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U n i d r o i t

INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW
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STUDY GROUP FOR THE PREPARATION OF UNIFORM RULES
ON CERTAIN INTERNATIONAL ASPECTS OF
SECURITY INTERESTS IN MOBILE EQUIPMENT

MEMORANDUM

(for the attention of the Study Group at its first session):

ADDENDUM

(Comments of the Directorate-General for Civil Aviation of the Italian
Ministry of Transport)

Rome, March 1993

Introductory note by the Unidroit Secretariat

1. - In view of the Restricted Exploratory Working Group's recommendation that aircraft should in principle be encompassed by the proposed international instrument (cf. § 7 of the Report of the Working Group) and the reactions of the German Federal Ministry of Justice to this recommendation (cf. § 4 of its comments), the Unidroit Secretariat invited the Directorate-General for Civil Aviation of the Italian Ministry of Transport to give it the benefit of its opinion in this connection.

Comments of the Directorate-General for Civil Aviation of the Italian Ministry of Transport

2. - By letter dated 16 March 1993, the Director-General for Civil Aviation of the Italian Ministry of Transport informed Unidroit that, in view of the characteristics attributed to the proposed international security interest by the Working Group, the possibility of drawing up an international Convention would have to be assessed by reference to the provisions of the Geneva Convention of 19 June 1948 on the International Recognition of Rights in Aircraft.

3. - In this sense the Directorate-General indicated that it was substantially in agreement with the comments made by the German Federal Ministry of Justice.

4. - It pointed out furthermore that the type of case which the proposed new international security interest was intended to cover would be analogous or capable of assimilation to the security interest recognised by Italian law in favour of creditors under the "ad opponendum" procedure provided for by Article 758 of the Code of Navigation in respect of unregistered rights.⁽¹⁾

(1) *Note by the Unidroit Secretariat:* the "ad opponendum" procedure is noteworthy for its effect on the negotiation of a contract for the purchase of an aircraft, in effect deferring the possibility of using the aircraft inasmuch as the purchaser cannot proceed to register its purchase in its own national registry until the "ad opponendum" procedure has been completed, that is for the 60 days provided for under Article 758.