

**Declarations deposited under the
Cape Town Convention on International Interests in Mobile Equipement and under the
Protocol to the Cape Town Convention on International Interests in Mobile Equipment
on Matters specific to Aircraft Equipment**

Declarations have been deposited under the following articles of the Cape Town Convention on International Interests in Mobile Equipment:

Article 39(1)
Article 39(4)
Article 40
Article 50
Article 52
Article 53
Article 54(2)
Article 55
Article 60(1)

Declarations have been deposited under the following articles of the Protocol to the Cape Town Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment:

Article XIX(1)
Article XXIX
Article XXX(1)
Article XXX(2)
Article XXX(3)

Declarations lodged in respect of Signature:

Federal Republic of Germany
United Kingdom

Declarations deposited relating to Article 39(1) of the Convention

Ethiopia:

"Non-consensual rights under Article 39(1)(a) of the Convention:

- a. Claim of payment of workers arising from employment relationship;
- b. Lien on goods in possession of home workers;
- c. Lien created by repairers on goods in their possession;
- d. Lien created by bailees on goods in their possession."

Ireland:

"In accordance with Article 39 of the Cape Town Convention, it is declared-

(a) that when, under a law of the State, a non-consensual right or interest (other than a right or interest to which Article 40 of the Cape Town Convention applies) has priority over an interest in an object equivalent to that of the holder of a registered international interest, that right or interest has priority over a registered international interest, whether in or outside insolvency proceedings, and

- (b) that if-
- (i) the State or any State entity, or
 - (ii) any intergovernmental organisation of which the State or any such entity is a member, or
 - (iii) any private provider,
- has provided a public service, nothing in that Convention affects the right of the State, entity, organisation or provider to arrest or detain, in accordance with the laws of the State, an object for the payment of amounts owed to the State or any such entity, organisation or provider for those services in respect of that object or another object."

Malaysia:

"Malaysia declares that the following categories of non-consensual right or interest have priority under its laws over an interest in an aircraft object equivalent to that of the holder of a registered international interest and shall have priority over a registered international interest, whether in or outside insolvency proceedings:

- a. liens in favour of airline employees for unpaid wages arising since the time of a declared default by that airline under a contract to finance or lease an aircraft object;
- b. liens or other rights of an authority of Malaysia relating to taxes or other unpaid charges arising from or related to the use of that aircraft object and owed by the owner or operator of that aircraft object, and arising since the time of a default by that owner or operator under a contract to finance or lease that aircraft object; and,
- c. liens in favour of repairers of an aircraft object in their possession to the extent of service or services performed on and value added to that aircraft object.

Malaysia declares that nothing in the Convention shall affect its right or that of any entity thereof, or any intergovernmental organisation in which Malaysia is a member, or other private provider of public services in Malaysia, to arrest or detain an aircraft object under its laws for payment of amounts owed to the Government of Malaysia, any such entity, organisation or provider directly relating to the service or services provided by it in respect of that or another aircraft object."

Oman:

"The Sultanate of Oman declares that the following categories of non-consensual right or interest:

- (a) liens in favor of airline workers for unpaid wages arising since the time of a declared default under a contract to finance or lease the subject object;
- (b) liens or other rights of an Omani state entity relating to taxes or other unpaid charges since the time of a declared default under a contract to finance or lease the subject object;
- (c) liens in favor of repairers of an object in their possession to the extent of service perform on and value added to that object –

have priority under its law over an interest in an object equivalent to that of the holder of a registered international interest and shall have priority over a registered international interest, whether in or outside insolvency proceedings.

The Sultanate of Oman declares that nothing in the Convention shall affect its right or that of any entity of that State, any intergovernmental Organization or other private provider of public services to arrest or detain an object under its laws for payment of amounts owed to the Sultanate of Oman, any such entity, Organization or provider directly relating to the services provided by it in respect of that object or another object."

