

DRAFT REPORT

PLENARY SESSION 5 February 1999

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AGENDA ITEM 4: ORGANISATION OF WORK

(b) SETTING-UP OF SUB-GROUPS, AS REQUIRED, AND OTHER MATTERS

49. Mr Jorge A. Sánchez Cordero Davila, Public Notary (Mexico) was elected Second Vice Chairman of the Joint Session.

50. It was agreed that the following States would be members of the Registration Working Group (RWG): Canada, Egypt, France, Finland, Ireland, Japan, Mexico, Singapore, South Africa and the USA. It was further agreed that the observers from the Aviation Working Group and the International Air Transport Association would attend sessions of the RWG as advisers. The RWG was requested to report back to Plenary on Wednesday 10 February 1999.

THE INTERNATIONAL REGISTRATION SYSTEM (cont.d)

GENERAL DISCUSSION (cont.d):

51. The German delegation informed the Joint Session that it had prepared a document merging the texts of the preliminary draft Convention and preliminary draft Protocol. This document would be distributed on 8 February 1999.

52. It was agreed that the document presented by the German delegation and any other proposals as regards the structure of the preliminary draft Convention and preliminary draft Protocol would be considered after the presentation on 8 February, by Ms C. Chinkin (Professor of Public International Law, London School of Economics) on the legal relationship between the preliminary draft Convention and its equipment-specific protocols, in particular as regards the implications for public international law.

AGENDA ITEM 5: CONSIDERATION OF THE PRELIMINARY DRAFT UNIDROIT CONVENTION ON INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT (cont.d)

CONSIDERATION OF THE TEXT OF THE PRELIMINARY DRAFT CONVENTION (cont.d):

ARTICLE 16

53. A number of delegations queried the need to create a new International Registry and suggested that already existing registries might fulfil the role assigned to the proposed new International Registry. It was however pointed out that the proposed centralised International Registry represented the core of the preliminary draft Convention. The Canadian delegation indicated that, as regards national aircraft registries, there were at present no national registries that would be capable of handling the types of interest that were being considered in the two proposed instruments. The costs of adapting the existing registries would be prohibitive, whereas the Canadian experience indicated that the operational costs of an international registry such as the one proposed would be very low.

ARTICLE 17

54. It was suggested that the unitary or binary character of the system adopted for the registry should not be specified in the Convention. The different protocols should be free to adopt the system which was best suited to the needs of the equipment they dealt with. It was recalled that administrative questions relating to the operation and organisation of the registry would be laid down in regulations, which would also ensure the transparency of its operation and organisation.

ARTICLES 18 - 19

55. No observations were made on Arts. 18 – 19 (see the report of the RWG).

ARTICLE 20

56. The question of the relationship between Art. 20 and the priority rules was raised, in particular as regards the moment in time when the registration becomes effective. It was recalled that the working hypothesis was an electronic registration system in which registration would become effective as soon as it had been completed.

ARTICLE 21

57. It was agreed that the Drafting Committee should reconsider the formulation of Art. 21(2) and (3) so as to clarify their meaning.

58. It was agreed that Arts. 21(4), Arts. 24 and 26(1) should be considered in the context of the discussions on Art. 39.

ARTICLE 22 - 23

59. No observations were made on Arts. 22 – 23 (see the report of the RWG).

ARTICLE 24

60. It was agreed that Arts. 21(4), Arts. 24 and 26(1) should be considered in the context of the discussions on Art. 39.

ARTICLE 25

61. No observations were made on Art. 25 (see the report of the RWG).

ARTICLE 26

62. It was agreed that Arts. 21(4), Arts. 24 and 26(1) should be considered in the context of the discussions on Art. 39.

ARTICLE 27

63. It was suggested that the concept of “error” in Art. 27(1) should be better defined, as it was susceptible to different interpretations in different legal systems.

64. As regards the immunity of the international registry, it was proposed that Art. 27(3)(b) be extended to cover also Art. 27(4). Furthermore, a number of delegations recalled that the provisions regulating the immunity of inter-governmental organisations were traditionally laid down in agreements with the States on whose territory they were situated. They therefore questioned the need to deal with this issue in the Convention.

— END —