



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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THIRD JOINT SESSION

(Rome, 20 – 31 March 2000)

PROPOSAL

regarding the International Registry

(submitted by the Government of Portugal)

Whilst in general in agreement with the proposal submitted by the German delegation, we would make the following comments thereon:

1. The priority which it is intended will result from registration in the International Registry is, in a certain manner, contradictory with the purely “notice-based” role that it is intended to give the International Registry.

This difficulty could be resolved by requiring the production, within a fixed time, of the agreement (or a certified copy thereof) and proof that the national registry contains no prior registration which might have priority over, or be in contradiction with the registration in the International Registry.

2. Accordingly, while seeking to keep the drafting as simple as possible, we believe that it would be useful to add a new paragraph 7 to Article 19, along the following lines:

“7. Registration shall be confirmed by a communication within [six months] of the conclusion of the agreement, the validity of which shall be established”.

3. Two new paragraphs might usefully be added to Article 20:

“6. The giving of consent shall not relieve the relevant party from communicating the written contract, which shall also be sufficient for registration.

7. Persons registering a right which does not exist or in bad faith may be obliged by a judge or an arbitrator to pay such compensation as is fixed by law or regulations.”

