



**SEMINAR – THE EUROPEAN COMMUNITY AND THE
CAPE TOWN CONVENTION**

Rome, 26 November 2009

DC9/DEP – Doc. 8
Original: English
June 2010

SUMMARY REPORT
(prepared by the UNIDROIT Secretariat)

Overview

*On Thursday 26 November 2009, UNIDROIT convened a seminar for Member States of the European Union to discuss the Cape Town Convention and Aircraft Protocol. The Seminar Program is annexed as **Annex I**. A list of participants is annexed as **Annex II**.*

The topics discussed at the seminar included economic perspectives on the Convention and Aircraft Protocol, the International Registry established pursuant to the Aircraft Protocol, and the consequences for Member States arising from the declarations made by the European Union at the time of its accession to the Convention and Aircraft Protocol. There was a lengthy discussion about declarations. It was agreed/noted that it would be best if Member States each adopted the same approach in relation to which declarations under the Convention and Aircraft Protocol they would be able to make in light of the sphere of European Union competence. In that connection, it was also noted that Member States of the European Union would not be able to make declarations under Aircraft Protocol Articles VIII, X and XI in light of the European Union declarations and the regulations referred to therein, but that in respect of Aircraft Protocol Articles X and XI Member States could amend their national law to reflect the content of the relevant underlying provisions. On a related matter, there was discussion of the advantages that would be derived from of Member States providing to UNIDROIT information, other than in the form of declarations, about the laws and policies applicable in relation to the matters covered by the Convention and the Aircraft Protocol. UNIDROIT would amend the Declarations Memorandum and other documents to indicate this possibility.

*A summary of the conclusions of the seminar, relating to the consequences for Member States arising from the declarations made by the European Union at the time of its accession to the Convention and Aircraft Protocol, is annexed as **Annex III**.*

Opening of the seminar

1. Mr J.A. Estrella-Faria, Secretary-General of UNIDROIT, welcomed all participants to the seminar. He noted that the Cape Town Convention has a clear practical application with identifiable economic benefits. It is the product of negotiation process that involved States representatives, legal experts and industry representatives, and it successfully blends the objectives of political acceptability, legal soundness and commercial viability. It achieves this by acknowledging that there is diversity among legal systems whilst introducing a common set of rules to establish a system of legal interoperability that works across all legal borders. It is also the first treaty in the private law area to be accompanied by an operational infrastructure: the International Registry.

Although UNIDROIT is very proud of the Convention, much work remains to ensure that it continues to be adopted by States. UNIDROIT is very pleased to be hosting the seminar, and will be happy to continue the dialogue with Member States of the European Union by providing assistance and support in relation to domestic implementation processes.

Cape Town Convention overview

2. Mr J. Atwood, Senior Officer, UNIDROIT, after outlining the seminar documents and program, noted that UNIDROIT was very pleased that the European Union had acceded to the Convention and Aircraft Protocol, and that the seminar had been organised to promote discussion of issues that would arise when Member States of the European Union were considering possible ratification of, or accession to, the Convention and Aircraft Protocol. He outlined the rationale for the Convention and the stages in its development. He noted that the Convention had been adopted by States from a range of legal systems, and that one feature of the Convention which facilitated its broad acceptance was the system of declarations, which enables Contracting States to modify the application of certain specified provisions of the Convention and Aircraft Protocol.

3. Professor Sir Roy Goode CBE, QC gave an overview of the key features and provisions of the Convention and Aircraft Protocol. These included:

- clear provisions on the identification of types of security interests (“international interests”) to which the Convention applies;
- a core set of basic default remedies, including relief pending final determination of claims, and safeguards for debtors;
- a set of clear and simple priority rules, which essentially give priority to registered international interests over subsequently registered international interests and unregistered interests;
- a fully electronic International Registry, to record registrations of international interests – the International Registry has been a key to the success of the Convention and Aircraft Protocol, as it is very secure and very efficient;
- rules for the recognition of international interests in insolvency proceedings;
- a system of declarations, enabling a Contracting State to modify the effect of specified provisions of the Convention and Aircraft Protocol – the system includes declarations for a Contracting State to specify categories of non-consensual rights and interests which may have priority over a registered international interest, or which would be capable of registration;
- the Aircraft Protocol’s extension of the application of the Convention to sales, and of the application of the Convention to interests in an aircraft object that is registered in a Contracting State; and
- the Aircraft Protocol’s modification of the Convention’s insolvency rules to enable a Contracting State to opt, via declaration, for a clear and defined process for recognising the creditor’s rights in an insolvency proceeding.

