



**Australian Government**

**Department of Infrastructure, Transport,  
Regional Development and Local Government**

## **THE CAPE TOWN CONVENTION Consultation Paper – February 2008**

*Would the Australian aviation industry benefit from implementing the Convention on International Interests in Mobile Equipment 2001 (Cape Town Convention)?*

### **1. Purpose of the consultation paper**

The *Convention on International Interests in Mobile Equipment, 2001* (Cape Town Convention) and the associated *Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment* (the Protocol) facilitate the financing of aircraft by:

- providing creditors with an internationally recognised set of rights in the event of a debtor's default or insolvency; and
- allowing creditors to register their interests to guarantee the priority of their claim against other parties.

The Cape Town Convention and Protocol can be found at the UNIDROIT website on: <http://www.unidroit.org/english/conventions/mobile-equipment/main.htm>.

Supporters of the Convention claim it will lower the cost of aircraft financing, potentially saving the global aviation industry billions of dollars per year. The Department of Infrastructure, Transport, Regional Development and Local Government is interested in assessing the implications of the Cape Town Convention for Australian businesses and is seeking industry views on the possible benefits or risks of Australia acceding to the Convention and Aircraft Protocol.

### **2. Background**

The Cape Town Convention was adopted at a diplomatic conference in South Africa in November 2001 under the joint auspices of the International Civil Aviation Organization (ICAO) and the International Institute for the Unification of Private Law (UNIDROIT). Australia participated in the conference but, following consultations undertaken by the Attorney General's Department, did not sign the Convention.

The Cape Town Convention consists of two instruments; the Convention, which contains the overarching treaty framework; and the Aircraft Protocol, which contains aircraft specific provisions and gives the Convention its operative effect. A protocol for railway rolling stock was adopted earlier in 2007 and a protocol for space assets is also under development.

The Aircraft Protocol came into force on 1 March 2006 and has been ratified by 19 countries to date. A further 21 countries have signed the Protocol but are yet to bring it into force. Amongst the signatories are Canada, China, France, Germany, Italy,

South Africa, the United Kingdom and the United States. Recent media reporting suggests that China is preparing to ratify the Convention. A full list of signatory countries is at **Attachment A**. The list can also be found at the UNIDROIT website on: <http://www.unidroit.org/english/implement/i-2001-aircraftprotocol.pdf>

### **3. Why was the Convention created?**

Currently, aircraft financiers face considerable uncertainties. In many countries, local laws may not adequately protect creditors in the event of a debtor default or bankruptcy. Also, as aircraft move readily between countries it can be difficult for creditors to know where the aircraft will be on the date of default or bankruptcy, creating further uncertainty for creditors who seek to gain control or possession of collateral. This uncertainty may force creditors to increase costs associated with aircraft financing.

The Cape Town Convention aims to address this problem by establishing a register for international security interests in aircraft equipment. Creditors will be able to record their security interests on the register and search for pre-existing security interests. Signatory countries will be subject to one set of rules where there are competing interests in the same aircraft equipment or where a debtor defaults.

Among signatory countries, the Convention aims to reduce the uncertainty and risk that aircraft financiers incur in extending credit, which may lead to a consequential reduction in the financing costs on-charged to the debtor.

### **4. Reforms in Australia**

Similar changes are envisioned by the Australian Government in relation to personal property security interests.

Reforms are currently underway to establish a comprehensive national regime for security interests in personal property. A national personal property securities register will be established. Uniform rules will apply (so far as is practicable) to all voluntary transactions between a creditor and debtor which create a security interest. These rules will establish:

- clear priority rules on security interests, largely based on first in time to register;
- the circumstances under which a security interest will be extinguished; and
- remedies available to a creditor in the event of a debtor default.

These reforms are addressed at resolving the current complexity of personal property security law. Currently, State and Territory legislation governs personal property security interests, resulting in 70 different pieces of legislation, which apply differing registration, search and priority rules. Additionally, some types of security interest are not covered by legislation, depending upon the nature of collateral, the nature of the transaction creating the security interest and whether the debtor is a natural person or a company.

