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**Item No. 5 on the agenda: International Interests in Mobile Equipment –
(a) Implementation and status of the Cape Town Convention, Aircraft Protocol
and Luxembourg Rail Protocol**

(Memorandum prepared by the Secretariat)

<i>Summary</i>	<i>Update on the implementation and status of the Cape Town Convention, the Aircraft Protocol and the Luxembourg (Rail) Protocol</i>
<i>Action to be taken</i>	<i>See § 11</i>
<i>Mandate</i>	<i>Work Programme 2011-2013</i>
<i>Priority level</i>	<i>High</i>
<i>Status</i>	<i>Ongoing activity</i>
<i>Related documents</i>	<i>Annual Report 2010 (C.D. (90) 2, p.18)</i>

INTRODUCTION

1. The *Convention on International Interests in Mobile Equipment* (the Convention) and the Protocol thereto on Matters specific to Aircraft Equipment (the Aircraft Protocol) were opened to signature in Cape Town on 16 November 2001. The *Luxembourg Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Railway Rolling Stock* (the Luxembourg Protocol) was opened to signature in Luxembourg on 23 February 2007. UNIDROIT is designated the Depository to each of these instruments, and this memorandum provides an update on the implementation of the Institute's Depository functions under them.

STATUS

2. The Aircraft Protocol, and the Convention as applied to aircraft objects, entered into force on 1 March 2006 following the deposit of the eighth instrument of ratification/accession. During the period 1 March 2010 to 28 February 2011, eight instruments of ratification/accession in relation to the Convention and the Aircraft Protocol were lodged by: Gabon, Jordan, Latvia, Malta, the Kingdom of the Netherlands (for the Netherlands Antilles and Aruba), New Zealand, Norway, and the Seychelles. There were no signatures or ratifications of, or accessions to, the Luxembourg Protocol.

3. The annex to this memorandum lists the status, as at 28 February 2011, of the Convention (42 Contracting States), the Aircraft Protocol (36 Contracting States) and the Luxembourg Protocol (no Contracting States).

ACTIVITIES

GENERAL

4. UNIDROIT's responsibilities as Depositary under the Convention, the Aircraft Protocol and the Luxembourg Protocol are specified in each instrument, and include the operation of a system for the receipt and notification of all instruments of ratification, declarations and other documents lodged with the Depositary. The Secretariat has also continued to pursue close and productive working relationships with the International Registry (Aircraft) and the Supervisory Authority.

5. The Secretariat is continuing to work with States that are at various stages of the ratification/accession process, and to provide information and assistance to Contracting States, prospective Contracting States and others with an interest in the Cape Town system. This includes encouraging the 6 States that have ratified the Convention only to also ratify the Aircraft Protocol.

6. UNIDROIT, in collaboration with the Aviation Working Group, convened a forum, "The Cape Town Convention", which was held in Rome in November 2010. The forum was attended by over 100 representatives of Governments and the aviation sectors from Europe, Asia and Africa, and included modules on the economic benefits of the Convention and the practical experience of Contracting States in implementing the Convention.

CONVENTION / LUXEMBOURG PROTOCOL

7. The Luxembourg Diplomatic Conference established a Preparatory Commission to make preparations for the entry into force of the Luxembourg Protocol. In 2008 the Preparatory Commission had undertaken a public tender process to identify the Registrar of the future International Registry for Railway Rolling Stock – however, ultimately it was not possible to conclude a contract with the winning bidder. In October 2009 the Preparatory Commission agreed to conduct another tender process, subject to efforts to test the market of potential bidders.

8. An Information Session for Potential Bidders was held at the Unidroit headquarters in Rome on 25 February 2010, and was attended by over 20 representatives of potential bidders. The Preparatory Commission issued a revised Request for Proposals in June 2010, with proposals required to be submitted by 29 September 2010. By that date, 4 proposals had been received. At a Preparatory Commission meeting held from 26-28 October, at which all 4 of the bidding entities made presentations of their respective bids, the Preparatory Commission decided that 2 of the bids did not satisfy, to a sufficient level, one or more of the evaluation criteria elaborated in the RFP.

