



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

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

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UNIDROIT CGE/Int.Int./2-WP/11
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SECOND JOINT SESSION

(Montreal, 24 August – 3 September 1999)

PRELIMINARY DRAFT UNIDROIT CONVENTION ON INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT:

COMMENTS

***(submitted by the Director-General of the Intergovernmental Organisation
for International Carriage by Rail)***

Berne, 18 August 1999

Our refce.: F 15-02/7.99 Bu/fj

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*Re: preliminary draft Convention on International Interests in Mobile Equipment and the
additional Protocols thereto*

My dear Colleagues,

The Intergovernmental Organisation for International Carriage by Rail (O.T.I.F.) has followed with great interest the work of UNIDROIT on the above-mentioned preliminary draft

Convention and has participated, as an observer, in some of the sessions of the UNIDROIT Study Group since this work began.

For reasons beyond its control, a representative of O.T.I.F. was not able to participate in the first UNIDROIT/ICAO Joint Session, held in Rome from 1 to 12 February 1999. Unfortunately neither will O.T.I.F. be in a position to be represented at the second UNIDROIT/ICAO Joint Session, to be held in Montreal from 24 August to 3 September 1999.

It would not be right to deduce therefrom that O.T.I.F. is no longer interested in this preliminary draft Convention, in particular as regards an additional Protocol on Matters specific to *Railway Rolling Stock*.

The railway world is going through a period of great change. The changes that are taking place affect not only transport markets but also the markets for the manufacture of railway rolling stock and the financing thereof. O.T.I.F. is convinced of the usefulness, nay of the very necessity of an international regimen for international interests of the kind provided for in the preliminary draft Convention. The rail sector must not be excluded from this regimen, nor must the work relating to its application to railway rolling stock be adjourned.

O.T.I.F. would recommend the representatives of the States taking part in the second UNIDROIT/ICAO Joint Session to provide for the possibility of an additional Protocol on Matters specific to Railway Rolling Stock and not to limit the preliminary draft Convention to an additional Protocol on Matters specific to Aircraft Equipment.

The work on an additional "Rail" Protocol, organised by Mr Howard Rosen, expert consultant to UNIDROIT, has reached quite an advanced stage with the result that a preliminary draft Protocol on this subject may shortly be moved forward as a joint project of UNIDROIT and – in this case – O.T.I.F.

It is in this perspective that O.T.I.F. wishes every success to the Montreal meeting.

With all best wishes,

Yours sincerely,

(M. Burgmann)
Director-General