Economic perspectives on the Cape Town Convention

4. Mr J. Wool, Secretary and General Counsel of the Aviation Working Group, spoke about economic perspectives of the Cape Town Convention. He noted that the aviation industry was in transition from high levels of government ownership to high levels of private ownership and financing: one consequence of this was an increased possibility of default. The Cape Town

Convention responded to this specific issue by reducing the risk of loss involved in financing the acquisition of aircraft. It does this through its provisions defining timely and predictable access to a valuable and marketable asset (the aircraft object) in the event of default or insolvency – these provisions are the basis of the economic benefits of the Convention. There are advantages for both creditors and debtors (for example, experience has shown that debtors have a much stronger position in relation to negotiating workouts and restructuring if the creditors' rights are more certain and the potential outcomes more predictable). However, a Contracting State will not achieve the economic benefits unless it properly implements the Convention and, in particular, makes the declarations that will maximise the economic advantages. The most important of these declarations, by far, is the declaration under Aircraft Protocol Article XI ("Remedies on Insolvency").

5. Mr Wool discussed the way that economic analysis impacted the development of the Convention. In particular, he noted that it had been recognised and agreed from an early stage that the maximum economic benefits would be achieved through very clear provisions on key issues (transparency as to which party has priority in the event of a conflict, the ability to promptly enforce rights against collateral, and the enforceability of rights in bankruptcy). In approaching this task of harmonisation it had been agreed that the economic objectives would best be achieved by providing clear and specific provisions that States could decide to adopt through making declarations, rather than by providing very general provisions that would be potentially acceptable to a broad range of States but would not result in harmonisation of key laws. Economic analysis was very important to demonstrating to States the importance of the Convention. In 1998 IATA, the Aviation Working Group and the International Civil Aviation Organization commissioned an economic impact assessment of the draft Convention from expert applied economists who concluded, based on reasonable assumptions and calculations, that the Convention would deliver substantial benefits to airlines, manufacturers, governments, financiers and consumers. A more recent study, commissioned by the Aviation Working Group and undertaken by an economist at Northwestern University who is a leader in assessing secured transactions, examined the Convention and Aircraft Protocol in practice and, though focussed on the single issue of the benefits to airlines from the Convention's insolvency regime, confirms there are material economic benefits flowing from the Convention, provided that the Convention is properly implemented and that the right declarations are made.

6. Mr Wool noted that it is clear that the decisions made by Contracting States on the "economic" declarations are directly related to the economic benefits to be produced by the Convention. He referred to the OECD Sector Understanding on Export Credits for Civil Aircraft ("the OECD Understanding"), which provides that the "Cape Town discount" will be available only if the "qualifying declarations" have been made – these declarations, which relate to the timely access to collateral, are: (i) the declaration under Article XI of the Aircraft Protocol ("Remedies on Insolvency") – Alternative A, specifying a maximum period of 60 days; (ii) the declaration under Article XIII of the Aircraft Protocol ("De-registration and export request authorisation") permitting the use of the form annexed to the Protocol; (iii) the declaration under Article VIII of the Aircraft Protocol ("Choice of law") and (iv) either the declaration under Article 54(2) of the Convention ("Declarations regarding remedies") specifying that leave of the court would not be required, or the declaration under Article X of the Aircraft Protocol ("Modification of provisions regarding relief pending final determination") specifying up to 10 calendar days for conserving remedies and up to 30 calendar days for disposition remedies. Mr Wool noted that the OECD Understanding would permit the discount for EU Member States where certain of the foregoing declarations were not made, provided that national law was amended to reflect the underlying provisions to which the declarations relate. Mr Wool concluded by noting that all States contemplating ratification or accession to the Cape Town Convention should take into account the work that had been done analysing the economic benefits of the Convention.

The International Registry - Developments

7. Mr R. Cowan, Managing Director, International Registry, noted that the International Registry was operating very successfully, as indicated by its high activity levels (approaching 200,000 registrations in relation to 55,000 unique objects), positive customer feedback, significant reductions in insurance costs, and Aviareto's recent reappointment as Registrar to operate the registry for another 5 years. The Convention provides for priority of claims according to the date and order of registration on the International Registry, and it is therefore critical that the International Registry ensures the integrity of the data that is registered. It employs advanced technology and security features, including data mirroring and the issue of digital certificates to enable non-repudiation, and operates 24 hours every day to facilitate equal access from all locations.