However, the Preparatory Commission decided that both of the 2 remaining proposals were strong proposals that had satisfied the four evaluation criteria elaborated in the RFP, and in particular that they represented excellent Information Technology capabilities and a strong understanding of the International Registry. The Commission ultimately decided that one of the bidders should be selected as having presented the best overall proposal and should be selected as the bidder with whom the Commission should enter into contract negotiations. However, due to a lack of quorum on the afternoon that the decision was taken, the decision has had to be referred to the broader PrepCom Membership for vote on the decision. The results of that vote, and an announcement as to the preferred bidder, are expected to be made prior to the Council's session. The Preparatory Commission will then enter into contract negotiations with the preferred bidder, with a view finalising the contract before the end of July 2011.

PUBLICATIONS

9. The revised edition of the Official Commentary to the Cape Town Convention and Aircraft Protocol was published in June 2008, and as at 28 February 2011 had sold 504 copies. The Official Commentary to the Cape Town Convention and Luxembourg Protocol was also published in June 2008 and as at 31 January 2011 had sold 90 copies. Both publications were authored by Professor Sir Roy Goode, who has generously agreed to donate the proceeds from sales to the Uniform Law Foundation.

PROMOTION AND PUBLICITY

10. Promotion and publicity efforts in relation to the Convention, the Aircraft Protocol and the Luxembourg Protocol are set out in the Annual Report for 2010.

ACTION TO BE TAKEN

11. *The UNIDROIT Secretariat would invite the Governing Council to note the progress in the implementation of the Depositary functions under the Convention.*

ANNEX / ANNEXE

**CONVENTION ON INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT
CONVENTION RELATIVE AUX GARANTIES INTERNATIONALES
PORTANT SUR DES MATERIELS D'EQUIPEMENT MOBILES**

Adoption: Place: Cape Town / *Lieu*: Le Cap
Date: 16.11.2001

Entry into force / *Entrée en vigueur*: Date: 01.03.2006 (ex Art. 49(1))

Contracting States / Etats contractants: 42

Depositary / *Dépositaire*: UNIDROIT

STATE / <i>ETAT</i>	SIGNATURE	RATIFICATION (RT) ACCEPTANCE / <i>ACCEPTATION</i> (AC) APPROVAL / <i>APPROBATION</i> (AP) ACCESSION / <i>ADHESION</i> (AS)	DECLARATIONS	ENTRY INTO FORCE / <i>ENTREE EN VIGUEUR</i>
Afghanistan		25.07.2006 (AS)	Arts. 39(1)(a), 39(1)(b), 40, 52, 53, 54(2)	01.11.2006
Albania / <i>Albanie</i>		30.10.2007 (AS)	Arts. 39(1)(a), 39(1)(b), 54(2)	01.02.2008
Angola		30.04.2006 (AS)	Arts. 39(1)(a), 40, 54(2)	01.08.2006
Bangladesh		15.12.2008 (AS)	Arts. 39(1)(a), 39(1)(b), 40, 52, 53, 54(2)	01.04.2009
Burundi	16.11.2001			
Canada	31.03.2004			
Cape Verde / <i>Cap-Vert</i>		26.09.2007 (AS)	Arts. 39(1)(a), 40, 53, 54(2)	01.01.2008
Chile / <i>Chili</i>	16.11.2001			
China / <i>Chine</i>	16.11.2001	03.02.2009 (RT)	Arts. 39(1)(a), 39(1)(b), 40, 50, 53, 54(1), 54(2), 55	01.06.2009
Colombia / <i>Colombie</i>		19.02.2007 (AS)	Arts. 39(1)(a), 54(2)	01.06.2007
Congo	16.11.2001			
Cuba	16.11.2001	28.01.2009 (RT)	Art. 54(2)	01.05.2009
Ethiopia / <i>Ethiopie</i>	16.11.2001	21.11.2003 (RT)	Arts. 39(1)(a), 40, 54(2)	01.03.2006
European Union / <i>Union européenne</i> ††		28.04.2009 (AS)	Arts. 48(2), 55	01.08.2009
France	16.11.2001			
Gabon		16.04.2010 (AS)		01.08.2010†
Germany / <i>Allemagne</i> (with declaration at signature / <i>avec déclaration à la signature</i>)	17.09.2002			
Ghana	16.11.2001			

