had been responsible during both the first and the second Joint Sessions for the preparation of preliminary drafts in the light of the decisions taken by Plenary in order to facilitate the work of the Drafting Committee (Mr M. Deschamps (Canada), Mr R.M. Goode (United Kingdom/*Rapporteur*), Mr C.W. Mooney, Jr. (United States of America) and Mr O. Tell (France)) but also, in line with the decision taken by the second Joint Session (cf. ICAO Ref. LSC/ME/2-Report / UNIDROIT CGE/Int.Int./2-Report, § 6:2), to Mr K. El Hussainy (Egypt) and Mr H.-G. Bollweg (Germany). In addition, Mr J. Wool (Aviation Working Group) was invited to attend the meeting as an adviser.

3. In the event, the meeting was attended by Mr Kreuzer as Chairman of the Drafting Group, Mr Deschamps and Mr Tell as members of the Drafting Group, Mr Goode as *Rapporteur* and Mr Wool as adviser to the Drafting Group. Mr Mooney was prevented by reasons of health from attending. Mr Bollweg and Mr El Hussainy were prevented from attending by reason of other commitments. The Secretariat to the meeting was provided by UNIDROIT in the persons of Mr M.J. Stanford as Joint Secretary to the Joint Session and Ms M. Schneider as Assistant Secretary to the Joint Session.

4. The Drafting Group was seised of the following working materials:

- (1) Preliminary draft UNIDROIT Convention on International Interests in Mobile Equipment, as laid before the second Joint Session (UNIDROIT CGE/ Int.Int./Report / ICAO Ref. LSC/ME-Report, Attachment D, Appendix I);
- (2) Preliminary draft Protocol to the preliminary draft UNIDROIT Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment as laid before the second Joint Session (UNIDROIT CGE/ Int.Int./Report / ICAO Ref. LSC/ME-Report, Attachment D, Appendix II);
- (3) Informal Insolvency Working Group (Rome, 1 / 2 July 1999): Report (ICAO Ref. LSC/ME/2-WP/10 / UNIDROIT CGE/Int.Int./2-WP/10);
- (4) Second Joint Session: Registration Working Group: Report (ICAO Ref. LSC/ME/2-WP/17 / UNIDROIT CGE/Int.Int./2-WP/17);
- (5) Second Joint Session: Insolvency Working Group: Report (ICAO Ref. LSC/ME/2-WP/19 / UNIDROIT CGE/Int.Int./2-WP/19);
- (6) Second Joint Session: Drafting Committee: Report (ICAO Ref. LSC/ME/2-WP/24 / UNIDROIT CGE/Int.Int./2-WP/24);
- (7) Second Joint Session: Jurisdiction Working Group: Report (ICAO Ref. LSC/ME/2-WP/27 / UNIDROIT CGE/Int.Int./2-WP/27);
- (8) Second Joint Session: Plenary: Addition suggested by Insol International to Article XI Option B of the preliminary draft Aircraft Protocol (ICAO Ref. LSC/ME/2 / UNIDROIT CGE/Int.Int./2 Flimsy No. 4).

In addition, the Drafting Group was seised of preliminary revised drafts of the [preliminary] draft [UNIDROIT] Convention on International Interests in Mobile Equipment (hereinafter referred to as the *preliminary draft Convention*) and of the [preliminary] draft Protocol to the [preliminary] draft [UNIDROIT] Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment (hereinafter referred to as the *preliminary draft Aircraft Protocol*) prepared by Mr Goode at the request of Mr Kreuzer. In these preliminary revised drafts, based on the texts of the preliminary draft Convention and of the preliminary draft Aircraft Protocol as reviewed by the Drafting Committee during the second Joint Session (cf. ICAO Ref. LSC/ME/2-Report / UNIDROIT CGE/Int.Int./2-Report, Attachment F, Appendices I and II respectively), the *Rapporteur* had sought to give effect to the intentions of Plenary as evidenced in the Report on the second Joint Session (cf. Report on the second Joint Session, §§ 3:5 and 6:2).

5. At the conclusion of its work, the Drafting Group was able to finalise revised texts of the preliminary draft Convention and the preliminary draft Aircraft Protocol on the basis of the preliminary revised drafts prepared by the *Rapporteur*. These revised texts are set out in Appendices I and II to this document respectively. Appendices III and IV reproduce these revised texts marked to indicate the changes made by the Drafting Group to the texts as reviewed by the Drafting Committee during the second Joint Session. Appendices V and VI reproduce the texts of the preliminary draft Convention and the preliminary draft Aircraft Protocol as reviewed by the Drafting Committee during the second Joint Session (cf. ICAO Ref. LSC/ME/2-Report / UNIDROIT CGE/Int.Int./2-Report, Attachment F, Appendices I and II respectively).

6. Given the absence of Messrs Mooney, Bollweg and El Hussainy from its deliberations, the Drafting Group decided to invite them to formulate in writing such comments as they cared to make on the revised texts which it had prepared.