### **5. Benefits of the Personal Property Securities reform**

Some of the key benefits from the personal property securities reforms, which may be of interest to industry stakeholders, are clearer rules that would:

- reduce compliance costs for lenders;
- reduce costs in assessing and monitoring borrowers' capacity to pay;

- allow lenders to more accurately match interest rates and fees with borrowers' risk profiles;
- increase legal clarity as to the rights and obligations of both secured creditors and debtors; and
- reduce barriers to entry into the financing sector, leading to increased competition, greater innovation in financing products and lower borrowing costs.

The proposed *Personal Property Securities Act*, currently being developed by the Attorney General's Department, will set out rules on the "conflict of laws" question where the debtor and collateral are located in Australia and the financier is located in another country. Conflict of laws rules generally apply the location of the collateral as determining the law that governs proprietary rights. With highly mobile assets, such as aircraft equipment, the creditor may not be sure where the collateral will be located, and therefore which law would govern the proprietary right, in the event of a debtor default.

The Cape Town Convention may provide greater certainty in relation to highly mobile assets. Under Article 43 of the Convention, the parties to an agreement can select the courts that will have jurisdiction in the case of a debtor default. The selected court will have equal jurisdiction with the courts of a contracting state in which the aircraft is situated to grant orders relating to:

- preservation of the aircraft and its value;
- possession, control or custody of the aircraft; or
- immobilisation of the aircraft.

The courts of a contracting state selected by the parties and the courts of a contracting state on the territory of which the debtor is situated may both grant orders relating to the lease, the management of the aircraft and the income derived from it.

Under the Cape Town Convention, creditors will be able to apply to the court selected in their agreement with the debtor to seek to exercise a remedy under the Convention, rather than having to deal with the uncertainty of pursuing their interests through unfamiliar foreign legal systems.

In this way, the Cape Town Convention may complement the proposed *Personal Property Securities Act* by providing clearer conflict of laws rules for creditors in highly mobile assets, such as aircraft, which move from country to country. The Department notes that countries with similar personal property securities regimes, such as Canada and the United States, have pursued this course by acceding to the Convention.

## 6. What does the Convention do?

### A. The 'international interest'

The Convention and Protocol allow for the creation of an **international interest** which is recognised by all signatory states and entitles the creditor to a number of remedies in the case of a debtor's default or insolvency.

An **international interest** is an interest in an airframe, aircraft engine or helicopter:

- granted under a security agreement; or
- vested in a conditional seller under a title reservation agreement; or
- vested in a lessor under a leasing agreement.

The agreement creating an **international interest** must:

- be in writing; and
- relate to an aircraft object which the seller has the power to dispose; and
- specifically identify the object by listing the manufacturer's serial number, name and model designation of the airframe, aircraft engine or helicopter; and
- in the case of a security agreement (e.g. a loan using an aircraft engine as collateral) the agreement must allow the secured obligation to be determined, without the need to state the maximum sum secured.

For the Convention to apply, Articles 3 and 4 state that the debtor must be incorporated or have its principal place of business in a country that is a signatory to the Convention (regardless of the location of the creditor).

The Convention is also limited to aircraft that can carry eight or more persons (five in the case of helicopters) and engines with at least 1750 lb of thrust. Full details of minimum requirements can be found under Article 1 of the Protocol at the UNIDROIT website:

<http://www.unidroit.org/english/conventions/mobile-equipment/aircraftprotocol.pdf>

#### *B. Default remedies*

In the event that a debtor defaults on its obligations, the creditor who is the holder of a valid international interest may exercise any one of the following remedies (subject to contrary provision in the actual agreement between the parties):

- take possession of the aircraft object over which there is a charge; or
- sell or lease that object; or
- collect any income or profits arising from the management or use of that object.

The courts of a contracting state are obliged to preserve the value of an aircraft and can grant interim relief to creditors pending the final determination of a claim.

Article 42 allows the parties to a contract to name which court will have jurisdiction over a claim under the Convention. This can provide a greater degree of certainty for both creditors and debtors in the case of default or bankruptcy.

Chapter 3 of the Convention contains a number of safeguards for debtors, including the right to discharge a security interest by paying the secured amount, and an obligation on courts to ensure that remedies are exercised in a 'commercially reasonable' manner. Under Article 8.6, creditors' claims are limited to the amount secured by the aircraft object plus any reasonable costs incurred in exercising a remedy. The Convention is not intended to be used to sue for personal damages.