India / <i>Inde</i>		31.03.2008 (AS)	Arts. 39(1)(a), 39(1)(b), 40, 52, 53, 54(2)	01.07.2008
Indonesia / <i>Indonésie</i>		16.03.2007 (AS)	Arts. 39(1)(a), 39(1)(b), 40, 53, 54(2)	01.07.2007
Ireland / <i>Irlande</i>		29.07.2005 (AS)	Arts. 39(1)(a), 39(1)(b), 54(2)	01.03.2006
Italy / <i>Italie</i>	06.12.2001			
Jamaica / <i>Jamaïque</i>	16.11.2001			
Jordan / <i>Jordanie</i>	16.11.2001	31.08.2010 (RT)	Arts. 39(1)(a), 54(2)	01.12.2010
Kazakhstan		21.01.2009 (AS)		01.05.2009†
Kenya	16.11.2001	13.10.2006 (RT)	Arts. 39(1)(a), * 39(1)(b), 40, 53, 54(2)	01.02.2007
Latvia / <i>Lettonie</i>		08.02.2011 (AS)	Art. 54(2)	01.06.2011
Lesotho	16.11.2001			
Luxembourg		27.06.2008 (AS)	Arts. 53, 54(2)	01.10.2008
Malaysia / <i>Malaisie</i>		02.11.2005 (AS)	Arts. 39(1)(a), 39(1)(b), 40, 53, 54(2)	01.03.2006
Malta **/ <i>Malte</i> **		01.10.2010 (AS)	Arts. 39(1)(a), 39(4), 40, 53, 54(2)	01.02.2011
Mexico / <i>Mexique</i>		31.07.2007 (AS)	Arts. 39(1)(a), 39(1)(b), 50, 53, 54(2), 60	01.11.2007
Mongolia / <i>Mongolie</i>		19.10.2006 (AS)	Arts. 39(1)(a), 39(1)(b), 53, 54(2)	01.02.2007
Netherlands, Kingdom of the 1 **/ <i>Le Royaume des Pays-Bas</i> 1 **		17.05.2010 (AS)	Arts. 39(1)(a), 39(1)(b), 52, 53, 54(2)	01.09.2010
New Zealand / <i>Nouvelle-Zélande</i>		20.07.2010 (AS)	Arts. 39(1)(a), 52, 53, 54(2), 55	01.11.2010
Nigeria	16.11.2001	16.12.2003 (RT)	Arts. 39(1)(a), * 40, * 53, * 54(2)*	01.03.2006
Norway / <i>Norvège</i>		20.12.2010 (AS)	Arts. 39(1)(a), 39((1)(b), 40, 54(2), 55	01.04.2011
Oman		21.03.2005 (AS)	Arts. 39(1)(a), 39(1)(b), 40, 52, 53, 54(2)	01.03.2006
Pakistan		22.01.2004 (AS)	Arts. 39(1)(a), 39((1)(b), 39(4), 40, 52, 53, 54(2)	01.03.2006
Panama	11.09.2002	28.07.2003 (RT)	Arts. 39(1)(a), 39(1)(b), 39(4), 50, 53, 54(2)	01.03.2006
Rwanda		28.01.2010 (AS)	Arts. 39(1)(a), 40, 52, 53, 54(2)	01.05.2010
Saudi Arabia / <i>Arabie saoudite</i>	12.03.2003	27.06.2008 (RT)	Art. 54(2)	01.10.2008
Senegal / <i>Sénégal</i>	02.04.2002	09.01.2006 (RT)	Arts. 39(1)(a), 39(1)(b), 40, 52, 53, 54(2)	01.05.2006
Seychelles		13.09.2010 (AS)		01.01.2011†

