



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./WP/16  
ICAO Ref. LSC/ME-WP/27  
12/02/99  
(Original: English/French)

## JOINT SESSION

(Rome, 1 - 12 February 1999)

### REPORT BY THE DRAFTING COMMITTEE

1.— The Drafting Committee set up by the Joint Session on 3 February 1999 met on six occasions during the session, on the 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup> and 11<sup>th</sup>. Representatives of the following States sat on the Drafting Committee as members: Canada, Egypt, France, Germany, Japan, Mexico, Republic of Korea, Singapore, South Africa and the United States of America. Mr R.M. Goode (United Kingdom), the *Rapporteur* to the Joint Session, took part in the work of the Drafting Committee in accordance with the invitation addressed to him by the Chairman of the Joint Session. The observers of the Hague Conference on Private International Law, the Aviation Working Group and the International Air Transport Association also attended sessions of the Committee as advisers.

2.— At the first session of the Drafting Committee, Mr K.F. Kreuzer (Germany) was elected Chairman and Mr G. Lauzon (Canada) Vice-Chairman.

3.— The business of the Drafting Committee was to give effect to the matters referred to it by the Joint Session in the light of its first reading of the preliminary draft Unidroit Convention on International Interests in Mobile Equipment (Study LXXII – Doc. 42) / preliminary draft [Unidroit] Convention on International Interests in Mobile Equipment (ICAO Ref. LSC/ME-WP/3) (**the preliminary draft Convention**) and the preliminary draft Protocol to the preliminary draft Unidroit Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment (Study LXXIID – Doc. 3) / preliminary draft [Unidroit] Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment (ICAO Ref. LSC/ME-WP/4) (**the preliminary draft Protocol**).

4.— With the exception of its correction of a few errors in Article 21 of the preliminary draft Convention, the Drafting Committee decided not to consider the provisions of the preliminary draft Convention and the preliminary draft Protocol concerned with the international registration system, modalities of registration and liabilities and immunities of the international registry (Chapters IV, V and VI of the preliminary draft Convention respectively) and registry provisions relating to international interests in aircraft objects (Chapter III of the preliminary draft Protocol) given that these provisions were at the time the subject of consideration by the Registration

Working Group set up by the Joint Session. The texts of the preliminary draft Convention and the preliminary draft Protocol referred to the Joint Session by the Drafting Committee in this document are accordingly presented in square brackets.

5.— The Drafting Committee noted that, the Registration Working Group having in the course of its work considerably recast the registration provisions of the preliminary draft Convention and the preliminary draft Protocol, it would be necessary for it in due course to review the provisions in question as to drafting. The Drafting Committee would accordingly propose that it revert to this matter at its next session and that the Chairmen of the two committees should in the meantime consult informally with a view to ascertaining the best means of dealing with this matter.

6.— On certain issues referred to it by the Joint Session, the Drafting Committee did not feel that its instructions from the Joint Session permitted it to provide a solution. These issues are annotated in the texts referred by the Drafting Committee to the Joint Session. Furthermore, the Drafting Committee took the view that it would not be useful for it to embark on a review of the insolvency-related provisions of the preliminary draft Convention and the preliminary draft Protocol. Only after more thorough analysis could a decision be taken as to whether the preliminary draft Convention or the preliminary draft Protocol is the more appropriate instrument in which to address these issues. The Drafting Committee also echoed the concern expressed by the Joint Session that this review should include consideration of the relevant international instruments.

7.— The text of the preliminary draft Convention as reviewed by the Drafting Committee is appended hereto as Appendix I, with the text of the preliminary draft Protocol as reviewed by the Drafting Committee appended as Appendix II.