



GOVERNING COUNCIL
86th session
Rome, 16-18 April 2007


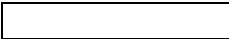
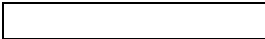
UNIDROIT 2007
C.D. (86) 8(b)
Original: English
March 2007

Item No. 8(b) on the draft Agenda: Implementation and status of the Cape Town Convention and the Aircraft Protocol

(memorandum prepared by the Secretariat)

<i>Summary</i>	<i>Update on the exercising of the Institute's depositary functions under the Cape Town Convention and the Aircraft Protocol</i>
<i>Action to be taken</i>	<i>See § 11</i>
<i>Related documents</i>	<i>None</i>

DISCUSSION LEADING PARAMETERS AS PROPOSED BY THE SECRETARIAT

Priority			
	high	medium	low
Staffing implications / Budget implications	1 Officer currently funded from extra-statutory contributions to be integrated into organigramme and regular budget. Funding running out end 2007. Secretariat's proposal to earmark any additional receipts (payment of arrears; extra-statutory contributions) to be applied to funding the post.		
Recommendations/ Guidance sought/ Decisions to be taken/ Alternatives?	Primary objective: see above Only alternative: secondment of officer attending to depositary functions.		

INTRODUCTION

1. The Convention on International Interests in Mobile Equipment (*the Convention*) and the Protocol thereto on Matters specific to Aircraft Equipment (*the Aircraft Protocol*) were opened to signature in Cape Town on 16 November 2001. The Luxembourg Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Railway Rolling Stock (the Luxembourg Protocol) was opened to signature in Luxembourg on 23 February 2007. UNIDROIT

designated the Depositary to each of these instruments, and this memorandum provides an update on the implementation of the Institute's depositary functions under them.

STATUS

2. The Convention entered into force on 1 April 2004 following the deposit of the third instrument of ratification/accession, *but only as regards a category of objects to which a Protocol applies* (Convention, Article 49(1)). The Aircraft Protocol, and the Convention as applied to aircraft objects, entered into force on 1 March 2006 following the deposit of the eighth instrument of ratification/accession. The Luxembourg Protocol will enter into force following the 4th ratification/accession.

3. Since the preparation of the memorandum for the 85th session of the Governing Council, instruments of ratification or of accession in relation to the Convention and the Aircraft Protocol have been lodged by the following States: Afghanistan, Angola, Colombia, Kenya, Mongolia, Senegal, and South Africa. In addition, the provisions of the Convention and Aircraft Protocol relating to withdrawal of declarations and the making of subsequent declarations were utilised for the first time by one Contracting State, with other subsequent declarations likely to be made in the near future. The appendix to this memorandum lists the status of the Convention, the Aircraft Protocol and the Luxembourg Protocol as at 1 March 2007.

ACTIVITIES

4. UNIDROIT's responsibilities as Depositary under the Convention, the Aircraft Protocol and the Luxembourg Protocol are specified in each instrument, and include the operation of a system for the receipt and notification of all instruments of ratification, declarations and other documents lodged with the Depositary. The UNIDROIT Secretariat is continuing to liaise closely with a number of States that are at various stages of the ratification/accession process.

5. The UNIDROIT Secretariat has maintained close working relationships with the International Registry and the Supervisory Authority (the International Civil Aviation Organization). The Secretariat met with the Managing Director of the International Registry in January 2007. The first meeting of the commission of experts convened by the Supervisory Authority pursuant to Article XVII(4) of the Aircraft Protocol in November 2006, recommended a number of changes to the International Registry procedures, although none of these impact directly on depositary functions. The Secretariat is consulting with the Supervisory Authority in the preparation of the first yearly report pursuant to Article 61(1) of the Convention and Article XXXIV of the Aircraft Protocol.

6. The depositary webpage has been updated to include, inter alia, a new email notification service.

7. Depositary work in the coming period will now also include the functions related to the Luxembourg Protocol, as set out in C.D. (86) 8(a)).

8. The UNIDROIT Secretariat Senior Research Officer position had previously been funded out of extra-budgetary contributions from four member Governments. The financial organs of the Institute having decided that it would be inappropriate for this core function to be funded in the future on an extra-budgetary basis, the necessary appropriations will need to be made available under the Institute's budget for 2008.

