MICHELE M. COMENALE PINTO

Misure cautelari sugli aeromobili impiegati in servizi di trasporto

Precautionary Remedies on Aircraft Used in Transportation Services

Legislative approach towards precautionary arrest and seizure of aircraft shows the evolution of civil aviation with respect to the changing role of scheduled airlines. Article 27 of the 1944 Chicago Convention provides for exemption from seizure of patent claims for aircrafts engaged in international air navigation. The 1933 Rome Convention on precautionary arrest prevents arrest of aircrafts should the arrest disrupt commercial traffic. These rules however restrict aircraft financing which would allow the growth of air transport. In fact, this limits the possibility to offer effective guarantees to creditors and makes adequate access to credit difficult with convenient interest rates. Such a problem is considered by the Protocol to the Convention on International Interests in Mobile Equipment on matters specific to Aircraft Equipment (Cape Town 2001). The author also reviews the fragmentation process of uniform law on precautionary arrest and seizure of aircraft, shown by international conventions in force among different States.