Pakistan:

"Pakistan declares that the following categories of non-consensual right or interest:

(a) a right or interest in respect of an aircraft which, if the aircraft had been a vessel, would have resulted in a maritime lien on the aircraft and its equipment for (A) salvage and (B) damage done by that Aircraft;

(b) liens in favour of any state entity relating to unpaid taxes or other charges directly related to the use of that aircraft and owed by the owner of the aircraft;

have priority under its law over an interest in an object equivalent to that of the holder of a registered international interest and shall have priority over a registered international interest, whether in or outside insolvency proceedings.

Pakistan declares that nothing in the Convention shall affect its right or that of any entity of that State, any intergovernmental Organization or other private provider of public services to arrest or detain an object under its laws for payment of amounts owed to Pakistan, any such entity, Organization or provider directly relating to the services provided by it in respect of that object or another object."

Panama:

"In respect of Article 39 of the Convention, the following non-consensual rights and interests shall prevail over an international interest registered in accordance with the Convention:

- any sums due from or capable of being demanded from the debtor by way of salaries, pensions and other social security benefits and employment allowances owed in respect of employees of that debtor;

- any sums due from or capable of being levied from the debtor by way of fiscal and parafiscal contributions owed in respect of employees of that debtor;

The Republic of Panama declares that the rights or interests covered by this declaration shall prevail over an international interest registered before the date of the deposit of its instrument of ratification in respect of the Convention and the Protocol.

Likewise, it declares that none of the provisions of the Convention shall affect the right of the Panamanian State, a State entity, an intergovernmental organisation or a provider of public services to arrest or detain an object under the laws of the Republic of Panama for payment of amounts owed to such entity, organisation or provider directly relating to those services in respect of that object.

Finally, the Panamanian State states that these declarations do not pose an unacceptable risk to the holders of registered rights."

Senegal: [Official translation; original version submitted in French]

"Form No. 1 (specific opt-in declaration under Article 39(1)(a))

The Republic of Senegal declares that the following categories of non-consensual right or interest;

(a) liens in favour of employees for unpaid wages arising since the time of a declared default by an employer under a contract to finance or lease an object;

(b) liens in favour of repairers to the extent of service or services performed on and value added to that object –

have priority under its law over an interest in an object equivalent to that of the holder of a registered international interest and shall have priority over a registered international interest, whether in or outside insolvency proceedings.

Form No. 4 (general opt-in declaration under Article 39(1)(b))

The Republic of Senegal declares that nothing in the Convention shall affect its right or that of any entity of that State, any intergovernmental Organisation or other private provider of public services to arrest or detain an object under its laws for payment of amounts owed to any such entity, Organisation or provider directly relating to the services provided by it in respect of that object or another object."

United States of America:

"Pursuant to Article 39 of the Convention -

(A) all categories of non-consensual rights or interests which under United States law have and will in the future have priority over an interest in an object equivalent to that of the holder of a registered international interest shall to that extent have priority over a registered international interest, whether in or outside insolvency proceedings; and

(B) nothing in the Convention shall affect the right of the United States or that of any entity thereof, any intergovernmental organization in which the United States is a member State, or other private provider of public services in the United States to arrest or detain an aircraft object under United States law for payment of amounts owed to any such entity, organization, or provider directly relating to the services provided by it in respect of that object or another object."

Declarations deposited relating to Article 39(4) of the Convention

Pakistan:

"Pakistan declares that a right or interest of a category covered by a declaration made under Form No. 1 shall have priority over an international interest registered prior to the date of the deposit of its instrument of accession."

Panama:

"In respect of Article 39 of the Convention, the following non-consensual rights and interests shall prevail over an international interest registered in accordance with the Convention:

- any sums due from or capable of being demanded from the debtor by way of salaries, pensions and other social security benefits and employment allowances owed in respect of employees of that debtor;
- any sums due from or capable of being levied from the debtor by way of fiscal and parafiscal contributions owed in respect of employees of that debtor;
- any sums due from or capable of being levied from the debtor, by way of taxes, duties or contributions payable to the Panamanian State or to the decentralised bodies that collect such revenue, in accordance with Panama's internal laws;
- the right of the Republic of Panama to arrest, attach or confiscate mobile equipment and aircraft equipment in the event of breach of the customs or criminal laws of the Republic of Panama.