PUBLICATIONS

9. The Acts and Proceedings of the Cape Town Diplomatic Conference were published shortly after the 85th Governing Council meeting. As at 1 March 2007, 62 copies had been sold. Since the preparation of the memorandum for the 85th session of the Governing Council meeting, sales of Sir Roy Goode's *Official Commentary on the Convention and Aircraft Protocol* have totalled 274

(267 copies of the English version and 7 copies of the French version), bringing the total number of copies sold to 866. At the express request of Sir Roy Goode, all net revenue earned by sales of the Official Commentary is paid to the Uniform Law Foundation.

PROMOTION AND PUBLICITY

10. The UNIDROIT Secretariat has continued to promote the Convention and the Aircraft Protocol wherever possible, with some examples set out at pages 11-12 of the Annual Report for 2006. The Aviation Working Group (led by UNIDROIT Correspondent Mr Jeffrey Wool) and the UK Foundation for International Uniform Law have also promoted implementation of the Convention and the Aircraft Protocol throughout the world.

ACTION TO BE TAKEN

11. *The UNIDROIT Secretariat would invite the Governing Council to take note of the progress in the Secretariat's implementation of the Institute's depositary functions under the Convention and the Aircraft Protocol.*

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
Angola		30.04.2006 (AS)	Arts. 39(1)(a), 40, 54(2)	01.08.2006
Burundi	16.11.2001			
Canada	31.03.2004			
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			
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
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)	Art. 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 / Arabie saoudite	12.03.2003			
Senegal / Sénégal	02.04.2002	09.01.2006 (RT)	Arts. 39(1)(a), 39(1)(b), 40, 52, 53, 54(2)	01.05.2006
South Africa / Afrique du sud	16.11.2001	18.01.2007 (RT)	Arts. 39(1)(a), 39(1)(b), 40, 54(2)	01.05.2007
Sudan / Soudan	16.11.2001			
Switzerland / Suisse	16.11.2001 <i>ad referendum</i>			
Tanzania / Tanzanie	16.11.2001			
Tonga	16.11.2001			
Turkey / Turquie	16.11.2001			
Ukraine	09.03.2004			
United Kingdom / Royaume-Uni (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

**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
Angola		30.04.2006 (AS)	Art. XXX(1), (2), (3)	01.08.2006
Burundi	16.11.2001			
Canada	31.03.2004			
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			
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
Mongolia / <i>Mongolie</i>		19.10.2006 (AS)	Art. XXX(1), (2), (3)	01.02.2007
Nigeria	16.11.2001	16.12.2003 (RT)		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 / Arabie saoudite	12.03.2003			
Senegal / Sénégal	02.04.2002	09.01.2006 (RT)	Arts. XXIX, XXX(1), (2), (3)	01.05.2006
South Africa / Afrique du sud	16.11.2001	18.01.2007 (RT)	Arts. XXX(1), (2), (3)	01.05.2007
Sudan / Soudan	16.11.2001			
Switzerland / Suisse	16.11.2001 <i>ad referendum</i>			
Tanzania / Tanzanie	16.11.2001			
Tonga	16.11.2001			
Turkey / Turquie	16.11.2001			
Ukraine	03.03.2004			
United Kingdom / Royaume-Uni (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

**LUXEMBOURG PROTOCOL TO THE CONVENTION ON INTERNATIONAL INTERESTS IN MOBILE
EQUIPMENT ON MATTERS SPECIFIC TO RAILWAY ROLLING STOCK**
**PROTOCOLE DE LUXEMBOURG PORTANT SUR LES QUESTIONS SPECIFIQUES AU MATERIEL ROULANT
FERROVIAIRE A LA CONVENTION RELATIVE AUX GARANTIES INTERNATIONALES
PORTANT SUR DES MATERIELS D'EQUIPEMENT MOBILES**

Adoption: Place / *Lieu*: Luxembourg
Date: 23.02.2007

Entry into force / *Entrée en vigueur*: Not in force / Pas encore en vigueur (ex [Art. XXIII](#))

Depositary / *Dépositaire*: UNIDROIT

STATE / <i>ETAT</i>	SIGNATURE	RATIFICATION (RT)			DECLARATIONS	ENTRY INTO FORCE / <i>ENTREE EN VIGUEUR</i>
		ACCEPTANCE / <i>ACCEPTATION</i> (AC)	APPROVAL / <i>APPROBATION</i> (AP)	ACCESSION / <i>ADHESION</i> (AS)		
Gabon	23.02.2007					
Italy / <i>Italie</i>	23.02.2007					
Luxembourg	23.02.2007					
Switzerland / <i>Suisse</i>	23.02.2007					