



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)

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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 - UNIDROIT CGE/Int.Int./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.