8. Mr Cowan outlined the processes involved in using the system and registering an international interest, including the verification of user identification, the data required to make a registration, payment systems, and processes employed to ensure the precision of registration data. He also outlined the process for conducting a search of the International Registry, including the issue of a digitally-signed search certificate. He noted, in relation to the International Registry's functions, that the Registry does not provide legal advice or opinions on whether an interest should be registered and, being a notice-based registry, it also does not provide for contracts and other documents to be filed. He noted that some Contracting States had designated entry points pursuant to Article XIX of the Aircraft Protocol. The International Registry now provides documentation in six languages (Arabic, Chinese, English, French, Russian and Spanish). Customer surveys have revealed ongoing improvements in satisfaction from users of the International Registry, and have confirmed the importance of data integrity for users.

9. Mr Cowan noted that the International Registry places a very high emphasis on ensuring good governance. The International Civil Aviation Organization is the Supervisory Authority, which is advised by a Commission of Experts; the International Registry also provides annual reports to the Supervisory Authority, and commissions an annual independent security review. There is also an advisory board, representing top industry expertise, which advises the International Registry.

Declarations under the Cape Town Convention

10. Mr Atwood outlined UNIDROIT's functions as Depositary under the Cape Town Convention and Aircraft Protocol, and the resources made available by UNIDROIT (including the texts of the instruments, status lists, email update service, and a "Declarations Memorandum"). He noted that the UNIDROIT website now also includes an area for Contracting States to provide information about their laws and policies in relation to the Convention and Aircraft Protocol.

11. Mr Atwood noted that the Declarations Memorandum provides further information on the choices available to Contracting States in relation the declarations under the Convention and Aircraft Protocol, as well as model forms which may be consulted in preparing declarations. The use of clear and unambiguous language in declarations is important to minimise uncertainty as to how the Convention and Aircraft Protocol apply in relation to a particular Contracting State. It is important for each State to consider its own circumstances when considering which declarations to make, and the general emerging trend had been for Contracting States to make the declarations that would maximise the economic advantages of the Convention and Aircraft Protocol.

12. In relation to the European Union, Mr Atwood noted that both the Convention and Aircraft Protocol provide for accession by a Regional Economic Integration Organisation. The declaration made by the European Union at the time of its accession to the Convention and Aircraft Protocol notes that the Member States have transferred their competence to the European Union as regards

matters which affect Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, Council Regulation (EC) No 1346/2000 of 29 May 2000 on insolvency proceedings and Regulation (EC) no 593/2008 of the European Parliament and of the Council of 167 June 2008 on the law applicable to contractual obligations (Rome I), and that Member States keep their competence concerning the rules of substantive law as regards insolvency. The declaration made pursuant to Article 55 of the Convention notes that where the debtor is domiciled in the territory of a Member State, relevant Member States will apply Articles 13 and 43 of the Cape Town Convention for interim relief only in accordance with Article 31 of Regulation 44/2001 as interpreted by the Court of Justice of the European Communities in the context of Article 24 of the Brussels Convention of 27 September 1968 on jurisdiction and enforcement of judgments in civil and commercial matters. The declaration made pursuant to Article XXX(5) of the Aircraft Protocol provides that Article XXI will not apply within the European Union and Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters will apply to this matter for the Member States bound by that regulation or by any other agreement designed to extend its effects.

13. The declarations made by the European Union raised a number of issues for consideration by Member States of the European Union in relation to their assessment of the choices available in relation to declarations under the Convention and Aircraft Protocol, which issues would be discussed by Mr Kjellin

14. Mr H. Kjellin, Chairman of the ICAO Legal Committee,¹ noted that the issue of the position of Member States of the European Union in relation to declarations was complex, in light of the divisions of competencies between the European Union and its Member States, and potential difficulty in defining precisely the scope of external competence of the European Union. The declaration of the European Union addresses where the European Union has external competence, but questions remain as to how Member States of the European Union could best achieve the legal certainty necessary to maximise the economic benefits available pursuant to the Convention. It was agreed that this seminar would potentially play an important role in resolving these questions.

