



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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## SECOND JOINT SESSION

(Montreal, 24 August – 3 September 1999)

### PRELIMINARY DRAFT UNIDROIT CONVENTION ON INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT:

#### PROPOSAL

(submitted by the Delegation of Portugal)

The Delegation of Portugal wishes to submit to the Joint Session and the Registration Working Group the following comments. These comments are however not designed to upset the negotiations already underway but rather to alert Governments as to an issue to be considered in future.

The preliminary draft UNIDROIT Convention on International Interests in Mobile Equipment provides in Chapter IV for an international registration system designed via Chapter VII to ensure the effectiveness of the international interest against third parties.

That is to say that the effects of registration have justified the drafting of a whole chapter, with which we are in agreement. Article 28 itself enshrines a *priority* rule.

However, for the interest granted under the preliminary draft Convention to be effective and to gain international credibility, we believe it will be necessary to establish a rule determining the validity of a document which may be registered. A new article could establish in which cases (admitting that these might be extreme cases where the parties are agreed) registration should be denied by the Registrar.

And further it should be possible to register with reservations or *provisionally*, and even to accept certain “reservations as to priority”.

All these cases which should in our opinion be regulated by the future convention.

Furthermore, it appears that it would be more appropriate to provide for the interfacing of *national registers* (which already exist in some of the countries that will adopt the future Convention) with the new International Registry which it is the intention to set up.

In this context, it seems that the document filed in a reliable national register would provide sufficient proof for its transcription in the International Registry.

Registration would at that point be based on the existence of another registration already made, albeit only at national level.

Of course, once priority of the international registration was established its enforcement would be facilitated.

It would be appropriate to provide for some measure of interfacing and intercommunication between national registers and the International Registry.

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