



## DIPLOMATIC CONFERENCE TO ADOPT A MOBILE EQUIPMENT CONVENTION AND AN AIRCRAFT PROTOCOL

(Cape Town, 29 October to 16 November 2001)

### ENTRY INTO FORCE AND INTERNATIONAL REGISTRY PROPOSAL

(Presented by Germany, France, Russian Federation, United Kingdom and United States)

The above-identified States jointly propose the following key features of an overall arrangement relating to the entry into force, including the associated establishment of the international registry system for aircraft objects.

#### ENTRY INTO FORCE GENERALLY

**Convention** enters into force 2 months after the [5<sup>th</sup>][7<sup>th</sup>] ratification

**Protocol** enters into force 2 months after the later of:

- (a) [5<sup>th</sup>][7<sup>th</sup>] ratification; and
- (b) ratification by States comprising, in the aggregate, no less than [5 per cent] [10 per cent] of scheduled international and domestic air traffic, objectively determined.

#### RE: INTERNATIONAL REGISTRY SYSTEM

##### A. Supervisory Authority

1. ICAO appointed Supervisory Authority (“SA”).
2. Primary work of SA done, with organisational support and assistance of ICAO Secretariat, by an International Registry Commission (“**IR Commission**”), which reports directly to ICAO Council.

(Similar to the “International Explosives Technical Commission” employed in Marking of Plastic Explosives Convention (1991)).

3. IR Commission composed of major aviation and air transportation States and other signatory or ratifying States to ensure geographic representation.

4. Since SA appointment takes effect on entry into force, ICAO also appointed “Provisional SA” (“PSA”) to establish the International Registry; points 1 – 3 immediately above relating to SA apply in respect of PSA.

(Must confirm that PSA has immunity through standing ICAO arrangements).

#### **B. Establishment of International Registry**

1. PSA given procedural flexibility in establishing the International Registry, subject to points 2 – 4 immediately below.

2. To ensure no delay on entry into force following receipt of required ratifications, International Registry shall be established, tested and *ready for legal operation* by no later than [six months][nine months] from the adoption of the texts at the Conference (assuming the availability of start-up funds).

3. In selecting the Registrar, the PSA shall ensure that:

- (a) a prompt, fair and transparent process followed; and
- (b) the Registrar is technically qualified to create and operate International Registry (of a type envisaged by the IRTF’s Basic Features of the Registry and Requirements Document (Attachments 1 and 2, respectively, to Second Report of the IRTF)).

4. Fees for use of the International Registry will be nominal and comparable to those used in other electronic registries designed the register notices of secured transaction and leasing interests.

5. There is a high degree of confidence that start-up funds will be available from a variety of sources to finance the establishment of the electronic International Registry. Funds and other resources may also be available, if necessary, to offset certain operational expenses during the early years of operation.

6. The above noted items relating to the establishment of the International Registry system and setting of user fees shall be undertaken in close cooperation with airlines, financial participants, manufacturers and other users of the system to ensure functionality.

#### **RE: RESOLUTION OF THE DIPLOMATIC CONFERENCE**

The Final Acts of the Conference would include statements reflecting the above points to the extent they are not included in provisions of the Convention or Protocol.