THIRD JOINT SESSION

(Rome, 20 – 31 March 2000)

PROPOSAL

(submitted by the Government of Japan)

**Re Articles XI and XXX of the preliminary draft Aircraft Protocol**

The text of Article XXX(2) as revised by the restricted ad hoc Drafting Group provides:

“A Contracting State [...] shall declare whether it will apply Alternative A or Alternative B of Article XI to which types of insolvency proceedings”.

The Japanese Government suggested at the Second Joint Session (cf. ICAO Ref. LSC/ME/2-WP/12, the text of which is reproduced in an appendix to this proposal) that it would be important for the Convention to make a distinction between insolvency proceedings that contemplate reorganization and those that contemplate liquidation.

We should like to seek confirmation as to whether the provisions mentioned above are intended to address this concern by allowing a single Contracting State to have the option to select Alternative A for certain types of insolvency proceedings and Alternative B for other types.