15. The participants then engaged in a discussion on these issues. During that discussion, the following points and comments were made:

- (a) The declarations made by the European Union at the time of its accession to the Convention and Protocol, and the Council Regulations and European Parliament Regulations referred to in those declarations, affect the capacity of Member States of the European Union to make declarations under Aircraft Protocol Article VIII ("Choice of Law"), Article X ("Modification of provisions regarding relief pending final determination") and Article XI ("Remedies on Insolvency"). However the capacity of Member States to make the other declarations under the Convention and Aircraft Protocol is not affected.
- (b) It is important that the situation of every Contracting State, including any Contracting State that is a Member State of the European Union, with respect to the rights and obligations under the Convention and Aircraft Protocol is very clear. It was agreed that it would be preferable for the Member States of the European Union to each adopt the same approach in relation to which declarations under the Convention and Aircraft Protocol they would be able to make in light of the sphere of European Union competence. The adoption of a consistent approach should be encouraged, although this would ultimately be a matter for each European Union Member State.

¹ Mr Kjellin attended the seminar in his personal capacity and the views he expressed were not the view of the ICAO Legal Committee.

- (c) In relation to the subject of Aircraft Protocol Article VII ("Choice of Law"), Member States of the European Union would not be able to make a declaration under that Article, and would not be able to make changes to their national law on that subject, in light of the comprehensive nature of the European Union regulation.
- (d) In relation to the subject of Aircraft Protocol Article XI ("Remedies on Insolvency"), the European Union had decided to make no declaration. The making of a declaration by the European Union would have committed all Member States of the European Union to make a similar declaration, when it had been agreed that each Member State should be able to make its own decision as to which rule, if any, it wanted to adopt. No declaration can be made by the Member States of the European Union, although there is nothing to prevent the amendment of the national law of a Member State so as to result in the same substantive outcomes as if a declaration had been made.
- (e) In relation to the subject of Aircraft Protocol Article X ("Modification of provisions regarding relief pending final determination"), there is no, or very limited, scope for a Member State of the European Union to make any declaration, but if a Member State did not make a declaration the national law of a Member State could be amended so that it would result in the same substantive outcomes under national law as if a declaration had been made.
- (f) Having regard to the importance of clarity, it was noted that UNIDROIT's facility for enabling Contracting States to provide information, other than in the form of a declaration, in relation to the laws and policies applicable in relation to the matters covered by the Convention and the Aircraft Protocol, would enable the situation in a Contracting State in relation to a subject covered by the Convention or Aircraft Protocol to be clarified even if the relevant Contracting State had not made a declaration. It was also noted that UNIDROIT would be able to post on its website any information that is provided to it. However, it was important to note that the competence of Member States to make declarations under European Union law was an intra-European Union issue that did not arise for consideration on the international plane. Accordingly, UNIDROIT would have no role in determining whether a Contracting State has the competence to make a particular declaration, and nor would it have a role in providing observations as to a Contracting State's choices in relation to declarations. As the Depository, UNIDROIT is obliged to accept the deposit of declarations conforming to the Convention and Protocol regardless whether the depositing State has competence to make the declarations according to European Union law. Any information provided to UNIDROIT for the above purpose would be separate and distinct from any declarations that the relevant Member State might make in relation to its ratification of, or accession to, the Convention and Aircraft Protocol. In order to ensure maximum clarity, Member States that provide such information should avoid describing the information as relating to the implementation of the Convention and Protocol, but rather should describe the information as relating, specifically or generally, to the matters dealt with by the Convention and Aircraft Protocol (for example: "[Name of State] makes available to UNIDROIT the following information about its laws and policies relating to the matters covered by the Convention and Aircraft Protocol:"). The information provided may take any form, at the discretion of the Member State providing the information, and may therefore include references to, or copies of, laws and policies applicable in that Member State.

Summary

16. Mr Estrella-Faria indicated that UNIDROIT would prepare amendments to relevant documentation (including the Declarations Memorandum – see **Annex IV** - and the UNIDROIT

website) and would consult with the participants, the Member States and the European Commission. He thanked all speakers and participants for attending the seminar.

