

Prepared by the Dikici Law Office at the request of the Project.

**Cape Town Convention Academic Project
Country Summary Note
Turkey**

1- Signing of the CTC by Turkey

16.11.2001 – The ratification of 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” signed on behalf of the Republic of Turkey in Cape Town.

2- Drafting Process

2.1 Preparation of Draft Law

29.06.2010 – Draft law for approval of the ratification of 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” prepared by the Ministry of Foreign Affairs and submitted to the Grand National Assembly by the Council of Ministers. **[Annex 1]**

2.2 Referral of Draft Law to the Committees

30.06.2010 – The draft law is referred to the relevant committees by the Head of the Grand National Assembly.

Sub-committee: Committee for Justice

Sub-Committee: Public Works, Reconstruction, Transport and Tourism
Committee

Main Committee: Committee of Foreign Affairs

Final decisions are given by the Main Committee while the sub-committees only report their findings to the Main Committee. Therefore the Main Committee has to discuss all details and aspects of the draft law while the sub-committees shall express an opinion only on the relevant parts which concern them. In general sub-committee do not express opinions on issues which are not within the scope of their specialization. (Turkish Grand National Assembly Rules of Procedure art.23)

2.3 Committee Reports

18.02.2011 – Foreign Affairs Committee Report No. 622 submitted to the head of the Grand National Assembly to be added to the agenda of the Grand National Assembly **[Annex 2]**

Public Works, Reconstruction, Transport and Tourism Committees did not submit reports to the Main Committee.

The Main Committees's report consists of two parts: The first section explains the justification of the Main Committee with respect to their findings. This section also provides general information about the draft law, such as the name of the draft law, the document number of the draft, submission of the draft law to the Head of the Grand National Assembly and its referral to committees, the date and number of the meeting, and the representatives attending the meeting.

The Second section consists of the text adopted by the Main Committee. If the Main Committee has not proposed any changes to the respective clauses, acceptance by the Committee of such clause is noted adjacent to the clause. **[Annex 2A]**

For the printed Main Committee report to be considered by the Grand National Assembly, 48 hours must lapse following its distribution after which time the Main Committee's report will be added to the end of the agenda of the Grand National Assembly. (Turkish Grand National Assembly, Rules of Procedure art.36)

Draft laws and proposals are discussed by the Grand National Assembly according to the procedure set out below:

- A discussion is initiated with respect to the entire draft law;
- Following completion of the discussion, a question and answer session takes place;
- A voting takes place to proceed to discussing each article of the draft law
- The entire draft law is then put to the vote.

(Turkish Grand National Assembly, Rules of Procedure art.81)

3- Ratification Process

3.1 Voting of the draft law

10.03.2011 – Grand National Assembly Minutes of the 23rd Session of the 5th Legislative Year **[Annex 3]**

An open vote was carried out by the Grand National Assembly regarding the draft law.

Number of votes cast: 212

Number of affirmative votes: 212

3.2 Acceptance of the draft law by the Grand National Assembly

10.03.2011 – The draft law was deemed to be accepted by the Grand National Assembly.

Law No. 6192 on the Approval of the Ratification of 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 was codified.

[Annex 4]

The ratification of treaties concluded with foreign states and international organisations on behalf of the Republic of Turkey, shall be subject to adoption by the Turkish Grand

National Assembly by a law approving the ratification. Authority to promulgate laws belongs to The President (The Constitution of the Turkish Republic art.90,104)

The President of the Republic shall promulgate the laws adopted by the Turkish Grand National Assembly within fifteen days. (The Constitution of the Turkish Republic art.89)

3.3 Submission of Law 6192 for Promulgation by the President

18.03.2011 – Law No. 6192 on the Approval of the Ratification of 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 was submitted to the President for approval.

http://www.tbmm.gov.tr/develop/owa/kanunlar_sd.durumu?kanun_no=6192

3.4 Publication of Law 6192

29.03.2011 – Law No. 6192 on the Approval of the Ratification of 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 was approved by the President and published in the Official Gazette. [Annex 5]

3.4 Publication of the CTC in the Official Gazette

04.07.2011 – The decree ratifying through declarations 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, together with its Turkish text and the original language version of the treaty attached, was published in the Official Gazette no. 27984 (2. repeated) [Annex 6 and 6A]

4 – Instruments of Accession to Unidroit

23.08.2011 – On 23 August 2011 the Government of the Republic of Turkey's instrument of ratification 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 was deposited with Unidroit. The Republic of Turkey made declarations under Articles 39(1)(a), 39(1)(b), 40, 50 and 54(2) of the Convention, and Articles XXX(1), XXX(2), and XXX(3) of the Aircraft Protocol. The Convention and the Aircraft Protocol will enter into force for the Republic of Turkey on 1 December 2011

Instruments of accession submitted by the Ministry of Foreign Affairs to UNIDROIT (<http://www.unidroit.org/english/implement/i-2001-convention.pdf>)

5- Result

01.12.2011 - 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 enters into effect in Turkey (Three months following

submission for accession) (<http://www.unidroit.org/english/implement/i-2001-convention.pdf>)