The Republic of Panama declares that the rights or interests covered by this declaration shall prevail over an international interest registered before the date of the deposit of its instrument of ratification in respect of the Convention and the Protocol.

Likewise, it declares that none of the provisions of the Convention shall affect the right of the Panamanian State, a State entity, an intergovernmental organisation or a provider of public services to arrest or detain an object under the laws of the Republic of Panama for payment of amounts

owed to such entity, organisation or provider directly relating to those services in respect of that object.

Finally, the Panamanian State states that these declarations do not pose an unacceptable risk to the holders of registered rights."

Declarations deposited relating to Article 40 of the Convention

Ethiopia:

"Registrable non-consensual right under Article 40 of the Convention:

- Right of Judgment creditors."

Malaysia:

"Malaysia declares that the following categories of non-consensual right or interest shall be registrable under the Convention as regards any category of aircraft object as if the right or interest were an international interest and shall be regulated accordingly:

- a. liens in favour of airline employees for unpaid wages arising prior to the time of a declared default by that airline under a contract to finance or lease an aircraft object;
- b. liens or other rights of an authority of Malaysia relating to taxes or other unpaid charges arising from or related to the use of an aircraft object and owed by the owner or operator of that aircraft object, and arising prior to the time of a declared default by that owner or operator under a contract to finance or lease that aircraft object; and,
- c. rights of a person obtaining a court order permitting attachment of an aircraft object in partial or full satisfaction of a legal judgment. "

Oman:

"The Sultanate of Oman declares that the following categories of non-consensual right or interest:

- (a) rights of a person obtaining a court order permitting attachment of an aircraft object in partial or full satisfaction of a legal judgment;
- (b) liens in favor workers for unpaid wages arising prior to the time of a declared default under a contract to finance or lease the subject object;
- (c) liens or other rights of a state entity relating to taxes or other unpaid charges prior to the time of a declared default under a contract to finance or lease the subject object;
- (d) all other non consensual rights or interests which under the law of the Sultanate of Oman could have priority over the rights of secured creditors –

shall be registerable under the Convention as regards any category of object as if the right or interest were an international interest and shall be regulated accordingly."

Pakistan:

"Pakistan declares that the following categories of non-consensual right or interest:

- (a) rights of a person obtaining a court order permitting attachment of an aircraft object in partial or full satisfaction of a legal judgment; and

(b) liens or other rights of a state entity relating to taxes or other unpaid charges of any type whatsoever (which is not a priority non-consensual right or interest)

shall be registrable under the Convention as regards any category of object as if the right or interest were an international interest and shall be regulated accordingly."

Senegal: [Official translation; original version submitted in French]

" Form No. 6 (opt-in declaration under Article 40)

The Republic of Senegal declares that the following non-consensual rights or interests:

- (a) rights of a person obtaining a court order permitting attachment of an aircraft object in partial or full satisfaction of a legal judgment, and
- (b) liens or other rights of a state entity relating to taxes or other unpaid charges

shall be registrable under the Convention as regards any category of object as if the right or interest were an international interest and shall be regulated accordingly."

Declarations deposited relating to Article 50 of the Convention

[nil]

Declarations deposited relating to Article 52 of the Convention

Oman:

"The Sultanate of Oman declares that the Convention is to apply to all its territorial units."

Pakistan:

"Pakistan declares that the Convention is to apply to all its territorial units."

Senegal: [Official translation; original version submitted in French]

"Form No. 10 (general declaration under Article 52)

The Republic of Senegal declares that the Convention is to apply to all its territorial units."

Declarations deposited relating to Article 53 of the Convention

Malaysia:

"Malaysia declares that all courts with competent jurisdiction under the laws of Malaysia are the relevant courts for the purposes of Article 1 and Chapter XII of the Convention."