Annex I**Seminar Program****The European Community and the Cape Town Convention**

Thursday, 26 November 2009

9:00**Registration****9:30**

Welcome and introduction
Mr José Angelo Estrella Faria,
Secretary-General, UNIDROIT

Morning Session – Cape Town Convention overview

9:45

Overview of the Cape Town Convention system
Unidroit – John Atwood, UNIDROIT / Sir Roy Goode,

10:45

Economic perspectives on the Cape Town Convention
Jeffrey Wool, Aviation Working Group

11:30

The International Registry – Developments
Rob Cowan, Managing Director, International Registry

12:30**Lunch****Afternoon Session – Declarations under the Cape Town Convention****14:00**

Declarations – Depositary perspectives
John Atwood, UNIDROIT

14:45

Declarations by European Community Member States – Issues and considerations
Henrik Kjellin - Sweden

15:45**Forum/Discussion****17:00****Summary/Close**

LIST OF PARTICIPANTS**The European Community and the Cape Town Convention**

Thursday, 26 November 2009

AUSTRIA	Mr Thomas TRAAR Judge at the Federal Ministry of Justice Department for Commercial and Company Law Department for International Civil Law and Civil Procedure Law
BELGIUM	Ms Jennifer ORY Service du Droit patrimonial Direction Générale de la Législation Service Public Fédéral Justice Monsieur BAIJOT Attaché Service Public fédéral Mobilité et Transports Monsieur Wim VAN LAERE Attaché - Juriste Federal Public Service Mobility & Transport
CZECH REPUBLIC	Ms Radka PLUTNAROVÁ Senior officer Ministry of Transport Ms Jana HERBOCZKOVÁ Ministry of Justice
DENMARK	Mr Anders THØGERSEN Head of Section Ministry of Justice
FINLAND	Mr Pekka T. PULKKINEN Counsellor of Legislation Ministry of Justice
GERMANY	Mr Johannes STEINBACH Desk Officer Ministry of Justice
IRELAND	Mr Eugene O'SULLIVAN Manager Registration and Certification Irish Aviation Authority
LATVIA	Ms Baiba BROKA Legal Advisor Ministry of Transport

MALTA	Mr Charlot CASSAR Policy Manager (Aviation, Maritime, Transport)
	Mr Max GANADO External advisor Ministry of Transport
POLAND	Mrs Małgorzata POLKOWSKA Legal Counsellor Civil Aviation Office
	Mr Rafał CHYLIŃSKI Official Civil Aviation Office
SWEDEN	Mr Henrik KJELLIN Chairman, ICAO Legal Committee
AVIARETO / INTERNATIONAL REGISTRY	Mr Rob COWAN, Managing Director, International Registry
AVIATION WORKING GROUP	Mr Jeffrey WOOL, Aviation Working Group Secretary and General Counsel
	Mr Claude BRANDES, Senior Director Sales Finance, Airbus
UNIDROIT	Mr José Angelo Estrella-Faria, UNIDROIT Secretary-General
	Professor Alessandra Zanobetti, UNIDROIT Deputy Secretary-General
	Professor Sir Roy Goode, UNIDROIT Expert Adviser
	Mr John Atwood, UNIDROIT Senior Officer, j.atwood@unidroit.org

Summary of the conclusions of the seminar

- Member States of the European Union should be encouraged to each adopt the same approach in relation to which declarations under the Convention and Aircraft Protocol they would be able to make in light of the sphere of European Union competence;
- UNIDROIT concludes from the seminar discussions that:
 - The declarations made by the European Union (EU) under the Convention and Aircraft Protocol, together with the regulations referred to in those declarations, affect the capacity of Member States to make declarations under Aircraft Protocol Articles VIII, X and XI – however, their capacity to make the other declarations under the Convention and Aircraft Protocol is not affected;
 - EU Member States would neither be able to make a declaration under Aircraft Protocol Article VIII, nor to amend their national law on the subject of Article VIII;
 - EU Member States would not be able to make a declaration under Aircraft Protocol Articles X and XI, but would be able to amend their national law so as to produce the same substantive outcomes as if a declaration had been made.
- [UNIDROIT's facility](#) for enabling Contracting States to provide information, other than in the form of a declaration, in relation to the laws and policies applicable in relation to the matters covered by the Convention and Aircraft Protocol, would provide clarity on the legal situation in a Contracting State in relation to a subject covered by the Convention or Aircraft Protocol even if the relevant Contracting State had not made a declaration.

