

UNIDROIT 1995
Study LXXII - Doc. 17 Add. 3
(Original: English)

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 Study Group and the international Organisations
and professional associations represented by observers thereon)

Rome, September 1995

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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) reflected in Study LXXII - Doc. 17, Study LXXII - Doc. 17 Add. and Study LXXII - Doc. 17 Add. 2, the Unidroit Secretariat received additional comments from Mr Giuseppe Guerreri, the observer representing the International Law Association on the Unidroit Study Group for the preparation of uniform rules on international interests in mobile equipment. Mr Guerreri, however indicated that the views expressed in his comments were his own and not those of the Association. This paper reproduces these comments, set out hereunder.



MR GIUSEPPE GUERRERI

I have only one comment to make on the excellent Memorandum jointly prepared by Boeing and Airbus and would like to refer specifically to the suggested Contractual Choice of Law Provision (see page 24 of the document).

I am inclined to believe that the Convention should offer no such option. The right of the parties to select the substantive laws would ultimately and somewhat impair the general applicability of the Convention and its importance as uniform international law. In practice the option could create a set of legal provisions parallel to and perhaps even conflicting with the desired uniform rules set out in the Convention.

The corresponding provision in page 3 of the Appendix to the Revised Proposals (Study LXXII - Doc. 18) should be deleted accordingly.