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INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW

COMMITTEE OF GOVERNMENTAL EXPERTS FOR THE PREPARATION OF A DRAFT

CONVENTION ON INTERNATIONAL FINANCIAL LEASING

Comments by the Government of the Netherlands on the text
of the preliminary draft uniform rules on international
financial leasing as this emerged from the second session
of governmental experts: addendum

Rome, April 1987

The position taken by the Government of the Netherlands on Article 5 at the second session of governmental experts, to which reference is made in its comments submitted for the attention of the committee of governmental experts at its third session (Study LIX - Doc. 40), was as follows (cf. Study LIX - Doc. 26, §18):

"The Netherlands took the view that this article should be deleted, stating that it took into consideration the public notice systems existing in some Anglo-Saxon countries, but left out of consideration altogether the 'possession vaut titre' rule prevailing in other legal systems. Besides, the wording of the article left open some questions. For example, does the word 'titre' indicate that invariably the lessor is the owner of the equipment?

According to Dutch law he often but not necessarily always is."