Singapore / <i>Singapour</i>		28.01.2009 (AS)	Arts. 39(1)(a), 39(1)(b), 39(4), 53, 54(2)	01.05.2009
South Africa / <i>Afrique du sud</i>	16.11.2001	18.01.2007 (RT)	Arts. 39(1)(a), 39(1)(b), 40, 54(2)	01.05.2007
Sudan / <i>Soudan</i>	16.11.2001			
Switzerland / <i>Suisse</i>	16.11.2001 <i>ad referendum</i>			
Syrian Arab Republic / <i>République arabe syrienne</i>		07.08.2007 (AS)		01.12.2007†
Togo		25.01.2010 (AS)		01.05.2010†
Tonga	16.11.2001			
Turkey / <i>Turquie</i>	16.11.2001			
Ukraine	09.03.2004			
United Arab Emirates / <i>Émirats arabes unis</i>		29.04.2008 (AS)	Arts. 39(1)(a), 39(1)(b), 40, 52, 53, 54(2)	01.08.2008
United Kingdom / <i>Royaume-Uni</i> (with declaration at signature / <i>avec déclaration à la signature</i>)	16.11.2001			
United Republic of Tanzania / <i>République-Unie de Tanzanie</i>	16.11.2001	30.01.2009 (RT)	Art. 54(2)	01.05.2009
United States of America / <i>Etats- Unis d'Amérique</i>	09.05.2003	28.10.2004 (RT)	Arts. 39(1)(a), 39(1)(b), 54(2)	01.03.2006
Zimbabwe		13.05.2008 (AS)		01.09.2008†

* Affected by withdrawal and/or subsequent declaration. / *Fait l'objet d'un retrait et/ou d'une déclaration subséquente*

**This State has provided UNIDROIT with information about its laws and policies in relation to the Convention: see www.unidroit.org/english/conventions/mobile-equipment/information-contractingstates.htm // *Cet Etat a fourni à UNIDROIT des informations concernant la situation au regard de la législation et des politiques applicables aux matières couvertes par la Convention: voir www.unidroit.org/french/conventions/mobile-equipment/information-contractingstates.htm*

† Subject to / *sous réserve de*: Convention Article 49(1)

†† Regional Economic Integration Organisation / *Organisation régionale d'intégration économique*: Convention Article 48

1. Accession for the Netherlands Antilles and Aruba / *Adhésion pour les Antilles néerlandaises et Aruba.*

**PROTOCOL TO THE CONVENTION ON INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT
ON MATTERS SPECIFIC TO AIRCRAFT EQUIPMENT**
**PROTOCOLE PORTANT SUR LES QUESTIONS SPECIFIQUES AUX MATERIELS D'EQUIPEMENT
AERONAUTIQUES A LA CONVENTION RELATIVE AUX GARANTIES INTERNATIONALES
PORTANT SUR DES MATERIELS D'EQUIPEMENT MOBILES**

Adoption: Place: Cape Town / *Lieu*: Le Cap
Date: 16-11-2001

Entry into force: Date: 01.03.2006 (ex Art. XXVIII(1))
Entrée en vigueur:

Contracting States / Etats contractants: 36

Depositary / Dépositaire: UNIDROIT

STATE / ETAT	SIGNATURE	RATIFICATION (RT) ACCEPTANCE / ACCEPTATION (AC) APPROVAL / APPROBATION (AP) ACCESSION / ADHESION (AS)	DECLARATIONS	ENTRY INTO FORCE / ENTREE EN VIGUEUR
Afghanistan		25.07.2006 (AS)	Arts. XXIX, XXX(1), (2), (3)	01.11.2006
Albania / <i>Albanie</i>		30.10.2007 (AS)	Arts. XIX, XXX(1)	01.02.2008
Angola		30.04.2006 (AS)	Art. XXX(1), (2), (3)	01.08.2006
Bangladesh		15.12.2008 (AS)	Arts XXIX, XXX(1), XXX(2), XXX(3)	01.04.2009
Burundi	16.11.2001			
Canada	31.03.2004			
Cape Verde / <i>Cap-Vert</i>		26.09.2007 (AS)	Art. XXX(1), (2), (3)	01.01.2008
Chile / <i>Chili</i>	16.11.2001			
China / <i>Chine</i>	16.11.2001	03.02.2009 (RT)	Arts. XIX, XXIX, XXX(1), XXX(2), XXX(3)	01.06.2009
Colombia / <i>Colombie</i>		19.02.2007 (AS)	Art. XXX(1), (2), (3)	01.06.2007
Congo	16.11.2001			
Cuba	16.11.2001	28.01.2009 (RT)		01.05.2009
Ethiopia / <i>Ethiopie</i>	16.11.2001	21.11.2003 (RT)	Art. XXX(1), (2), (3)	01.03.2006
European Union / <i>Union européenne</i> ††		28.04.2009 (AS)	Arts. XXVII(2), XXX(5)	01.08.2009
France	16.11.2001			
Germany / <i>Allemagne</i> (with declaration at signature / <i>avec déclaration à la signature</i>)	17.09.2002			
Ghana	16.11.2001			
India		31.03.2008 (AS)	Arts. XXX(1), (2), (3)	01.07.2008
Indonesia / <i>Indonésie</i>		16.03.2007 (AS)	Art. XXX(1), (2), (3)	01.07.2007
Ireland / <i>Irlande</i>		23.08.2005 (AS)	Art. XXX(1), (2)	01.03.2006

Italy / <i>Italie</i>	06.12.2001			
Jamaica / <i>Jamaïque</i>	16.11.2001			
Jordan / <i>Jordanie</i>	16.11.2001	31.08.2010 (RT)	Art. XXX(1), (2), (3)	01.12.2010
Kenya	16.11.2001	13.10.2006 (RT)	Art. XXX(1), (2), (3)	01.02.2007
Latvia / <i>Lettonie</i>		08.02.2011 (AS)		01.06.2011
Lesotho	16.11.2001			
Luxembourg		27.06.2008 (AS)	Art. XXX(1), (2), (3)	01.10.2008
Malaysia / <i>Malaisie</i>		02.11.2005 (AS)	Art. XXX(1), (2), (3)*	01.03.2006
Malta **/ <i>Malte</i> **		01.10.2010 (AS)	Art. XXX(1)	01.02.2011
Mexico / <i>Mexique</i>		31.07.2007 (AS)	Arts. XIX, XXX(1), (3)	01.11.2007
Mongolia / <i>Mongolie</i>		19.10.2006 (AS)	Art. XXX(1), (2), (3)	01.02.2007
Netherlands, Kingdom of the 1 **/ <i>Le Royaume des Pays-Bas</i> 1 **		17.05.2010 (AS)	Arts. XXIX, XXX(1), (2)	01.09.2010
New Zealand / <i>Nouvelle-Zélande</i>		20.07.2010 (AS)	Arts. XXIX, XXX(1), (3), (5)	01.11.2010
Nigeria	16.11.2001	16.12.2003 (RT)	Art. XXX(1),* (2),* (3)*	01.03.2006
Norway / <i>Norvège</i>		20.12.2010 (AS)	Art. XXX(1), (3), (5)	01.04.2011
Oman		21.03.2005 (AS)	Arts. XXIX, XXX(1), (2), (3)	01.03.2006
Pakistan		22.01.2004 (AS)	Arts. XXIX, XXX(1), (2), (3)	01.03.2006
Panama	11.09.2002	28.07.2003 (RT)	Art. XXX(1), (2), (3)	01.03.2006
Rwanda		28.01.2010 (AS)	Arts. XXIX, XXX(1), (2), (3)	01.05.2010
Saudi Arabia / <i>Arabie saoudite</i>	12.03.2003	27.06.2008 (RT)		01.10.2008
Senegal / <i>Sénégal</i>	02.04.2002	09.01.2006 (RT)	Arts. XXIX, XXX(1), (2), (3)	01.05.2006
Singapore / <i>Singapour</i>		28.01.2009 (AS)	Arts. XXX(1),* (3)	01.05.2009
South Africa / <i>Afrique du sud</i>	16.11.2001	18.01.2007 (RT)	Arts. XXX(1), (2), (3)	01.05.2007
Sudan / <i>Soudan</i>	16.11.2001			
Switzerland / <i>Suisse</i>	16.11.2001 <i>ad referendum</i>			
Tonga	16.11.2001			
Turkey / <i>Turquie</i>	16.11.2001			
Ukraine	03.03.2004			
United Arab Emirates / <i>Émirats arabes unis</i>		29.04.08 (AS)	Arts. XIX, XXIX, XXX(1), XXX(2), XXX(3)	01.08.2008

