

Cape Town Convention Academic Project

Facilitating the study of the Convention on International Interests in Mobile Equipment

REPORTING ON ADMINISTRATIVE AND OTHER NON-JUDICIAL ACTIVITY

Following an administrative or other non-judicial activity related to the Cape Town Convention and its Aircraft Protocol (CTC) or interaction with an administrative agency in connection with establishing rights under the CTC, all parties involved in such activity or the related transaction (lawyers, commercial parties, or government officials) are invited to complete and submit this reporting form via [email to kyleb22@uw.edu](mailto:kyleb22@uw.edu) copying jawool@uw.edu.

The report must be factual and objective, and may not include speculation, opinion, or any commercial or proprietary information or materials. All other relevant parties should be identified in the report. Any official documents issued by governmental authorities should also be included as appendices and should be cited in the report.

The Cape Town Convention Academic Project (the Project) will review the submitted report against the above terms of reference, and will seek any required revisions.

Once the initial report *prima facie* conforms with the terms of reference, the Project will assign a reference number based on the state and the year in which the activity occurred. The Project will then notify the other relevant parties for which it has contact information, seeking their comments on the report. Those parties will have three weeks to reply or indicate a prompt timeframe to reply. Comments should reference the part of the report to which they refer. Comments must also conform with the terms of reference set out above.

The Project will then attempt to harmonise the contents of the report and any comments into an activity summary (Summary). If the relevant parties approve the Summary (within a three week period), it will be included in the database. If no consensus is reached, the report and all comments will be included in the database, except any information which does not *prima facie* conform with the terms of reference.

In connection with the foregoing notification procedures, please provide contact information for other relevant parties involved in the reported activity.

Please note that no compensation will be provided for your work on reporting or commenting as such is part of the Cape Town Convention Academic Project's ongoing effort to make accurate information about the CTC available to scholars and practitioners.

Capitalised terms used in the report shall have the meanings set forth in the CTC.

Please send all completed activity reports to the Project Manager at kyleb22@uw.edu, with a copy to the Executive Director at jawool@uw.edu.

I. Report (R)¹

PT Metro Batavia – report on Cape Town activity

Item	Factual Information
1. Date of the transaction	Various – the administrative action involved four aircraft in total, all leased to PT Metro Batavia from various GECAS-related lessors. The aircraft were delivered under these leases on the following dates: <ul style="list-style-type: none">· MSN 24345: 20 December 2002· MSN 27191: 11 November 2008· MSN 27352: 31 December 2008· MSN 25192: 20 July 2011
2. Creditor	The administrative action involved the following aircraft, all leased to PT Metro Batavia Airlines through French companies: <ul style="list-style-type: none">· 1x Boeing 737-500 with MSN 25192 on lease from Fideck S.A.R.L;· 1 x Boeing 737-400 with MSN 24345 on lease from Leverage Leasing S.A.R.L; and· 2 x Boeing 737-400 with MSNs 27352 and 27191 on lease from GECAS France S.A.R.L
3. State of Creditor	France
4. Debtor	PT Metro Batavia
5. State of Debtor	Indonesia
6. State and date of aircraft registration	All aircraft were registered in Indonesia The aircraft were registered on the following dates: <ul style="list-style-type: none">· MSN 24345: 20 December 2002· MSN 27191: 11 November 2008· MSN 27352: 9 January 2009· MSN 25192: 20 July 2011
7. Summary of transaction structure	The lessors (creditors) listed above entered into lease agreements with PT Metro Batavia for the aircraft indicated above. The lessor was, in each case, based in France, the lessee was based in Indonesia. The aircraft were all registered in Indonesia on the dates listed above.

¹ Instructions and educational notes are included in the Annex.

8. Recordation of IDERA	An IDERA was recorded with the Indonesian DGCA for each of the aircraft other than the one aircraft which was delivered to the airline before Indonesia adopted the Cape Town Convention (MSN 24345).
9. Registrations with International Registry	The lease interest was registered, as an “international interest,” with the International Registry for all aircraft other than the one aircraft which was delivered to the airline before Indonesia adopted the Cape Town Convention (MSN 24345).
10. Commencement by Creditor of the exercise of CTC remedies: a) to obtain possession of the aircraft object b) to deregister the aircraft c) to export the aircraft object	A termination notice notifying the lessee of the termination of the leases was sent on 30 January 2013 by each lessor (the Creditor) in respect of the aircraft listed above that it leased to the lessee. This was the commencement by the lessor of the exercise of its CTC remedies.
11. Completion of exercise of CTC remedies by Creditor: a) possession of the aircraft object b) de-registration of the aircraft c) export the aircraft object	<p>Possession of MSN 27191 was regained on or around 19 January 2013 and the aircraft was deregistered and exported on 12 February 2013.</p> <p>Possession of MSN 27352 was regained on or around 25 January 2013 and the aircraft was deregistered and exported on 12 February 2013.</p> <p>Possession of MSN 24345 was regained on or around 4 February 2013 and the aircraft was deregistered and exported on 21 February 2013.</p> <p>MSN 25192 was temporarily exported from Indonesia and possession of the aircraft was regained on 19 March 2013. The Creditor did not wish to deregister the aircraft.</p> <p>All aircraft were recovered and exported inside two months of the lessee defaulting under the leases.</p>
12. Nature of governmental action sought and taken, including by which authority and where and when	No governmental action was taken other than deregistration of the aircraft. Deregistration was undertaken by the Director General of Civil Aviation, Indonesia pursuant to the relevant IDERA, where one was available for an aircraft, and completed on the dates listed above in respect of each aircraft.
13. Related court order, if any, and timing therefor	No court order was sought.
14. Other CTC related technical information pertinent	Lessor/servicer was required by the Director General of Civil Aviation, Indonesia to sign a letter

