



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)

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(Rome, 1 - 12 February 1999)

INFORMATION PAPER

(submitted jointly by the Unidroit Secretariat and the ICAO Secretariat)

In view of their participation in the development of the future preliminary draft Protocol to the preliminary draft Convention on Matters Specific to Railway Rolling Stock, the Intergovernmental Organisation for International Carriage by Rail (OTIF) had announced its participation as an observer in the present session. Unfortunately, other unforeseen commitments prevented both the Director-General and the Deputy Director-General from attending. The Director-General nevertheless, in informing the Secretary-General of Unidroit of the impossibility of his attendance, by letter dated 5 February 1999, a copy of which is annexed to this information paper, together with a translation in English, took the opportunity to stress the importance, given the specific problems faced by the rail sector, that the structure of the Convention (a Convention accompanied by different protocols for each category of equipment) contemplated by Unidroit be maintained.

(TRANSLATION)

International interests in mobile equipment - meeting of governmental experts from 1 - 12.2.199

Dear Secretary-General,

We refer to our letter of 25 November 1998, by which OTIF announced its intention to be represented at the aforementioned meeting. Unfortunately, at the request of five member States, the OTIF Secretariat had to organise another session of the Revision Committee for the period 1-4 February 1999.

The fact that this session and the work following on from this session have absolute priority for OTIF precludes us from attending your meeting as anticipated.

After a careful study of the outcome of the preparatory work carried out under the auspices of Unidroit, and in particular the preliminary draft Convention and the preliminary draft Protocol on Matters Specific to Aircraft Equipment, OTIF confirms the keen interest which it takes in this work and in a future Convention.

In view of the specific problems of the rail sector, problems which are both legal and practical, we stress the importance of maintaining the structure of the Convention as envisaged by Unidroit, that is, the importance of **maintaining the dual structure of a base Convention and specific Protocols for different categories of equipment.**

We are sorry that we do not at the moment have the necessary time to develop in greater detail, in writing, the reasons which militate in favour of keeping the texts separate or to present them orally at the meeting.

I hope that you will appreciate the situation in which the OTIF Secretariat finds itself as a result of the unforeseen session of the Revision Committee.

I remain,

(M. Burgmann)
Director General