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U n i d r o i t

INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW

COMMITTEE OF GOVERNMENTAL EXPERTS FOR THE PREPARATION OF A DRAFT
CONVENTION ON INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT AND
A DRAFT PROTOCOL ON MATTERS SPECIFIC TO AIRCRAFT EQUIPMENT

*PRELIMINARY DRAFT PROTOCOL TO THE PRELIMINARY DRAFT UNIDROIT
CONVENTION ON INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT
ON MATTERS SPECIFIC TO AIRCRAFT EQUIPMENT:*

COMMENTS

(submitted by the Government of Australia)

Rome, December 1998

INTRODUCTION
(by the Unidroit Secretariat)

Subsequently to its receipt of the preliminary observations by the Government of the United States of America on the preliminary draft Protocol to the preliminary draft Unidroit Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment (Study LXXIID – Doc. 3) reproduced in Study LXXII - Doc. 43/Study LXXIID – Doc. 4, the Unidroit Secretariat also received comments from the Government of Australia on the preliminary draft Protocol. This paper reproduces these comments set out hereunder.



**PRELIMINARY DRAFT PROTOCOL TO THE PRELIMINARY DRAFT
UNIDROIT CONVENTION ON INTERNATIONAL INTERESTS IN MOBILE
EQUIPMENT ON MATTERS SPECIFIC TO AIRCRAFT EQUIPMENT:**

COMMENTS
(submitted by the Government of Australia)

Australia's comments on specific Articles of the preliminary draft Protocol are:

Re Article I

The definitions of “aircraft engines” and “airframes” should exclude engines and airframes used in government service (other than those used in government-owned commercial air services).

Re Article III

The reference to Article V of the Convention should be changed to Article 4.

Re Article IX

The reference to the obligee deregistering an aircraft should be changed to refer to the obligee applying to deregister the aircraft.

Re Article X

The thirty-day time limit for obtaining judicial relief on an interim basis may not be achievable in all cases, particularly when the decision granting relief may be subject to appeal and review before it can be finally acted upon.