Annex IV

Proposed additions to the Declarations Memorandum

Following the discussions at the Seminar, the following text is proposed to be added to the Declarations Memorandum which has been prepared by the UNIDROIT Secretariat to assist States and Regional Economic Integration Organisations in their preparation of declarations under the Convention and Aircraft Protocol:

Choices in relation to declarations

Decisions relating to declarations are determined by Contracting States

1. The question as to which declarations a Contracting State will make under the Convention and Aircraft Protocol is one for each Contracting State to determine in accordance with its own circumstances.² Further, UNIDROIT in its capacity as Depositary under the Convention and Aircraft Protocol has no role in evaluating the competence of a Contracting State (having regard, for example, to its internal constitutional arrangements) to make a declaration, and UNIDROIT will accept a declaration that is deposited with it in compliance with the requirements of the Convention and Aircraft Protocol.
2. There are many reasons why a Contracting State may decide not to make a declaration in relation to a particular article of the Convention or Aircraft Protocol. For example:
 - in the case of an "opt-out" declaration - a Contracting State may want the relevant article to apply to it and therefore not want to make a declaration that would exclude the application of the article;
 - in the case of an "opt-in" declaration - a Contracting State might regard the making of the declaration as being unnecessary if the laws and policies already applicable in the Contracting State achieve the same effect as would be achieved by the making of the declaration;
 - a Contracting State may be a member of a regional economic integration organisation that has signed, accepted, or approved, or acceded to, the Convention (pursuant to Article 48 of the Convention) and the Aircraft Protocol (pursuant to Article XXVII of the Aircraft Protocol), and the internal arrangements of that organisation may affect the capacity of the Contracting State to make a declaration in relation to a particular article.
3. In respect of the latter point, and in light of the declarations made by the European Union pursuant to the Cape Town Convention and Aircraft Protocol, and the regulations referred to in those declarations, it is the understanding of the Depositary at this time that:³
 - The declarations made by the European Union (EU) under the Convention and Aircraft Protocol, together with the regulations referred to in those declarations, affect the capacity of Member States to make declarations under Aircraft Protocol Articles VIII, X

² The exception is the mandatory declaration under Article 54(2) of the Convention, which must be made at the time of a Contracting State's accession to the Aircraft Protocol. UNIDROIT is not able to accept the deposit of an instrument of ratification or accession in relation to the Aircraft Protocol if the relevant State has not also submitted that declaration.

³ This understanding reflects the conclusions drawn by UNIDROIT from a seminar ("The European Community and the Cape Town Convention") that it convened in Rome on 26 November 2009. The summary of the proceedings of the seminar is available at: www.unidroit.org/english/conventions/mobile-equipment/main.htm

and XI – however, their capacity to make the other declarations under the Convention and Aircraft Protocol is not affected;

- EU Member States would neither be able to make a declaration under Aircraft Protocol Article VIII, nor to amend their national law on the subject of Article VIII;
- EU Member States would not be able to make a declaration under Aircraft Protocol Articles X and XI, but would be able to amend their national laws so as to produce the same substantive outcomes as if a declaration had been made.

Information about laws and policies relating to the matters covered by the Convention and Aircraft Protocol

4. As noted above, declarations under the Convention and Aircraft Protocol must be notified in writing to the Depositary (Convention Article 56(2), Aircraft Protocol Article XXXII(2)). In accordance with Article 62(2) of the Convention and Article XXXVII(2) of the Protocol, information about the declarations made by each Contracting State under the Convention and Aircraft Protocol is formally communicated by the Depositary to all other Contracting States, to the Supervisory Authority, and to the Registrar of the International Registry. Information about the declarations is also made available on the UNIDROIT website. Other information, including information which could potentially promote understanding the application of the Convention and Aircraft Protocol in a particular Contracting State, is not required to be provided by Contracting States to the Depositary.

5. UNIDROIT welcomes information that a Contracting State may choose to provide to about their laws and policies relating to the matters covered by the Convention and Aircraft Protocol. Contracting States are not required to provide any such information which, if provided, would be provide at the discretion of that State. Any such information would be separate and distinct from any declarations that the Contracting State may make under the Convention and Aircraft Protocol. The following format is recommended for the transmission of any such information to UNIDROIT:

“[Name of State] makes available to UNIDROIT the following information about the laws and policies relating to the matters covered by the Convention and Aircraft Protocol:”

6. The information, which may include references to, or copies of, laws and policies and which may be either general or specific to a particular topic or issue covered by the Convention and Aircraft Protocol, is made available on the UNIDROIT website in order to provide Contracting States with an opportunity to promote understanding of the situation with respect to their rights and obligations under the Convention and Aircraft Protocol.