



**UNIDROIT COMMITTEE OF GOVERNMENTAL EXPERTS
FOR THE PREPARATION OF A DRAFT PROTOCOL TO
THE CONVENTION ON INTERNATIONAL INTERESTS IN
MOBILE EQUIPMENT ON MATTERS SPECIFIC TO
SPACE ASSETS
Fifth session
Rome, 21/25 February 2011**

UNIDROIT 2011
C.G.E./Space Pr./5/W.P. 21 Add.
Original: English
25 February 2011

ADDENDUM TO THE REPORT OF THE DRAFTING COMMITTEE *

Article XVI - Derogation

The reference to Article XVII(3) should be inside square brackets, in view of the pending nature of Article XVII(3) itself.

Article XXVIII - The Supervisory Authority

1. - The Supervisory Authority shall be designated at or pursuant to a resolution of, the Diplomatic Conference to Adopt a Space Assets Protocol to the Cape Town Convention, provided that such Supervisory Authority is able and willing to act in such capacity.

2. - Unchanged.

3.- The Supervisory Authority may establish a commission of experts, from among persons nominated by the negotiating~~Signatory and Contracting~~ States and having the necessary qualifications and experience, and entrust it with the task of assisting the Supervisory Authority in the discharge of its functions.

Article XXX - Identification of space assets for registration purposes

~~1. With respect to~~ A description of a space asset that has not been launched, a description of the space asset that contains the name of its manufacturer, its manufacturer's serial number, and its model designation, and satisfies such other requirements as may be established in the regulations is necessary and sufficient to identify the space asset for the purposes of registration in the International Registry. ~~After launch of the space asset the creditor may add to~~

* In order not to hold things up, the co-Chairmen of the Drafting Committee agreed at the conclusion of their revision meeting held on 24 February 2011 to come back to the Committee of governmental experts with an Addendum to the Report of the Drafting Committee (C.G.E./Space Pr./5/W.P. 21) concerning Articles XVI, XXVIII(1) and (3), XXX and XXXI(1) of the revised preliminary draft Protocol.

~~its registration data all or any of the additional data specified in paragraph 2 but failure to do so or the addition of incorrect data shall not affect the validity of the registration.~~¹

Article XXXI – Additional modifications to Registry provisions

Renumber the current paragraph 1 as paragraph 1 *bis* and insert a new paragraph 1 worded as follows:

1. Article 16 of the Convention applies with the following being added immediately after paragraph 1:

“1 *bis* The International Registry shall also provide for:

- (a) the recording of rights assignments;
- (b) the recording of acquisitions of debtor’s rights by subrogation;
- (c) the registration of public service notices under Article XXVII(1) of the [Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Space Assets]; and
- (d) the registration of creditors’ notices under Article XXVII(3) of the [Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Space Assets].”.

¹ The text of the revised preliminary draft Protocol under consideration by the Committee of governmental experts at the current session (C.G.E./Space Pr./5/W.P. 3) contains a separate paragraph 2 as follows:

“2. – With respect to a space asset that has been launched, a description of the space asset that contains the date and time of its launch, its launch site, the name of its launch provider and [...] and satisfies such other requirements as may be established in the regulations is necessary and sufficient to identify the space asset for the purposes of registration in the International Registry.”

However, in the light of the Committee of governmental experts’ decision that the requirements of paragraph 1 should apply to space assets already launched as well as those not yet launched, paragraph 2 would appear to be no longer relevant, since the regulations will make whatever provision is considered necessary.