United Kingdom / <i>Royaume-Uni</i> (with declaration at signature / <i>avec déclaration à la signature</i>)	16.11.2001			
United Republic of Tanzania / <i>République-Unie de Tanzanie</i>	16.11.2001	30.01.2009 (RT)	Art. XXX(1),* (2),* (3)*	01.05.2009
United States of America / <i>Etats-Unis d'Amérique</i>	09.05.2003	28.10.2004 (RT)	Arts. XIX, XXX(1)	01.03.2006

* Affected by withdrawal and/or subsequent declaration. / *Fait l'objet d'un retrait et/ou d'une déclaration subséquente*

** This State has provided UNIDROIT with information about its laws and policies in relation to the Aircraft Protocol: see www.unidroit.org/english/conventions/mobile-equipment/information-contractingstates.htm // *Cet Etat a fourni à UNIDROIT des informations concernant la situation au regard de la législation et des politiques applicables aux matières couvertes par le Protocole aéronautique: voir www.unidroit.org/french/conventions/mobile-equipment/information-contractingstates.htm*

†† Regional Economic Integration Organisation / *Organisation régionale d'intégration économique: Protocol / Protocole Article XXVII*

1. Accession for the Netherlands Antilles and Aruba / *Adhésion pour les Antilles néerlandaises et Aruba.*

**LUXEMBOURG PROTOCOL TO THE CONVENTION ON INTERNATIONAL INTERESTS IN MOBILE
EQUIPMENT ON MATTERS SPECIFIC TO RAILWAY ROLLING STOCK**

**PROTOCOLE DE LUXEMBOURG PORTANT SUR LES QUESTIONS SPECIFIQUES AU MATERIEL ROULANT
FERROVIAIRE A LA CONVENTION RELATIVE AUX GARANTIES INTERNATIONALES
PORTANT SUR DES MATERIELS D'EQUIPEMENT MOBILES**

Adoption: Place / *Lieu*: Luxembourg
Date: 23.02.2007

Entry into force / *Entrée en vigueur*: Not in force / Pas encore en vigueur (ex Art. XXIII)

Depositary / *Dépositaire*: UNIDROIT

STATE / <i>ETAT</i>	SIGNATURE	RATIFICATION (RT) ACCEPTANCE / <i>ACCEPTATION</i> (AC) APPROVAL / <i>APPROBATION</i> (AP) ACCESSION / <i>ADHESION</i> (AS)	DECLARATIONS	ENTRY INTO FORCE / <i>ENTREE EN VIGUEUR</i>
European Union / <i>Union européenne</i> ††	10.12.2009			
Gabon	23.02.2007			
Italy / <i>Italie</i>	23.02.2007			
Luxembourg	23.02.2007			
Switzerland / <i>Suisse</i>	23.02.2007			

†† Regional Economic Integration Organisation / *Organisation régionale d'intégration économique*: Protocol / *Protocole* Article XXII