#### *C. Registering an international interest*

The Convention allows creditors to register their international interest in a worldwide register. The register fulfils two functions:

- registering an international interest guarantees a creditor's priority against other interested parties in exercising a remedy under the Convention; and
- prospective creditors can search the registry to determine the priority of their interest before signing an agreement secured by an airframe, aircraft engine or

helicopter. Supporters claim this allows creditors to appropriately assess and price the risk associated with a loan.

Interests registered first in time have priority over any other interest subsequently registered. The only exception is a declaration lodged by a contracting state. States may declare that certain rights (e.g. unpaid air navigation or airport charges) will take priority over international interests in default proceedings. The Registrar is obliged to maintain a list of all such declarations. Current declarations can also be found at the UNIDROIT website: <http://www.unidroit.org/english/implement/i-2001-convention.pdf>

Prospective international interests can be registered before a sale or lease is concluded. The prospective interest automatically becomes an international interest once the agreement is concluded and ranks in priority from the date the prospective interest was registered.

The registry also allows the holder of an international interest to assign their rights to third parties, or vary the priority of their interest, subject to the agreement of all affected parties.

The register is publicly available and anyone can search an aircraft object (although fees apply). Either party to an international interest, prospective international interest or assignment of rights can register with the consent of the other party. There is no obligation for creditors to register their international interest, however registered interests will always have priority over an unregistered interest.

The Department understands that some Australian financiers have already registered security interests in the Cape Town register.

#### *D. Administering the Convention*

Articles 16 and 17 of the Convention establish two entities.

The *Registrar* is responsible for the day to day operation and maintenance of the international register. The Registrar and its administration are located in Ireland and are managed by a private company called Aviareto (see <http://www.aviareto.aero/>).

The *Supervisory Authority* is responsible for appointing, supervising and overseeing the Registrar, and is ultimately responsible for the operation of the registry. The International Civil Aviation Organization has accepted the role of Supervisory Authority (see <http://www.icao.int/>).

### **7. Costs from the Convention**

The cost of the register is recovered by fees to users. It is understood that Aviaretto charges a setup fee of \$200 US, with search and registration fees ranging from \$35-\$100 US.

Ratifying and implementing the Convention would have implications for Government resources to ensure that it works within the Australian regulatory environment. However the costs may be offset by the benefits of the Convention.

## **8. Potential benefits from the Convention**

An Economic Impact Assessment, published in 1998 by business school, INSEAD, and the New York University on behalf of UNIDROIT, suggested the Convention could result in gains of several billion US dollars per year globally that would be widely shared amongst airlines, manufacturers, suppliers, shareholders and customers, as well as the national economies in which they are located.

The Economic Impact Assessment noted that the cost-savings benefits and external debt-level-reduction benefits of the Convention were slanted in favour of developing economies. In these countries, the Convention/Aircraft Protocol would generate the greatest relative improvements.

A copy of the Economic Impact Assessment can be found at the Aviation Working Group website: <http://www.awg.aero/capetownconvention.htm>

In April 2007, the Organisation for Economic Co-operation and Development concluded an agreement which allows for Cape Town Convention discounts on transactions supported by the Brazilian, Canadian, EU or US export credit agencies, assuming signatories have made the specified declarations (See [http://www.oilis.oecd.org/oilis/2007doc.nsf/linkto/tad-pg\(2007\)4-final](http://www.oilis.oecd.org/oilis/2007doc.nsf/linkto/tad-pg(2007)4-final)).

Prior to this date, the Government-owned Export-Import Bank of the United States had reduced its exposure fee by one third for the financing of aircraft to airlines that are based in countries that have ratified the Convention, assuming signatories had made the specified declarations (see <http://www.exim.gov/pressrelease.cfm/4D2DABE3-F1FC-7074-73A179C6054BCE87/>).

As noted in Section 5 there are also benefits for Australia in that the Convention could provide greater certainty where the creditor, debtor and collateral are in three different Convention countries.

The Australian Government is considering ratifying the Convention as part of the reform process for personal property securities legislation. The Cape Town Convention is based on the same principles as the proposed *Personal Property Securities Act* and it can be seen as providing the conflict of law rules required for highly mobile assets which move from country to country. Countries with similar personal property securities regimes, such as Canada and the United States, have pursued this course by acceding to the Convention.