Oman:

"All primary courts are the relevant court(s) for the purposes of Article 1 and Chapter XII of the Convention."

Pakistan:

"Pakistan declares that the following court(s):

The High Court of Balochistan;

The Lahore High Court;

The Peshawar High Court; and

The High Court of Sindh

Within their respective territorial jurisdiction, are the relevant court(s) for the purposes of Article 1 and Chapter XII of the Convention."

Panama:

"As to Article 53 of the Convention, in accordance with the internal laws of the Republic of Panama, the relevant courts are as follows:

ordinary courts;

administrative courts;

the civil aviation authority;

those advisory bodies exercising supervisory functions in respect of financial institutions and insurance companies (superintendencias); arbitral tribunals,

subject to the powers vested in them by the internal laws of the Republic of Panama."

Senegal: [Official translation; original version submitted in French]

"Form No. 11 (declaration under Article 53)

The Republic of Senegal declares that the Senegalese courts are the relevant courts for the purposes of Article 1 and Chapter XII of the Convention."

Declarations deposited relating to Article 54(2) of the Convention

Ethiopia:

"Pursuant to Article 54(2) of the Convention, any remedy available to the creditor under any provision of the Convention which is not there expressed to require application to the court, may be exercised without leave of the court."

Ireland:

"In accordance with subarticle 2 of Article 54 of the Cape Town Convention, it is declared that a creditor who wishes to exercise a remedy that is available to the creditor under a provision of that Convention is not required to make an application to the High Court for leave to exercise that remedy unless the provision expressly requires the creditor to make such an application."

Malaysia:

"Malaysia declares that any and all remedies available to the creditor under the Convention which are not expressed under the relevant provision thereof to require application to the court may be exercised without court action and without leave of the court."

Nigeria:

"Pursuant to Article 54(2) of the Convention, any remedy available to the Creditor under any provision of the Convention which is not there expressed to require application to the Court, may be exercised without leave of the court."

Oman:

"The Sultanate of Oman declares that any remedies available to the creditor under the Convention which are not expressed under the relevant provision thereof to require application to the court may be exercised without court action and without leave of the court."

Pakistan:

"Pakistan declares that any remedies available to the creditor under the Convention which are not expressed under the relevant provision thereof to require application to the court may be exercised without court action and without leave of the court."

Panama:

"Pursuant to Article 54(2) of the Convention, any remedies available to the creditor under any provision of the Convention and the Protocol which are not there expressed to require application to the court may be exercised without leave of the court."

Senegal: [Official translation; original version submitted in French]

"Form No. 13 (mandatory declaration under Article 54(2))

The Republic of Senegal declares that the remedies available to the creditor under the Convention may be exercised without leave of the court except for the remedies which are expressed under the Convention to require application to the court."

United States of America:

"Pursuant to Article 54 of the Convention, all remedies available to the creditor under the Convention or Protocol which are not expressed under the relevant provision thereof to require application to the court may be exercised, in accordance with United States law, without leave of the court."

Declarations deposited relating to Article 55 of the Convention

Ethiopia:

"No declaration under Article 55 of the Convention."

Panama:

"In respect of Article 13(1)(a), (b) and (c) of the Convention, the words "speedy relief" shall be taken to mean seven (7) working days and, in respect of Article 13(1)(d), the same words shall be taken to mean twenty (20) working days."

Declarations deposited relating to Article 60 of the Convention

[nil]

Declarations deposited relating to Article XXX(1) of the Aircraft Protocol

Ethiopia:

"Pursuant to Article XXX(1) of the Protocol, Articles VIII, XII and XIII of the Protocol will be applied."

Ireland:

"In accordance with Article XXX of the Aircraft Protocol, it is declared that Articles VIII, XII and XIII, and subarticle 3 of Article X, of that Protocol apply to and in respect of the State."

Malaysia:

"Malaysia declares that it shall apply Article VIII.

Malaysia declares that it shall apply Article XII.

