



ASSEMBLY — 37TH SESSION

LEGAL COMMISSION

Agenda Item 57: International interests in mobile equipment (aircraft equipment)

INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT
(AIRCRAFT EQUIPMENT)

(Presented by the Council of ICAO)

EXECUTIVE SUMMARY

This paper presents a progress report on Item 4 of the General Work Programme of the Legal Committee, in particular on the work related to the Council's supervision of the International Registry.

Action: Following the consideration of a report on this item at its last session, the Assembly is invited to note the updated information in this paper.

<i>Strategic Objectives:</i>	This working paper relates to Strategic Objective F.
<i>Financial implications:</i>	No additional resources required.
<i>References:</i>	A36-WP/8 Doc 9900, A36-LE (Report of the Legal Commission), paragraph 47.2 Doc 9864, <i>Regulations and Procedures for the International Registry</i> Doc 9793, <i>Convention on International Interests in Mobile Equipment</i> , signed at Cape Town on 16 November 2001 Doc 9794, <i>Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment</i> , signed at Cape Town on 16 November 2001

1. INTRODUCTION

1.1 The 36th Session of the Assembly (Montréal, 18 to 28 September 2007) noted that the Council, during its 175th Session in June 2005, confirmed its decision to accept the role of Supervisory Authority of the International Registry, to which it had been invited by the Cape Town Diplomatic Conference of 2001 under its Resolution No. 2, and that the Council had assumed this role on 1 March 2006 when the Cape Town Convention and Protocol entered into force and the International Registry entered into operation. The Assembly noted the Council's decision, during its 176th Session in November 2005, to establish a Commission of Experts comprising not more than 15 members nominated by Parties and Signatory States to the Cape Town Convention and Protocol, to assist the Council in the performance of its functions as the Supervisory Authority of the International Registry. The Assembly further noted that the Commission, then comprising eight members, held its first meeting at ICAO Headquarters in November 2006.

2. DEVELOPMENTS SINCE THE 36TH SESSION OF THE ASSEMBLY

2.1 The Council, in its capacity as the Supervisory Authority of the International Registry, continues to monitor the operation of the Registry to ensure that it functions efficiently in accordance with Article 17 of the Cape Town Convention. Pursuant to Article 17 (2) (j) of the Convention, the Council, during April 2008 and April 2010 respectively, issued two reports to the Parties to the Cape Town instruments concerning the discharge of its functions as Supervisory Authority, the first for the period 1 March 2006 to 31 December 2007, and the second for the period 1 January 2008 to 31 December 2009.

2.2 The Commission of Experts of the Supervisory Authority of the International Registry (CESAIR) held three meetings in Montréal since the 36th Session of the Assembly, i.e. during December 2007, December 2008 and December 2009. On the basis of CESAIR's recommendations emanating from these meetings, the Council, at its 183rd, 186th and 189th Sessions respectively, approved innovations to the Registry, which are or will be reflected as amendments to the *Regulations and Procedures for the International Registry* (Doc 9864). As the initial term of appointment of the CESAIR members came to an end during June 2009, the Council, pursuant to nominations/re-nominations received from Parties and Signatory States to the Cape Town Convention and Protocol, appointed/reappointed twelve members to the Commission effective 2 July 2009.

2.3 During October 2009, at its 188th Session, the Council, taking into account the concerns of the Registrar of the International Registry with regard to the significant decline in its revenues as a result of the global economic downturn and a forecast of its finances at the end of 2010 suggesting that it would not have adequate assets to meet all of its liabilities at the end of the contract, and based on a recommendation of CESAIR, decided to reappoint the Registrar for a second five-year term commencing 1 March 2011, in accordance with the terms and conditions to be established in a new contract. At its fourth meeting in December 2009, CESAIR established an ad hoc group to provide assistance to the Secretariat with regard to the Registrar's contract renewal, and the group has been working with the Secretariat on this matter during 2010. The new contract will, *inter alia*, codify aspects of the Registry operations which have evolved over the initial term.

2.4 Pursuant to Article 62 (2) (c) of the Cape Town Convention and Article XXXVII (2) (c) of the Cape Town Protocol, the Council, in its capacity as Supervisory Authority, regularly receives information from the Depositary on ratifications, declarations, denunciations and designations of entry points. As at 1 April 2010, there were 30 Parties to the Cape Town Convention and Protocol.