

SUBSEQUENT DECLARATIONS

**LODGED BY THE REPUBLIC OF KAZAKHSTAN UNDER THE CAPE TOWN CONVENTION
ON 15 MARCH 2011**

[On 15 March 2011 the Republic of Kazakhstan notified UNIDROIT, pursuant to Article 57(1) of the Convention, of the making of these subsequent declarations. In accordance with Article 57(2) of the Convention, these subsequent declarations took effect on 1 October 2011.]

Form No. 1. Declarations under Article 39(1) (a):

The Republic of Kazakhstan declares that the following categories of non-consensual right or interest:

a) liens in favor of employees for unpaid wages arising since the time of a declared default declared by an employer under a contract to finance or lease the subject object;

b) liens in favor of repairers of an object in their possession to the extent of services performed on an value added to that object

have priority under its law over an interest in an object equivalent to that of the holder of a registered international interest and shall have priority over a registered international interest, whether in or outside insolvency proceedings.

Form No. 4. Declarations under Article 39(1) (b):

Nothing in this Convention shall affect the right of the Republic of Kazakhstan or State Entity, or intergovernmental organisation or other private provider of public services to arrest or detain an object under the laws of the Republic of Kazakhstan for payment of amounts owed to such entity, organisation or provider directly relating to those services in respect of that object or another object.

Form No. 5. Declarations under Article 39(4):

The Republic of Kazakhstan declares that a right or interest of a category covered by a declaration made under sub-paragraph (a) of paragraph 1 shall have priority over an international interest registered prior to the date of accession to the Protocol.

Form No 6. Declaration Article 40:

«The Republic of Kazakhstan declares that the following categories of non-consensual right or interest:

c) rights of a person obtaining a court order permitting attachment of an aircraft object in partial or full satisfaction of a legal judgment;

d) lines or other rights of a state entity relating to taxes or other unpaid charges of any type whatsoever (which is not covered by the declaration under Article 39 (1) (a) of the Convention); and

e) any other non-consensual right or interest which is not covered by the declaration under Article 39 (1) (a) of the Convention,

shall be register able under the Convention as regards any category of object as if the right or interest were an international interest and shall be regulated accordingly».

Form No 11. (declarations Article 53:

Courts of primary jurisdictions within their territorial jurisdiction are the relevant court(s) for the purposes of Article 1 and Chapter XII of the Convention.

Form No 13 (mandatory declarations under Article 54(2):

The Republic of Kazakhstan declares that any remedies available to the creditor under the Convention which are not expressed under the relevant provision thereof to require application to the court may be exercised without court action and leave of the court or other court action.

DECLARATIONS

LODGED BY THE REPUBLIC OF KAZAKHSTAN UNDER THE AIRCRAFT PROTOCOL AT THE TIME OF THE DEPOSIT OF ITS INSTRUMENT OF ACCESSION IN RESPECT THEREOF

Form No. 19. Declarations under Article XXX (1) in respect of Article VIII:

The Republic of Kazakhstan declares that it will apply Article VIII.

Form No. 21. Declarations under Article XXX (2) in respect of Article X providing for the application of the entirety of the latter:

The Republic of Kazakhstan declares that it will apply Article X in its entirety and that the number of working days to be used for the purposes of the time limit laid down in Article X(2) shall be:

(A) in respect of the remedies specified in paragraphs (a), (b) and (c) of Article 13(1) of the Convention (preservation of the aircraft objects and their value; possession, control or custody of the aircraft objects; and immobilization of the aircraft objects) not more than the number of working days equivalent to ten (10) calendar days;

(B) in respect of the remedies specified in paragraphs (d) and (e) of Article 13(1) of the Convention (lease or management of the aircraft objects and the income thereof; and sale and application of proceeds from the aircraft equipment) not more than the number of working days equivalent to thirty (30) calendar days.

Form No. 23. Declaration under Article XXX (3) in respect of Article XI providing for the application of Alternative A in its entirety to all types of insolvency proceeding:

The Republic of Kazakhstan declares that it will apply Article XI, Alternative A in its entirety to all types of insolvency proceedings and that the waiting period for the purposes of Article XI(3) shall be sixty (60) calendar days.

Form No. 26. Declarations under Article XXX (1) in respect of Article XII

The Republic of Kazakhstan declares that it will apply Article XII.

Form No. 27. Declaration under Article XXX (1) in respect of Article XII

The Republic of Kazakhstan declares that it will apply Article XIII.

