

Prepared by the law firm White & Case at the request of the Project.

Cape Town Convention Academic Project
Country Summary Note
Russian Federation

Implementation in the Russian Federation of the Convention on International Interests in Mobile Equipment and of the Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment

According to the national law in force, the Russian Federation accedes to an international treaty after the ratification thereof by adopting a federal law.

The Russian Federation acceded to the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment (the "**Convention**") by passing Federal Law of the Russian Federation № 361 "On the accession of the Russian Federation to the Convention on International Interests in Mobile Equipment and Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment" dated 23 December 2010 (the "**Federal Law**"). The Federal Law entered into force on 1 January 2011. In accordance with Article 49 of the Convention, the Convention entered into force in the Russian Federation on 1 September 2011. We set out below the legislative and administrative steps which were taken to adopt the Federal Law ratifying the Convention.

On 21 April 2010 the Government ruled to submit the draft of the Federal Law to the State Duma of the Russian Federation (the "**State Duma**") for further development and approval. (Resolution of the Government of the Russian Federation № 265 dated 21 April 2010)

On 27 April 2010 draft of Federal Law № 364944-5 prepared by the Government of the Russian Federation was submitted to the State Duma for consideration. The draft Federal Law included supplementary materials (List of federal normative acts of the Russian Federation to be revoked, suspended, amended, supplemented or enacted registered in the State Duma; Financial and Economic Rationale and Explanatory Note).

On 4 May 2010 the State Duma Committee on Transport (the "**Transport Committee**") confirmed the compliance of the draft of the Federal Law with the Constitution of the Russian Federation and recommended the State Duma Council to direct the draft of the Federal Law to the appropriate institutional bodies for further approval. (Decision of the Transport Committee dated 4 May 2010)

On 4 May 2010 the Transport Committee submitted the draft of the Federal Law for review to the State Duma Council. (Letter of the Transport Committee to the State Duma Council dated 4 May 2010)

On 11 May 2010 the State Duma Council appointed the Transport Committee as the principal committee in charge of the draft of the Federal Law and the State Duma Committee on Foreign Affairs as the co-responsible committee and set a deadline of June 2010 for the preparation of the draft of the Federal Law for the consideration by the State Duma. (Decision of the State Duma Council dated 11 May 2010)

On 2 June 2010 the Legal Department of the Apparatus of the State Duma recommended to make several linguistic and technical corrections to the draft of the Federal Law, the State Duma Committee on Foreign Affairs recommended that the State Duma accedes to the Convention and the Transport Committee recommended the Government of the Russian Federation to revise the draft of the Federal Law on the basis of the comments submitted by the reviewing committees and to finalize such draft. (Opinion of the Legal Department of the Apparatus of the State Duma dated 2 June 2010; Opinion of the State Duma Committee on Foreign Affairs dated 2 June 2010; Decision of the Transport Committee dated 2 June 2010)

[The Government prepared a finalized draft of the Federal Law and re-submitted it to the Transport Committee.]¹

On 13 November 2010 the Transport Committee recommended the State Duma Council to re-submit the draft of the Federal Law to the appropriate institutional bodies for further approval and the Legal Department of the Apparatus of the State Duma, in its opinion, confirmed that there were no further legal or linguistic comments to the draft of Federal Law. (Decision of the Transport Committee dated 13 November 2010; Opinion of the Legal Department of the Apparatus of the State Duma dated 13 November 2010)

The Transport Committee re-submitted the draft of the Federal Law to the State Duma Council on 13 November 2010. (Letter of the State Duma Transport Committee to the State Duma Council dated 13 November 2010)

On 18 November 2010, upon receiving the re-submitted draft, the State Duma Council ruled to direct the draft of the Federal Law to different committees and commissions for comments and set December 2010 as a deadline for the preparation of the draft of the Federal Law for consideration by the State Duma. (Decision of the State Duma Council dated 18 November 2010)

On 26 November 2010 the Transport Committee, in its opinion, recommended to accede to the Convention and, in its decision and letter to the State Duma Council, recommended the State Duma Council to include the draft of the Federal Law into the agenda of the State Duma for 10 December 2010. (Opinion of the Transport Committee

¹ Please note that we could not find any document in relation to this action of the Government in publicly available sources. If it is appropriate to include the action of the authority without referring to the relevant document, we would be grateful if you could remove the square brackets. Otherwise, we would be grateful if you could delete this paragraph.

dated 26 November 2010, Decision of the Transport Committee dated 26 November 2010; Letter of the Transport Committee to the State Duma Council dated 26 November 2010)

On 26 November 2010 the State Duma Council included the draft of the Federal Law into the agenda of the State Duma for 10 December 2010 and appointed Mr. Klepach Andrei Nikolaevich, deputy minister of economic development of the Russian Federation, as a rapporteur and Mr. Shishkarev Sergey Nikolaevich, deputy of the State Duma, as a co-rapporteur. (Decision of the State Duma Council dated 26 November 2010)

The revised version of the draft of the Federal Law dated 26 November 2010 was adopted by the State Duma and sent to the Federation Council. (Revised version of the draft of the Federal Law dated 26 November 2010; Resolution № 4602-5 GD of the State Duma dated 10 December 2010)

The Committee on International Affairs of the Federation Council, the Legal Department of the Federation Council, the Committee of the Federation Council on Economic Policy, Entrepreneurship and Property and the Committee of the Federation Council on Industrial Policy, in their respective opinions, stated that the Convention and the draft of the Federal Law conformed to the Constitution of the Russian Federation and its international obligations and was favourable for the development of the aviation industry of Russia. (Opinion of the Committee of the Federation Council on International Affairs dated 13 December 2010; Opinion of the Legal Department of the Federation Council dated 13 December 2010; Opinion of the Committee of the Federation Council on Economic Policy, Entrepreneurship and Property on 13 December 2010; Opinion of the Committee of the Federation Council on Industrial Policy 14 December 2010)

The Federation Council approved the Federal Law by Resolution № 561-SF of the Federation Council dated 15 December 2010. (Resolution of the Federation Council № 561-SF dated 15 December 2010)

The Federal Law was signed by the President of the Russian Federation on 23 December 2010 and came into force on 1 January 2011.

