

# **International Conference on ‘Aviation Financing, UNIDROIT and Growing Concerns’**

**Organised by:**

**Centre for Aviation & Space Laws, The West Bengal National University of  
Juridical Sciences**

**Date: 12 November 2022**

## **Background**

With the exponential growth that the aviation sector has been experiencing over the past years, coupled with the occasional setbacks faced by it, the domain of aviation law has witnessed discussions raising a multitude of concerns: one of the primary concerns being aviation financing. The direct results of the advent of globalisation have been increased global connectivity and a rising need for well-connected network of transportation all over the world. Aircrafts have emerged as a clear winner in this scenario owing to the ease of travel, accessibility and faster commutations. Thus, the financing of the same becomes the logical corollary in terms of an investment option, requiring much deeper deliberation and presenting its own set of concerns.

The UNIDROIT Convention on the International Interests in Mobile Equipment (Cape Town Convention), along with its protocol on matters of Aircraft equipment, became effective in 2006, indicating significant development for the airline industry. These instruments have led to the creation of an international legal standard for transactions involving aircraft equipment, substantially contributing to increased global connection through the model known as “one flight away.” Aviation finance is a form of asset finance, which is quite different from other types of finance as it has certain unique nuances of specialised legal and structural specificities. Aircrafts are considered to maintain their future value relatively well compared to other assets and have a predictable likely market value during the term of any financing and many aircraft models are easily re-marketable. The operating lessors play a key role in the market because the cost of an aircraft means that many airlines do not have the financial status to allow them to purchase aircraft or even finance them. There are many aviation finance transactions that involve cross-border concerns and based on the surrounding circumstances, may yield a plethora of regulatory considerations singular to their specific situations. Matters pertaining to tax leasing, for instance,

are common in aviation finance due to the high value of the assets involved and involve some of the aforesaid multitude of regulatory considerations. Not only this, there are also political factors that play a key part in aviation finance, whether by way of government support for the export of aircraft or via regulatory supervision, and since aircrafts are high value assets, prone to damage and capable of causing destruction—insurance is a vital concern for financiers.

Most aircrafts are acquired through leasing agreements where the financial burden is placed on the lessor through financing of heavy equipment in favour of the lessee. To ensure that lessees fulfil their obligation of payment, the leases often include “Hell or High-water” clauses that ensure payment by the lessee irrespective of any circumstantial change that might make it difficult for the lessee to pay. These clauses have assumed further significance following the COVID-19 pandemic, with the airline industry currently suffering from a severe cash crunch; as a result, it is difficult for airline companies to honour their existing and upcoming contractual obligations. In response, the companies are considering invoking *force majeure* in these contracts to avoid liability for non-performance. However, considering the nature of such contracts and the legal principles adopted in Private International Air Law, taking such measures might pose further challenges.

In light of such challenges and taking note of the contemporary relevance of the topic, the Centre for Aviation and Space Laws of the West Bengal National University of Juridical Sciences is organising an international conference to chart the current developments in this sector, the domestic and international challenges complicit in the present situation, and the legal ramifications of the same in the backdrop of the developments taking place, as well as to bridge the gap in legal literature and jurisprudence of this sector. The goal of this conference is to deliberate upon the challenges faced in aviation financing, the scope and extent of UNIDROIT and applicable domestic legal frameworks in addressing the relevant issues, as well as the future scope and implications for the government and private stakeholders involved.

The Conference would be held online via the Google Meet platform.

### **Major Sub-Themes of the Conference**

- Concerns in Aviation Financing
- Dealing with Jurisdiction and Applicable Laws in Aviation Financing

- Governing laws of Aviation Financing and UNIDROIT Principles
- Dispute Resolution in Aviation Financing
- Aircraft Leasing and Issues
- Title Transfer of an Aircraft
- Security Registration and Remedies under the UNIDROIT System
- Protection of Creditors during the Insolvency of Airlines
- Impact of COVID-19 on Aviation Financing from the Perspective of the UNIDROIT System
- Aviation Financing and State Subsidy

### **Call for Papers**

Those who are interested in presenting a paper on any of the above themes must send an abstract of 400 words along with a brief biographical note (not more than 100 words) on or before 5 October 2022. The acceptance of the paper for presentation would be informed by 10 October 2022. A full length paper of 5,000 - 6,000 words must be sent by 8 November 2022. If the full length paper is not submitted before the last date, authors will not be allowed to present the paper in the Conference. Submission of the full paper would be presumed as unconditional consent of the author/s for a possible subsequent publication by the organisers.

**Last date for submission of Abstract:** 5 October 2022

**Last date for submission of Full Paper:** 8 November 2022

**E-mail id for Submissions:** [casl@nujs.edu](mailto:casl@nujs.edu)

**Contact Numbers:** +919479390839 (Tanmay Roy)  
+919870188306 (Tanmay Mehta)

**Last date for Early Bird Registration:** 20 October 2022

**Last date for Normal Registration:** 10 November 2022

**Conference Date:** 12 November 2022



## **Registration Details:**

Early Bird Registration Fee for Paper Presenters/Participants (within India): Rs. 500/-

Registration Fee for Paper Presenters/Participants at Normal Rate (within India): Rs. 1000/-

Early Bird Registration Fee for Paper Presenters/Participants (outside India): USD 20/-

Registration Fee for Paper Presenters/Participants at Normal Rate (outside India): USD 50/-

\* All charges relating to payment of registration fee are to be borne by the paper presenter/participant.

\*\* Screenshot of the payment details should be uploaded during registration. Those who are exempted from payment of registration fee may upload NUJS identity card or CASL membership letter.

\*\*\* Registration fee, once paid, would not be refunded for any reason.

The registration fee has to be paid via online transfer to the following account:

**Name:** WBNUJS Centre for Aviation and Space Law

**Account No:** 066322010001131

**Bank & Branch:** Union Bank of India, Kolkata NUJS Branch

**IFSC Code:** UBIN0906638

**SWIFT Code:** UBININBBKOD

Invited resource persons, members of CASL (NUJS), faculty members and students of NUJS are exempted from the payment of the registration fee.

All presenters and observers are requested to mandatorily register themselves using [this link](#) for the purpose of the Conference [Copy paste the link on the web browser in case of any difficulty in the direct access].

Any communication regarding the Conference shall only be shared with those registered herein.

**Expected Participants:** As this academic exercise is focused on the current concerns faced by the international aviation community, participation from various segments of the society is expected.

While academicians, students and researchers would benefit immensely out of the discussions, the legal practitioners would also be able to acquaint themselves with this emerging branch of law. Representatives from the aviation industries at all levels are expected to participate to get benefit out of scholarly discussions on an important issue like aviation financing. With the participation of internationally renowned aviation law experts as resource persons, even the law makers and other government representatives would be benefitted out of their participation in this international conference.

\* **Note:** Certificate would be issued to only those paper presenters/participants who attend all sessions.

### **Chief Patron:**

**Prof. Dr. N.K. Chakrabarti, Vice-Chancellor, NUJS**

### **Organising Committee:**

**Prof. Dr. Sandeepa Bhat B. (Coordinator)**

**Ms. Aisiri Nanda**

**Ms. Aneesha Sharma**

**Ms. Medha Biswas**

**Mr. Sanyam Jha**

**Mr. Tanmay Mehta**

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