Malaysia declares that it shall apply Article XIII."

Oman:

"The Sultanate of Oman declares that it will apply Article VIII.

The Sultanate of Oman declares that it will apply Article XII.

The Sultanate of Oman declares that it will apply Article XIII."

Pakistan:

"Pakistan declares that it will apply Article VIII.

Pakistan declares that it will apply Article XII.

Pakistan declares that it will apply Article XIII."

Panama:

"As to Article XXX(1) of the Protocol, it will apply Articles VIII, XII and XIII of the Protocol."

Senegal: [Official translation; original version submitted in French]

"Form No. 19 (opt-in declaration under Article XXX(1) in respect of Article VIII)

The Republic of Senegal declares that it will apply Article VIII.

Form No. 26 (opt-in declaration under Article XXX(1) in respect of Article XII)

The Republic of Senegal declares that it will apply Article XII.

Form No. 27 (opt-in declaration under Article XXX(1) in respect of Article XIII)"

The Republic of Senegal declares that it will apply Article XIII."

United States of America:

"Pursuant to Article XXX of the Protocol -

(A) the United States will apply Article VIII of the Protocol;

(B) the United States will apply Article XII of the Protocol; and

(C) the United States will apply Article XIII of the Protocol."

Declarations deposited relating to Article XXX(2) of the Aircraft Protocol

Ethiopia:

"Pursuant to Article XXX(2) of the Protocol:

- a. The entirety of Article X of the Protocol will be applied;
- b. The time period required thereby is (a) in respect of the remedies specified in Article 13(1)(a)-(c) of the Convention, no more than five working days and (b) in respect of the remedies specified in Articles 13(1)(d)-(e) of the Convention, no more than 20 working days."

Ireland:

"In accordance with Article XXX of the Aircraft Protocol, it is declared that Articles VIII, XII and XIII, and subarticle 3 of Article X, of that Protocol apply to and in respect of the State."

Malaysia:

"Malaysia declares that it shall apply Article X of the Protocol in its entirety and that the number of working days to be used for the purposes of the time limit laid down in Article X(2) of the Protocol shall be no more than:

- a. ten (10) working days in respect of the remedies specified in Articles 13(1)(a), (b) and (c) of the Convention (respectively, preservation of aircraft objects and their value; possession, control or custody of aircraft objects; and, immobilisation of aircraft objects); and,
- b. thirty (30) working days in respect of the remedies specified in Articles 13(1)(d) and (e) of the Convention (respectively, lease or management of aircraft objects and the income thereof; and, sale and application of proceeds from aircraft objects)."

Oman:

"The Sultanate of Oman declares that it will apply Article X in its entirety and that the number of working days to be used for the purposes of the time limit laid down in Article X(2) shall be in respect of the remedies specified in Articles 13(1)(a), (b) and (c) of the Convention (preservation of the aircraft objects and their value; possession, control or custody of the aircraft objects; and immobilization of the aircraft objects) not more than ten (10) calendar days and in respect of the remedies specified in Articles 13(1)(d) and (e) of the Convention (lease or management of the aircraft objects and the income thereof and sale and application of proceeds from the aircraft equipment) not more than thirty (30) calendar days."

Pakistan:

"Pakistan declares that it will apply Article X in its entirety and that the number of working days to be used for the purposes of the time-limit laid down in Article X(2) shall be in respect of the remedies specified in Articles 13(1)(a), (b) and (c) of the Convention (preservation of the aircraft objects and their value; possession, control or custody of the aircraft objects; and immobilisation of the aircraft objects) not more than ten (10) calendar days and in respect of the remedies specified in Articles 13(1)(d) and (e) of the Convention (lease or management of the aircraft objects and the income thereof and sale and application of proceeds from the aircraft equipment) not more than thirty (30) calendar days."

Panama:

"As to Article XXX(2) of the Protocol, it will apply Article X of the Protocol."