On 3 February 2011 V. Putin, the President of the Russian Federation, signed the instrument of accession to be sent to the International Institute for Unification of Private Law.

The Convention entered into force in the Russian Federation on 1 September 2011.

At the time of its accession, the Russian Federation did not make the declarations under articles VIII and XIII of the Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment (the "**Protocol**"). However, the Russian Federation decided to make such declarations at a later stage.

On 27 January 2012 the Government of the Russian Federation passed Resolution № 41-p ruling to submit to the State Duma of Russian Federation (the "**State Duma**") the draft of federal law № 14653-6 "On declaration of the Russian Federation in connection with the Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment" on making Art. VIII and XIII declarations of the Protocol (the "**Draft Federal Law**"). (Resolution of the Government of the Russian Federation N 41-p dated 27 January 2012)

On 1 February 2012 the Draft Federal Law was submitted by the Government of the Russian Federation to the State Duma. The following supplementary materials were enclosed with the Draft Federal Law: a Financial and economic rationale, an Explanatory Note and a List of federal normative acts of the Russian Federation to be revoked, suspended, amended, supplemented or enacted.

The State Duma Committee on Transport (the "**Transport Committee**") recommended to the State Duma Council that it **makes** the Transport Committee and the State Duma Committee on Foreign Affairs responsible for the Draft Federal Law and that it directs the Draft Federal Law to the appropriate institutional bodies for further approval. (Decision of the Transport Committee dated 8 February 2012)

On 8 February 2012 the Transport Committee, in a letter to the State Duma Council, confirmed that the **submitted** Draft Federal Law did not contradict the Constitution of the Russian Federation and directed the Draft Federal Law to the State Duma Council for further approval. (Letter of the Transport Committee to the State Duma Council dated 8 February 2012)

On 8 February 2012 the State Duma Council appointed the Transport Committee as the principal committee in charge of the Draft Federal Law and the State Duma Committee on Foreign Affairs as the co-responsible committee and set a deadline for the preparation of the Draft Federal Law for consideration by the State Duma. (Decision of the State Duma Council dated 8 February 2012)

On 12 April 2012 the State Duma Committee on Foreign Affairs recommended the State Duma to adopt the Draft Federal Law. (Draft Federal Law № 14653-6; Opinion of the State Duma Committee on Foreign Affairs dated 12 April 2012)

On 12 April 2012 the Legal Department of the Apparatus of the State Duma confirmed that it had no comments regarding the Draft Federal Law. (Opinion of the Legal Department of the Apparatus of the State Duma dated 12 April 2012)

The Transport Committee recommended the State Duma Council to adopt the Draft Federal Law and to include the Draft Federal Law into the draft agenda of the State

Duma for 27 April 2012. (Opinion of the Transport Committee dated 12 April 2012; Decision of the Transport Committee dated 12 April 2012; Letter of the Transport Committee to the State Duma Council which dated 12 April 2012)

The State Duma Council scheduled the first hearing of the Draft Federal Law for 27 April 2012 and appointed Mr. Igor Evgenievich Manylov, the deputy minister of economic development of the Russian Federation as rapporteur, and Mr. Evgeniy Sergeevich Moskvichev, the head of the State Duma Committee on Transport, as co-rapporteur. (Decision of the State Duma Council dated 23 April 2012)

On 12 May 2012 the State Duma asked for a second Opinion of the Legal Department of the Apparatus of the State Duma. The Transport Committee confirmed that it had no comments on the Draft Federal Law. (Opinion of the Legal Department of the Apparatus of the State Duma (undated))

On 15 May 2012 the Draft Federal Law was unanimously approved by the State Duma (Transcript of the hearing of the State Duma Session dated 15 May 2012) and the Draft Federal Law was sent to the Federation Council (the upper chamber of the legislative body). (Resolution of the State Duma dated 15 May 2012)

The Committee of the Federation Council on economic policy, the Legal Department of the Federation Council and the Committee of the Federation Council on International Affairs unanimously found the Draft Federal Law to have a positive effect on the aviation industry of the Russian Federation, described the remedies available under the Protocol after passing the Draft Federal Law and the rationale of the declarations. (Opinion of the Committee of the Federation Council on Economic Policy dated 28 May 2012; Opinion of the Legal Department of the Federation Council signed on 21 May 2012 and registered in the Federation Council on 28 May 2012; Opinion of the Committee of the Federation Council on International Affairs (date of registration unknown))

On 30 May 2012 the Draft Federal Law was unanimously approved by the State Duma (Transcript of the hearing of the Federation Council dated 30 May 2012; Resolution of the Federation Council dated 30 May 2012)

Federal Law № 60-FZ “On declaration of the Russian Federation in connection with the Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment” declaring the application of Articles VIII and XIII of the Protocol in the Russian Federation was signed by the President of the Russian Federation on 5 June 2012 and came into force on 18 June 2012.

On 7 December 2012 S. Lavrov (Minister of Foreign Affairs in the Russian Federation) informed the International Institute for Unification of Private Law that the Russian Federation made the declaration that it would apply Articles VIII and XIII of the Protocol. (Letter to International Institute for Unification of Private Law dated 7 December 2012)

The Protocol entered into force in the Russian Federation on 1 August 2013.