



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 delegation of the United States of America)

COMMENTS ON ARTICLE 14 OF THE PRELIMINARY DRAFT CONVENTION AND ARTICLE X OF THE PRELIMINARY DRAFT AIRCRAFT PROTOCOL

Articles 14 of the Convention and X of the Aircraft Protocol have become excessively complex. Perhaps this was unavoidable given their documentary history, namely as a hybrid between a final remedies provision and one that addresses interim relief.

We believe a better approach to this economically driven issue can be found.

We suggest that the Plenary consider a more direct approach which addresses the core problem: the indeterminable length of judicial proceedings relating to the enforcement of remedies under the Convention.

That approach would have the following provision as an **opt in annex to or article in the Aircraft Protocol**:

Annex/Article ____
Judicial Proceedings

1. A Contracting State shall ensure that judicial proceedings relating to the remedies under the Convention will be completed within the period set forth in a declaration to this Protocol.
2. During the period contemplated by the preceding paragraph, the debtor shall preserve the aircraft object and maintain it and its value in accordance with the agreement.
3. Nothing in this Article affects the availability of interim relief available under the applicable law.