to the replies to Questions 8 – 13 above	in the case of MSN 25192 which stated that, although the lease agreement had been terminated, the relevant IDERA was still valid.
15. List and description of attachments, being official government documents	No attachments.
16. Please list the other relevant parties and their contact information.	

II. Comments on report (CR)

CR 1

No comments

III. Comments on comments (CC)

CC 1

No comments.

Annex – Instructions and Educational Notes

Section I:

Question 1: Insert the closing date of the transaction, including the effective dates of any amendments to transaction documents to the extent relevant to the application of CTC.

Question 2: Insert the legal name of the Creditor, as appearing in the transaction documents. Include contact details, if available. A 'Creditor' under CTC is a 'chargee' (holder of a security interest), a 'lessor' (under a leasing agreement), or a 'conditional seller' (under a title reservation agreement).

Question 3: Insert the State where the Creditor is incorporated or formed.

Question 4: Insert the legal name of the Debtor, as appearing in the transaction documents. Include contact details, if available. A 'Debtor' under CTC is a 'chargor' (granting a security interest), a 'lessee' (under a leasing agreement), or a 'conditional buyer' (under a title reservation agreement).

Question 5: Insert the State where Debtor is incorporated or formed, and, if the report addresses insolvency related items, the State in which its centre of main interests is situated. If the foregoing is not the basis of CTC application, add the other State or States in which the Debtor is situated for purposes of Article 4 of the Convention.

Question 6: Insert the State where the aircraft is registered under the Chicago Convention of 1944 and the date on which it was registered in that State. If there was an earlier agreement to register the aircraft in that State, add that fact and the date of such agreement. If the aircraft has changed registrations during the term of the transaction, add the prior State of registration and the date of registration and de-registration in that State.

Question 7: Insert a simple and basic summary of the transaction structure, using CTC defined terms. For example: 'party X as debtor (chargor) entered into a security agreement (international interest) with party Y as creditor (chargee) on date 1, then as creditor (lessor) entered into a leasing agreement (international interest) of the aircraft that was subject to that security agreement with an airline, party Z as debtor (lessee), on date 2. Party X is situated in Singapore, party y is situated in the US, and party Z is situated in China. The aircraft was registered in the US on date 1 and re-registered in China on date 2. Include actual names, dates, and aircraft object type (manufacturer name, model, and serial number). It would be helpful to annex a schematic of the transaction structure depicting CTC relevant facts.

Question 8: Insert whether an IDERA was recorded, and, if so, when and in which State. Where the base of operation and the State of Registration are different, add a statement to that effect. Include any significant delay between submission and recordation of the IDERA.

Question 9: Insert the type of registrations made with the International Registry and the dates made. Include a description of any delays or inability to obtain AEP codes to make registrations.

Question 10: Insert the dates when, and place where, the Creditor took affirmative legal steps to actually exercise CTC remedies seeking: a) possession, b) de-registration, and/or c) export. List these dates and places separately. Do not include dates of notices of default which were not conjoined with such actual exercise of CTC remedies.

Question 11: Insert the dates when, and place where, the Creditor obtained: a) possession (actual or constructive), b) de-registration, and c) export. List these dates and places separately.

Question 12: Insert the specific government action sought and taken, including the name and place of the government entity and the relevant dates.

Question 13: If the Creditor sought a court order, insert a statement, if applicable, that a court order was sought and/or issued, including the nature of the court order (for example, was it an order under Article 13 of the Convention) and the relevant dates.

Question 14: Insert CTC-related **technical information** which is pertinent to the replies to other questions. Only technical information may be included. Here are three examples. Ex. I: Possession was not obtained for 60 days given the applicability of an enforcement stay during bankruptcy proceedings. Ex. II: Possession was delayed given that airport X asserted a right of detention under Article 39(1)(b) of the Convention. Ex. III: No IDERA was recorded as State x did not have procedures in place to record IDERAs. Important note: **the Project will not include any information submitted under Question 13 if it is not prima facie factual, technical information.**

Question 15: Insert references to, and, if possible, attach copies of official government documents relevant to questions 8 – 14 above and the schematic noted in respect of question 7 above.

Question 16: Insert the names and contact details of the relevant parties, meaning, the parties to the reported transaction **and** the government authority taking CTC-related action. Include email addresses (which will not be made public).

Section II:

Insert comments on questions 1-15 of the report specifically identifying the sub-section of the report the comment refers to. The comments must be limited to factual and technical information.

Section III:

Insert comments on comments provided in Section II specifically identifying the sub-section of the report the comment refers to. The comments must be limited to factual and technical information.