Senegal: [Official translation; original version submitted in French]

"Form No. 21 (opt-in declaration under Article XXX(2) in respect of Article X providing for the application of the entirety of the latter)

The Republic of Senegal declares that it will apply Article X in its entirety and that the number of working days to be used for the purposes of the time-limit laid down in Article X(2) relating to the remedies available to the creditor provided for in Articles 13(1)(a), (b) and (c) of the Convention (preservation of the aircraft object and its value; possession, control or custody of the object; and immobilisation of the object) shall be no more than ten (10) calendar days and, relating to the remedies provided for in Article 13(1)(d) and (e) of the Convention (lease or, except where covered by sub-paragraphs (a) to (c), management of the aircraft object and the income therefrom) as well as sale and application of proceeds shall be no more than thirty (30) calendar days."

Declarations deposited relating to Article XXX(3) of the Aircraft Protocol

Ethiopia:

"Pursuant to Article XXX(3) of the Protocol:

- a. The entirety of Alternative A of article XI of the Protocol to "all insolvency proceedings" (as defined in the Convention) will be applied:
- b. The "waiting period" (as defined therein) under Article XI(3) is no more than 30 working days."

Malaysia:

"Malaysia declares that it shall apply Article XI, Alternative A, of the Protocol in its entirety to all types of insolvency proceedings, and that the waiting period for the purposes of Article XI(3) of that Alternative shall be sixty (60) working days."

Oman:

"The Sultanate of Oman declares that it will apply Article XI, Alternative A in its entirety to all types of insolvency proceeding and that the waiting period for the purposes of Article XI(3) of that Alternative shall be sixty (60) calendar days."

Pakistan:

"Pakistan declares that it apply Article XI, Alternative A in its entirety to all types of insolvency proceeding and that the waiting period for the purposes of Article XI(3) of that Alternative shall be sixty days."

Panama:

"As to Article XXX(3) of the Protocol:

- (a) it will apply the entirety of Alternative A of Article XI of the Protocol to all types of insolvency proceeding, as defined in the Convention;
- (b) the waiting period under Article XI shall not exceed 60 days."

Senegal: [Official translation; original version submitted in French]

"Form No. 23 (general opt-in declaration under Article XXX(3) in respect of Article XI providing for the application of Alternative A in its entirety to all types of insolvency proceeding)

The Republic of Senegal declares that it will apply Article XI, Alternative A in its entirety to all types of insolvency proceeding and that the waiting period for the purposes of Article XI(3) of that Alternative shall be of thirty (30) calendar days."

Declarations deposited relating to Article XIX(1) of the Aircraft Protocol

United States of America:

"(A) Pursuant to Article XIX of the Protocol -

(i) the Federal Aviation Administration, acting through its Aircraft Registry, FAA Aeronautical Center, 6400 South MacArthur Boulevard, Oklahoma City, Oklahoma 73125, shall be the entry point at which information required for registration in respect of airframes or helicopters pertaining to civil aircraft of the United States or aircraft to become a civil aircraft of the United States shall be transmitted, and in respect of aircraft engines may be transmitted, to the International Registry; and

(ii) the requirements of chapter 441 of title 49, United States Code, and part 49 of title 14, Code of Federal Regulations, shall be fully complied with before such information is transmitted at the Federal Aviation Administration to the International Registry.

(B) For purposes of the designation in subparagraph (A) (i) and the requirements in subparagraph (A) (ii), information is transmitted at the Federal Aviation Administration in accordance with procedures established under United States law.

(C) In this paragraph, the term "civil aircraft of the United States" has the meaning given that term in section 40102(17) of title 49, United States Code."

Declarations deposited relating to Article XXIX of the Aircraft Protocol

Oman:

"The Sultanate of Oman declares that the Aircraft Protocol is to apply to all its territorial units."

Pakistan:

"Pakistan declares that the Aircraft Protocol is to apply to all its territorial units."

Senegal: [Official translation; original version submitted in French]

"Form No. 34 (general declaration under Article XXIX)

The Republic of Senegal declares that the Aircraft Protocol is to apply to all its territorial units."

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