## **9. Question to industry – will the Cape Town Convention offer significant benefits to Australia’s aviation industry?**

The Australian Government concluded initial consultations on the Convention in 2003. At that time, several respondents expressed concern that they were uncertain how the Convention would operate in practice. Based on this response, the Government decided to defer its consideration of the Convention. The regulatory environment has now changed with the proposed introduction of national personal property securities legislation and as the Convention and international register are now in operation.

In light of these recent developments, the Department wishes to revisit this issue and seek industry views on whether the Convention offers real benefits to Australia's aviation industry.

*A. Whole of industry*

Supporters of the Convention claim that the lower cost of finance for aircraft under the Convention will provide an overall boost to the international aviation industry. The Government wishes to assess whether Australia's aviation industry is likely to benefit from signing the Convention.

**Question to Industry:**

Would Australia's accession to the Convention make available benefits, or impose costs, on Australia's aviation industry?

If accession would make available benefits, or impose costs, please provide an indication of the amount and financial significance of those benefits or costs.

Do the potential benefits arising from the Convention justify accession?

*B. Airlines*

Supporters of the Convention claim that airlines stand to benefit through reduced financing costs, enhanced access to funds and funding sources, increased operating efficiency and improved profitability. The Government wishes to assess whether this is applicable to Australian airlines.

It is not known how many aircraft are held by Australian airlines which are subject to interests that are capable of being registered under the Convention. This information will be important in determining the relevance of the Convention to Australian industry.

**Question to Airlines:**

Does your business have airframes, aircraft engines or helicopters which are subject to interests that would be capable of registration (see **section 6** of this consultation paper for eligibility requirements)?

Do local or international investors finance these aircraft?

Would you expect that your financing costs would be reduced if Australia were to ratify the Convention? If yes, please provide an indication of the costs savings.

Please provide an indication of the value of the general costs savings in either dollar amounts or as a percentage of the value of those airframes, aircraft and helicopters.

*C. Creditors/Financiers*

Supporters of the Convention claim creditors and financiers may benefit from a reduction in uncertainty and risk, which could allow them to reduce the cost of credit. The Government wishes to assess whether this is applicable in the Australian context.

It is not known how many Australian financiers have interests in airframes, aircraft engines and helicopters which are capable of being registered. This information will be important in determining the relevance of the Convention to Australian industry.

**Question to Financiers:**

Has your business registered security interests in the Cape Town register?

If so, please provide an indication of the type of interest registered and its approximate value.

Did registering the security interest result in a reduction of your financing charges? If so, please give an indication of the value of this reduction.

Are these registered interests operated by Australian or overseas entities?

Would you expect to reduce your financing charges to Australian entities if Australia were to ratify the Convention?

If your business has not registered security interests in the Cape Town register, does your business have interests in airframes, aircraft engines and helicopters which would be capable of registration (see **section 6** of this consultation paper for eligibility requirements)?

Are these interests in aircraft operated by Australian entities?

Would you consider reducing your financing charges if Australia were to ratify the Convention?

**10. Question to industry - how will the Convention impact upon current Australian law?**

There are a range of issues arising under Australian law which would need to be considered further if Australia is to ratify the Convention.

The Convention states that remedies must be exercised in a ‘commercially reasonable’ manner. There is a proposal to use a similar test under the proposed personal property securities legislation.

Consideration would also need to be given to the possible impact of the Cape Town register on the aircraft register already operated by the Civil Aviation Safety Authority (albeit for different purposes).

There is also the question as to how insolvency is to be dealt with under the Cape Town Convention. Article XI of the Aircraft Protocol contains two alternative default remedies.

Alternative A (the hard regime) states that if the insolvency administrator/debtor is unable to cure all defaults and agree to perform all future obligations at the end of the nominated waiting period, the creditor automatically gains the right to repossess the aircraft. Under the hard regime, the courts have no powers of intervention to stay the enforcement.

Under Alternative B (the soft regime) the creditor must apply to the courts to repossess an aircraft following the end of the waiting period.

States can elect to adopt either alternative A or B, or apply their own insolvency rules. To date, most countries that ratified the Convention have adopted Alternative A (hard regime), with the exception of the United States and Ireland who continue to apply their own insolvency rules, and Mexico who adopted Alternative B (see <http://www.unidroit.org/english/implement/i-2001-aircraftprotocol.pdf>)

The Department notes that states must apply alternative A (hard regime) to be eligible to receive Cape Town Convention discounts on transactions supported by the Brazilian, Canadian, EU or US export credit agencies.

