

UNDER THE AUSPICES OF THE UNITED KINGDOM FOUNDATION FOR INTERNATIONAL UNIFORM LAW

The Cape Town Convention after Three Years – participatory seminar on advanced contract, registration and transaction practices

18 March 2009; 65 Fleet Street, London

In association with the Aviation Working Group and its Legal Advisory Panel,
and with Aviareto, Ltd., and the International Registry Advisory Board

(Coordinating sponsor / host:  FRESHFIELDS BRUCKHAUS DERINGER)

This participatory seminar is being held in view of recent European level government activity (in the Commission and Parliament) on the Cape Town Convention. EU-level accession to the Convention is now expected early in 2009. The anticipated terms of that accession, including the declarations relating to the relative competences of the Community and the European Member States, will be reviewed.

The seminar is the second major European program to review the Cape Town Convention since its entry into force and the first European program since the issuance of the revised Official Commentary on the Convention – the "Blue Book". The Seminar will tap into the experience learned from the high volume of transactions to date. Many of the those involved in the development and practical implementation of the treaty will participate. All those with an interest in the treaty should attend.

The specific objective of the seminar is to review contract practices, registration and new issues that are arising in actual transaction practices after approaching three years of experience. The seminar will approach these items on an applied, not conceptual, basis.

How have things worked in practice?
What has experience shown?
What should practitioners know?

By extension, what should the International Registry Advisory Board (**IRAB**) take into account in advising Aviareto? What is prudent transactional and professional adviser practice? How should clients be advised? The format of the seminar will be participatory, not a series of presentations. It will be divided into three sessions:

- (i) contractual implications of the treaty, from commercial as well as legal perspectives (**Advanced Contract Practices**);
- (ii) registration with the International Registry (**Registration**); and
- (iii) closing a deal, legal opinions for transactions governed wholly or in part by the Convention (**Legal Issues**) and discussion of International Registry filings alone being sufficient, preemption and remedies.

Each session will have one framework-setting presentation, lasting one hour (**overview**). It will be given by that session's chair (**session chair**) with one or more of the facilitators (**facilitators**) who will then work with the attending participants (**participants**) through the core session (**core session**). The core sessions will be largely unstructured, save for the review and discussion of basic materials setting out hypothetical examples, concrete problems and the like all couched in terms of transaction settings (**practice examples**).

The session chair and each facilitator will work with a subset of the participants (goal: 50 each) (**break-out exercise**), and will report back to the larger session. The participants are expected to carry the topic discussions (**topic discussions**) and may guide it in any direction they think appropriate. The conference chairs will summarize the views of the seminar, outlining topics worth further analysis (and consideration at a possible future event in this series).

THE CAPE TOWN CONVENTION AFTER THREE YEARS

The non-refundable fee payable by each participant for the seminar is GBP550, and **all net proceeds go to the United Kingdom Foundation for International Uniform Law**, a charitable organisation that supports the development of international commercial law, including the work of UNIDROIT. As this is a fund-raising event, all participants (and others) are encouraged to make supplemental contributions to the Foundation. Fees and contributions are deductible to the extent permitted by applicable law.

Registration for the seminar is limited to 150, on a first-in-time basis. *Please register your interest by e-mail to: nicola.davies@freshfields.com.*

PROGRAM

08h00: Continental Breakfast

08h30: Chairmans' Comments

- A. UK Foundation and Objectives of Seminar
- B. Summary of Global Ratifications

09h00: Keynote: Top Features of Revised Official Commentary on the Cape Town Convention and the Aircraft Protocol

10h00: Section I: Contract Practices

- ◆ Presentation on Practice/Current Issues
- ◆ (Session Chair) Open Discussion / Break-Out (Facilitators/All Participants)
- ◆ Review, Summary, and Recommendations (Session and Conference Chairs).

12h00: European Developments under the Cape Town Convention

12h30: Lunch

13h30: Session II: Registration with the IR

- ◆ Presentation on Current Practice / Issues (Session Chair)
- ◆ Status of the International Registry, implementation of software upgrades and new Regulations, plans for additional upgrades and transaction trends (Aviareto)
- ◆ Open Discussion (Facilitators / All Participants)
- ◆ Review, Summary, and Recommendations (Session and Conference Chairs)

15h45: Session III: Legal Issues, Closings and Opinions

- ◆ Presentation on Practice/Current Issues (Session Chair)
- ◆ Open Discussion / Break-Out (Facilitators/All Participants)
- ◆ Review, Summary, and Recommendations (Session and Conference Chairs).

18h00: Cocktail Reception

CONFERENCE CO-CHAIRS:

- ◆ Jeffrey Wool (Secretary, AWG; Freshfields; Chair, IRAB)
- ◆ John Pritchard (Holland & Knight LLP; Chair, Legal Advisory Panel)

SESSION CHAIRS:

- I. Donald Gray (Cassels Brock);
- II. Frank Polk (McAfee and Taft); and
- III. John Pritchard (Holland & Knight)

SPECIAL REGISTRY PARTICIPANT:

- ◆ Rob Cowan (Managing Director, Aviareto)

KEYNOTE SPEAKER:

- ◆ **Sir Roy Goode, Emeritus Professor of Law, Oxford University**

FACILITATORS:

- I. Robert Murphy (Freshfields); James Tussing (Fulbright & Jaworski L.L.P), Member IRAB ;
- II. Scott McCreary (McAfee & Taft); Bill Kalsu (Crowe & Dunlevy; and
- III. Catherine Duffy (A&L Goodbody); Dean Gerber (Vedder Price)

WEBSITES & BOOK ORDERS

Go to www.unidroit.org

For free Convention and Protocol download

For orders of Revised Edition (2008) of the Official Commentary on Cape Town Convention and Aircraft Protocol by Professor Sir Roy Goode [GBP150]

Go to www.awg.aero

For information on Convention and AWG and AWG Legal Advisory Panel activity

For orders of AWG Legal Advisory Panel Book 2 (2008) on Advanced Contract Practices under the Convention – Registrations, Legal Opinions and Closing Procedures [GBP50]

Go to www.aviareto.aero for information on the International Registry