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U n i d r o i t

INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW

STUDY GROUP FOR THE PREPARATION OF
UNIFORM RULES ON INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT

*REVISED DRAFT ARTICLES OF A FUTURE UNIDROIT CONVENTION
ON INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT*

(proposed by the Drafting Group in the light of the Study Group's reading at its second session
of the first set of draft articles established by the Sub-committee in conjunction with the
recommendations of the Aviation Working Group):

COMMENTS

(by Mr S. Masuda)

Rome, January 1997

INTRODUCTION

Subsequently to the comments to the revised draft articles of a future Unidroit Convention on International Interests in Mobile Equipment, as proposed by the Drafting Group of the Study Group in December 1996 (Study LXXII - Doc. 30), reproduced in Study LXXII - Doc. 32, the Unidroit Secretariat received additional comments from Mr S. Masuda, member of the Study Group. This paper reproduces these additional comments set out hereunder.



MR S. MASUDA

We have reviewed the joint proposal of the Aviation Working Group (*A.W.G.*) and the International Air Transport Association (*I.A.T.A.*) and are in general agreement with the approach outlined therein with respect to an umbrella Convention with equipment-specific Protocols. We agree that the added flexibility offered by this revised approach might enhance the overall appeal of the Convention to potential Contracting States. If this approach is in fact adopted, we would recommend re-consideration of the issue of outright transfers, as it would be possible to deal with the applicability of the Convention thereto on a Protocol-by-Protocol basis.

We have also reviewed the previously distributed materials for the upcoming session of the Study Group. There will no doubt be significant revisions to the current draft Convention if the above-mentioned proposal of the *A.W.G.* and *I.A.T.A.* is adopted. As we are supportive of this proposal, we would propose deferring for now our relatively minor comments on the current draft with the hope of receiving in due course a revised draft based on the *A.W.G./I.A.T.A.* proposal.