**Question to Industry:**

Is industry aware of other potential issues arising from the Convention which may impact upon Australian laws or regulations?  
Does industry have a view on the benefits of alternative A (hard regime) or Alternative B (soft regime), or should Australia apply its own insolvency provisions?  
Does your business use, or has it used in the past, the services of the Brazilian, Canadian, EU or US export credit agencies?  
If so, would your business be eligible for the Cape Town Convention discounts offered by these agencies if Australia was to apply alternative A (hard regime)?  
If yes, please provide an indication of the value of the general costs saving in either dollar amounts or as a percentage of overall financing costs that would be made available to your business through the Cape Town discounts.

**11. Further Information**

The text of the Cape Town Convention and the Aircraft Protocol are available at the UNIDROIT Website:

<http://www.unidroit.org/english/conventions/c-main.htm>

UNIDROIT have published an official commentary on the Convention and Protocol which is available for purchase at the UNIDROIT Website:

<http://www.unidroit.org/english/publications/goode/main.htm>

The Cape Town register is operated by an Irish company trading as Avieretto. Further details on the operation of the Registry are available at their website:

<http://www.aviareto.aero/>

The International Civil Aviation Organization is the Supervisory Authority for the register. Further information about the organisation can be found at its website:

<http://www.icao.int/>

The Department of Infrastructure, Transport, Regional Development and Local Government prepared this consultation paper. For information about the Department, or for further copies of this paper, visit our website:

<http://www.infrastructure.gov.au>

Or for further information contact:

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## **12. Lodging a submission**

Submissions can be emailed to the Department of Infrastructure, Transport, Regional Development and Local Government on:

[Capetown@infrastructure.gov.au](mailto:Capetown@infrastructure.gov.au)

Questions about the Convention or the consultation process can also be emailed to the address above.

Electronic submissions are preferred; however paper submissions can be mailed to:

Cape Town Submissions: Attention Rowena Kleiner  
International Aviation Industry Policy  
Aviation and Airports Division  
The Department of Infrastructure, Transport, Regional Development and Local  
Government  
GPO Box 594  
CANBERRA ACT 2601

Or faxed to: 02 6274 6749

Submissions will close on **15 Tuesday April 2008.**

The outcome of this round of consultations will be considered by the Department of Infrastructure, Transport, Regional Development and Local Government in partnership with the Personal Property Securities Division in the Attorney General's Department and included as advice to the Australian Government on the merits and risks of the Convention.

# Attachment A

## CONVENTION ON INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT CONVENTION RELATIVE AUX GARANTIES INTERNATIONALES PORTANT SUR DES MATERIELS D'EQUIPEMENT MOBILES

**Adoption:** Place: Cape Town / *Lieu:* Le Cap  
Date: 16.11.2001

**Entry into force / *Entrée en vigueur:*** Date: 01.04.2004 (ex Art. 49(1))

**Depositary / *Dépositaire:*** UNIDROIT

STATE / <i>ETAT</i>	SIGNATURE	RATIFICATION (RT) ACCEPTANCE / <i>ACCEPTATION</i> (AC) APPROVAL / <i>APPROBATION</i> (AP) ACCESSION / <i>ADHESION</i> (AS)	DECLARATIONS	ENTRY INTO FORCE / <i>ENTREE EN VIGUEUR</i>
Afghanistan		25.07.2006 (AS)	Arts. 39(1)(a), 39(1)(b), 40, 52, 53, 54(2)	01.11.2006
Albania / <i>Albanie</i>		30.10.2007 (AS)	Arts. 39(1)(a), 39(1)(b), 54(2)	01.02.2008
Angola		30.04.2006 (AS)	Arts. 39(1)(a), 40, 54(2)	01.08.2006
Burundi	16.11.2001			
Canada	31.03.2004			
Cape Verde / <i>Cap-Vert</i>		26.09.2007 (AS)	Arts. 39(1)(a), 40, 53, 54(2)	01.01.2008
Chile / <i>Chili</i>	16.11.2001			
China / <i>Chine</i>	16.11.2001			
Colombia / <i>Colombie</i>		19.02.2007 (AS)	Arts. 39(1)(a), 54(2)	01.06.2007
Congo	16.11.2001			
Cuba	16.11.2001			
Ethiopia / <i>Ethiopie</i>	16.11.2001	21.11.2003 (RT)	Arts. 39(1)(a), 40, 54(2)	01.04.2004
France	16.11.2001			
Germany / <i>Allemagne</i> (with declaration at signature / <i>avec déclaration à la signature</i> )	17.09.2002			
Ghana	16.11.2001			
Indonesia / <i>Indonésie</i>		16.03.2007 (AS)	Arts. 39(1)(a), 39(1)(b), 40, 53, 54(2)	01.07.2007
Ireland / <i>Irlande</i>		29.07.2005 (AS)	Arts. 39(1)(a), 39(1)(b), 54(2)	01.11.2005
Italy / <i>Italie</i>	06.12.2001			
Jamaica / <i>Jamaïque</i>	16.11.2001			
Jordan / <i>Jordanie</i>	16.11.2001			
Kenya	16.11.2001	13.10.2006 (RT)	Arts. 39(1)(a),* 39(1)(b), 40, 53, 54(2)	01.02.2007
Lesotho	16.11.2001			
Malaysia / <i>Malaisie</i>		02.11.2005 (AS)	Arts. 39(1)(a), 39(1)(b), 40, 53, 54(2)	01.03.2006

