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Study Group
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INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW

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

(Third session: Rome, 15 - 21 January 1997)

PROPOSED REFORMULATION OF ARTICLE 6

(joint proposal by the Aviation Working Group and
the International Air Transport Association)

Rome, 16 January 1997
(afternoon)

PROPOSED REFORMULATION OF ARTICLE 6

(joint proposal by the Aviation Working Group and
the International Air Transport Association)

“Article 6

1. – Without prejudice to paragraph 3, in the interpretation of this Convention, regard is to be had to its international character and the need to promote uniformity in its application.

2. – [The official comments ⁽¹⁾ to this Convention shall be considered by courts as authoritative when interpreting and applying the terms of this Convention.

3. –] Questions concerning matters governed by this Convention which are not expressly settled in it are to be settled in conformity with the general principles on which it is based interpreted with a view to promote commercial certainty and the observation of good faith in international trade.[In the absence of such principles, such matters are to be settled in conformity with the law applicable by virtue of the rules of private international law.]”

N.B. Official comments to Article 6(3) to include a sentence confirming that *international* (rather than national) *standards* of good faith and commercial certainty are the relevant standards in interpreting general principles for gap-filling purposes, and that this provision is not intended as a vehicle for modifying the express terms of the text.

A second official comment to Article 6(3) would note that the general principles are described in the preamble to the Convention. ⁽²⁾

⁽¹⁾ Add defined term to Appendix which includes the official comments to the *relevant protocol*.

⁽²⁾ For the view of the Aviation Working Group and the International Air Transport Association on the general principles, see Unidroit 1997 Study LXXII - Doc. 32 Add. 2 at footnote 21.