



**UNIDROIT COMMITTEE OF GOVERNMENTAL EXPERTS
FOR THE PREPARATION OF A DRAFT PROTOCOL TO
THE CONVENTION ON INTERNATIONAL INTERESTS IN
MOBILE EQUIPMENT ON MATTERS SPECIFIC TO
SPACE ASSETS**

Third session

Rome, 7/11 December 2009

UNIDROIT 2009

C.G.E./Space Pr./3/W.P. 26

Original: English

11 December 2009

**SUMMARY REPORT
FOR
11 DECEMBER 2009 (AFTERNOON)**

(prepared by the Unidroit Secretariat)

Opening of the session

1. The Chairman opened the session at 2.20 p.m.

Item No. 3 on the agenda (*continued*): REVIEW OF THE REPORT OF THE DRAFTING COMMITTEE

2. One of the Co-chairmen of the Drafting Committee presented the report on the work of the Drafting Committee (C.G.E./Space Pr./3/W.P. 20 rev.) and explained the revisions that were being recommended to the Committee. He indicated in particular that the Drafting Committee had found it convenient to conduct its work on the basis of the alternative text (technical amendments) (C.G.E./Space Pr./3/W.P. 8 rev.).

3. It was agreed by the Committee that future work should be based on the alternative text (technical amendments).

4. Pursuant to the Co-chairman's remark as to the need to amend the heading of Article XII to reflect that fact that it now also dealt with subrogation, the representative of one State proposed dividing Article XII into two Articles, one dealing with rights assignments and another with subrogation.

5. The representative of another State proposed that, in respect of Article I(2)(l), it be clarified, perhaps by footnote, that the square brackets that had been put around the words "capable of being independently owned, used or controlled" did not betoken disagreement as regards the need for some such language but rather the desirability of finding more appropriate language.

6. The representative of that State also raised the question of the need for further clarification as regards which paragraph of Article XXX would apply in the case of a space asset in respect of

which a first international interest was registered prior to launch and then a second international interest was registered after launch. It was agreed that this was a matter needing to be discussed further at the following session.

Item No. 5 on the agenda: (continued)

7. The representative of a State raised the question as to the appropriateness in Article I(3) of referring only to the United Nations Convention on Registration of Objects Launched Into Outer Space, which he suggested was misleading in that a space asset might be registered in one or more of three places and since there were other relevant treaties, principles or resolutions of the United Nations. He suggested that reference should be made either to all such relevant texts or to none.

8. In the light of the reaction by the representative of another State that a reference of some sort was needed in the future Protocol regarding the location of a space asset, once no longer on Earth, it was agreed that the matter be left open for decision at the following session.

9. The representative of one State recalled the recommendation that had come out of the meeting of the Sub-committee on the future international registration system as regards the possibility for the Preparatory Committee to be established by the diplomatic Conference for the adoption of the future Protocol itself to undertake the procedure for the selection of the future Registrar, subject to approval by the Supervisory Authority.

Item No. 6 on the agenda: FUTURE WORK

10. The Secretariat reminded the Committee of the decisions it had taken regarding the continuation of informal consultations at the level of the Informal Working Group on default remedies in relation to components pending the following session and consultation with States and industry on the discussion paper submitted by the Secretariat in the light of the work of the Informal Working Group on limitations on remedies. He also proposed that the Committee authorise the Secretariat to continue the work begun by the Drafting Committee during the session on giving effect to the decisions taken by the Committee.

11. It was so agreed.

12. Some States reiterated the position they had already announced on the need for an economic impact assessment study or an equivalent survey of States and industry stakeholders.

13. On the other hand, a majority of States expressing themselves on the subject indicated, first, that any such study or survey should not hold up the work of the Committee and, secondly, that for such a study or survey to be mounted it would be necessary to ensure that this did not create an impossible financial burden on the Secretariat and member States.

14. Summing up the discussions, the Secretary-General noted that the Institute would, subject to its very limited resources, be reaching out, in practical consultations after the session, to both representatives of industry and the academic world with a view to assessing the economic basis for certain key provisions of the preliminary draft Protocol, notably the discussion paper on limitations on remedies. He urged member States to intensify their contacts with their national industry representatives to ensure adequate input in the process.

15. It was agreed that it would not be appropriate for the work of the Committee to be postponed and that, in the light of the remarkable progress achieved during the session, a fourth session should be held in the first half of 2010.

Item No. 7 on the agenda: REVIEW OF REPORT

16. The summary reports for the discussions that had taken place on 7, 8, 9, 10 and the morning of 11 December 2009 were approved subject to the need to amend the references in paragraph 10 of the report on 7 December and paragraphs 2 and 8 of the report on 8 December to proposals by the Government of Japan so as to make it clear that these proposals had been tabled by Mr S. Kozuka in his personal capacity.

Closure of the session

17. The Chairman closed the session at 4.45 p.m.