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Mexico / <i>Mexique</i>		31.07.2007 (AS)	Arts. 39(1)(a), 39(1)(b), 50, 53, 54(2), 60	01.11.2007
Mongolia / <i>Mongolie</i>		19.10.2006 (AS)	Arts. 39(1)(a), 39(1)(b), 53, 54(2)	01.02.2007
Nigeria	16.11.2001	16.12.2003 (RT)	Arts. 39(1)(a),* 40,* 53,* 54(2)*	01.04.2004
Oman		21.03.2005 (AS)	Arts. 39(1)(a), 39(1)(b), 40, 52, 53, 54(2)	01.07.2005
Pakistan		22.01.2004 (AS)	Arts. 39(1)(a), 39(1)(b), 39(4), 40, 52, 53, 54(2)	01.05.2004
Panama	11.09.2002	28.07.2003 (RT)	Arts. 39(1)(a), 39(1)(b), 39(4), 50, 53, 54(2)	01.04.2004
Saudi Arabia / <i>Arabie saoudite</i>	12.03.2003			
Senegal / <i>Sénégal</i>	02.04.2002	09.01.2006 (RT)	Arts. 39(1)(a), 39(1)(b), 40, 52, 53, 54(2)	01.05.2006
South Africa / <i>Afrique du sud</i>	16.11.2001	18.01.2007 (RT)	Arts. 39(1)(a), 39(1)(b), 40, 54(2)	01.05.2007
Sudan / <i>Soudan</i>	16.11.2001			
Switzerland / <i>Suisse</i>	16.11.2001 <i>ad referendum</i>			
Syrian Arab Republic / <i>République arabe syrienne</i>		07.08.2007 (AS)		01.12.2007
Tanzania / <i>Tanzanie</i>	16.11.2001			
Tonga	16.11.2001			
Turkey / <i>Turquie</i>	16.11.2001			
Ukraine	09.03.2004			
United Kingdom / <i>Royaume-Uni</i> (with declaration at signature / <i>avec déclaration à la signature</i> )	16.11.2001			
United States of America / <i>Etats-Unis d'Amérique</i>	09.05.2003	28.10.2004 (RT)	Arts. 39(1)(a), 39(1)(b), 54(2)	01.02.2005

\* Affected by withdrawal and/or subsequent declaration. / *Fait l'objet d'un retrait et/ou d'une déclaration subséquente.*

## Attachment A

**PROTOCOL TO THE CONVENTION ON INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT  
ON MATTERS SPECIFIC TO AIRCRAFT EQUIPMENT  
PROTOCOLE PORTANT SUR LES QUESTIONS SPECIFIQUES AUX MATERIELS D'EQUIPEMENT  
AERONAUTIQUES A LA CONVENTION RELATIVE AUX GARANTIES INTERNATIONALES  
PORTANT SUR DES MATERIELS D'EQUIPEMENT MOBILES**

