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Unidroit

INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW

STUDY GROUP FOR THE PREPARATION OF
UNIFORM RULES ON INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT:
SUB-COMMITTEE FOR THE PREPARATION OF A FIRST DRAFT

MEMORANDUM

prepared jointly by Airbus Industrie and The Boeing Company
on behalf of an aviation working group:

COMMENTS

(by members of the sub-committee and the international Organisations
and professional associations represented by observers thereon)

Rome, July 1995

INTRODUCTION

Subsequent to the comments to the Memorandum prepared jointly by Airbus Industrie and The Boeing Company on behalf of an aviation working group (Study LXXII - Doc. 16) grouped together in Study LXXII - Doc. 17 and the second session of the small drafting group, held in Oxford on 29 and 30 June 1995, the Unidroit Secretariat received additional comments from Professor Rolf Herber, the observer representing the International Maritime Committee on the Sub-committee of the Unidroit Study Group for the preparation of uniform rules on international interests in mobile equipment. This paper reproduces these comments, set out hereunder.



PROFESSOR ROLF HERBER

Taking part in the work of the sub-committee on Security Interests in Mobile Equipment as an observer of the Comité Maritime International I have received the memorandum prepared by the Airbus Industrie and The Boeing Company (the so-called Aviation Working Group) (document 16).

I do appreciate very much the work which has been done by this group and I tend to believe that the memorandum is a very good basis for the future work of the sub-committee. Whereas it is not yet decided whether ships should go within the scope of the future draft Convention, I do think that the guidelines laid down in the aviation paper could serve, at the same time, very well for the purpose of securities in ships.

The list of recommendations set out in Annex 2 of the report does seem to me in principle to adjust the draft prepared by the Chairman more to a form of register to which at least the Continental European States are more accustomed than to the previous ideas expressed by the majority of the Working Group.

Please understand that I am not able, at the moment, to comment on the proposals in detail. But I would like to express already before the October meeting my strong support for the underlying ideas of the well prepared draft presented by the Aviation Group.