

Annex 2A – Model Ratification (Accession) Instrument

TECHNICAL INFORMATION PROVIDED BY THE AVIATION WORKING GROUP FOR CONSIDERATION BY GOVERNMENTS AND OTHER INTERESTED PARTDZS (THE DECLARATIONS REFERRED TO HEREIN REFLECT THOSE SET OUT IN THE A.W.G./LA.T.A. MATRIX – SEE ANNEX 1 TO THE A.W.G. IMPLEMENTATION RESOURCE MATERIALS)

MODEL ACCESSION¹ COMMUNICATION RELATING TO THE CONVENTION ON INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT AND AIRCRAFT PROTOCOL 2001

The Embassy of [INSERT NAME OF COUNTRY] presents its compliments to the International Institute for Unification of Private Law (UNIDROIT) and has the honor to enclose Instruments of Accession in original in respect of Cape Town Convention and its Protocol along with the respective Annexes received from the Government of [INSERT NAME OF COUNTRY] to be deposited with the esteemed Institute.

The Embassy of [INSERT NAME OF COUNTRY] avails itself of this opportunity to renew to the International Institute for Unification of Private Law the assurances of its highest consideration.

¹ As the **Convention** and **Protocol** have entered into force (1 April 04), they may only be ratified, accepted or approved by States that have signed it prior to that entry into force. All other States that wish to join the Convention system must accede to it. For simplicity, forms relating to accession have been provided. These forms are provided in English and in French. National treaty law, and the view of UNIDROIT, the Depositary, should be consulted on these matters.

**Instrument of Accession by [INSERT NAME OF COUNTRY]
to the Cape Town Convention**

WHEREAS, the Convention on International Interests in Mobile Equipment (hereinafter referred to as the “Convention”) was concluded in Cape Town on 16th November 2001;

AND WHEREAS Article 47(3) of the Convention specifies that any State that does not sign the Convention may accede to it at any time;

NOW THEREFORE, having considered the Convention hereby accedes to it. Pursuant to the relevant provisions of the Convention, [INSERT NAME OF COUNTRY] makes the declarations contained in the Annex to this Instrument of Accession (the “Declarations”) and undertakes faithfully to abide by all the provisions contained in the Convention in the manner and to the extent specified in the Declarations.

IN WITNESS WHEREOF and being duly authorized to do so, I have signed this Instrument of Accession on behalf of [INSERT NAME OF COUNTRY].

DONE at [CITY], this ____ day of ____ Two Thousand Seven.

/s/ _____

Annex
to the Instrument of Accession
in respect of the Cape Town Convention
(the “Convention”)
Containing the Declarations made by [INSERT NAME OF COUNTRY]
for the purposes of the Convention

(i) *Form No. 1 (specific opt-in declarations under Article 39(1) (a))*

[INSERT NAME OF COUNTRY] declares that the following categories of non-consensual right or interest;

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

(ii) *Form No. 6 (opt-in declarations under Article 40))*

[INSERT NAME OF COUNTRY] 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 covered by the declaration under Article 39(1)(a) of the Convention; and
- (c) any other non-consensual right or interest which is not covered by the declaration under Article 39(1)(a) of the Convention –

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.

(iii) *Form No. 10 (general declarations under Article 52)*

[INSERT NAME OF COUNTRY] declares that the Convention is to apply to all its territorial units.

(iv) *Form No. 11 (declarations under Article 53)*

{Insert}

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

(v) *Form No. 13 (mandatory declarations under Article 54(2))*

[INSERT NAME OF COUNTRY] 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 leave of the court or other court action.

**Instrument of Accession by [INSERT NAME OF COUNTRY]
to the Protocol to the Convention on
International Interests in Mobile Equipment on
Matters Specific to Aircraft Equipment
(the “Aircraft Protocol”)**

WHEREAS the Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment (hereinafter referred to as the “Aircraft Protocol”) was concluded in Cape Town on 16 November 2001;

AND WHEREAS Article XXVI(3) of the Aircraft Protocol specifies that any State that does not sign the Aircraft Protocol may accede to it at any time:

NOW THEREFORE [INSERT NAME OF COUNTRY] having considered the Aircraft Protocol hereby accedes to it. Pursuant to the relevant provisions of the Aircraft Protocol, [INSERT NAME OF COUNTRY] makes the declarations in relation to the Aircraft Protocol contained in the Annex to this Instrument of Accession (the “Declarations”) and undertakes faithfully to abide by all the provisions contained in the Protocol in the manner and to the extent specified in the Declarations.

IN WITNESS WHEREOF and being duly authorized to do so, I have signed this Instrument of Accession on behalf of [INSERT NAME OF COUNTRY].

DONE at [CITY], this ____ day of ____ Two Thousand Seven.

/s/ _____

Annex
to the Instrument of Accession in respect of the Aircraft Protocol
Containing the Declarations made by [INSERT NAME OF COUNTRY] for the
purposes of the Aircraft Protocol

- (i) *Form No. 19 (opt-in declarations under Article XXX(1) in respect of Article VIII)*

[INSERT NAME OF COUNTRY] declares that it will apply Article VIII.

- (ii) *Form No. 21 (opt-in declarations XXX(2) in respect of Article X providing for the application of the entirety of the latter)*

[INSERT NAME OF COUNTRY] 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 the number of working days equivalent to ten (10) calendar days and in respect of the remedies specified in Articles 13(a)(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 the number of working days equivalent to thirty (30) calendar days.

- (iii) *Form No. 23 (general opt-in declarations 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)*

[INSERT NAME OF COUNTRY] 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.

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

[INSERT NAME OF COUNTRY] declares that it will apply Article XII.

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

[INSERT NAME OF COUNTRY] declares that it will apply Article XIII.

- (vi) *Form No. 34 (general declarations under Article XXIX)*

[INSERT NAME OF COUNTRY] declares that the Aircraft Protocol is to apply to all its territorial units.