**Adoption:** Place: Cape Town / *Lieu*: Le Cap  
Date: 16-11-2001

**Entry into force:** Date: 01.03.2006 (ex Art. XXVIII(1))  
*Entrée en vigueur:*

**Depositary / Dépositaire:** UNIDROIT

STATE / ETAT	SIGNATURE	RATIFICATION (RT) ACCEPTANCE / ACCEPTATION (AC) APPROVAL / APPROBATION (AP) ACCESSION / ADHESION (AS)	DECLARATIONS	ENTRY INTO FORCE / ENTREE EN VIGUEUR
Afghanistan		25.07.2006 (AS)	Arts. XXIX, XXX(1), (2), (3)	01.11.2006
Albania / <i>Albanie</i>		30.10.2007 (AS)	Arts. XIX, XXX(1)	01.02.2008
Angola		30.04.2006 (AS)	Art. XXX(1), (2), (3)	01.08.2006
Burundi	16.11.2001			
Canada	31.03.2004			
Cape Verde / <i>Cap-Vert</i>		26.09.2007 (AS)	Art. XXX(1), (2), (3)	01.01.2008
Chile / <i>Chili</i>	16.11.2001			
China / <i>Chine</i>	16.11.2001			
Colombia / <i>Colombie</i>		19.02.2007 (AS)	Art. XXX(1), (2), (3)	01.06.2007
Congo	16.11.2001			
Cuba	16.11.2001			
Ethiopia / <i>Ethiopie</i>	16.11.2001	21.11.2003 (RT)	Art. XXX(1), (2), (3)	01.03.2006
France	16.11.2001			
Germany / <i>Allemagne</i> (with declaration at signature / <i>avec déclaration à la signature</i> )	17.09.2002			
Ghana	16.11.2001			
Indonesia / <i>Indonésie</i>		16.03.2007 (AS)	Art. XXX(1), (2), (3)	01.07.2007
Ireland / <i>Irlande</i>		23.08.2005 (AS)	Art. XXX(1), (2)	01.03.2006
Italy / <i>Italie</i>	06.12.2001			
Jamaica / <i>Jamaïque</i>	16.11.2001			
Jordan / <i>Jordanie</i>	16.11.2001			
Kenya	16.11.2001	13.10.2006 (RT)	Art. XXX(1), (2), (3)	01.02.2007
Lesotho	16.11.2001			
Malaysia / <i>Malaisie</i>		02.11.2005 (AS)	Art. XXX(1), (2), (3)*	01.03.2006
Mexico / <i>Mexique</i>		31.07.2007 (AS)	Arts. XIX(1), XXX(1), (3)	01.11.2007

## Attachment A

Mongolia / <i>Mongolie</i>		19.10.2006 (AS)	Art. XXX(1), (2), (3)	01.02.2007
Nigeria	16.11.2001	16.12.2003 (RT)	Art. XXX(1),* (2),* (3)*	01.03.2006
Oman		21.03.2005 (AS)	Arts. XXIX, XXX(1), (2), (3)	01.03.2006
Pakistan		22.01.2004 (AS)	Arts. XXIX, XXX(1), (2), (3)	01.03.2006
Panama	11.09.2002	28.07.2003 (RT)	Art. XXX(1), (2), (3)	01.03.2006
Saudi Arabia / <i>Arabie saoudite</i>	12.03.2003			
Senegal / <i>Sénégal</i>	02.04.2002	09.01.2006 (RT)	Arts. XXIX, XXX(1), (2), (3)	01.05.2006
South Africa / <i>Afrique du sud</i>	16.11.2001	18.01.2007 (RT)	Arts. XXX(1), (2), (3)	01.05.2007
Sudan / <i>Soudan</i>	16.11.2001			
Switzerland / <i>Suisse</i>	16.11.2001 <i>ad referendum</i>			
Tanzania / <i>Tanzanie</i>	16.11.2001			
Tonga	16.11.2001			
Turkey / <i>Turquie</i>	16.11.2001			
Ukraine	03.03.2004			
United Kingdom / <i>Royaume-Uni</i> (with declaration at signature / <i>avec déclaration à la signature</i> )	16.11.2001			
United States of America / <i>Etats-Unis d'Amérique</i>	09.05.2003	28.10.2004 (RT)	Arts. XIX(1), XXX(1)	01.03.2006

\* Affected by withdrawal and/or subsequent declaration. / *Fait l'objet d'un retrait et/ou d'une déclaration subséquente.*