

# CAPE TOWN TREATY REGIONAL SEMINAR

## Ratification and Implementation Issues: the U.S. Experience

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Federal Aviation  
Administration



# Cape Town—the U.S. Experience

- **Introduction—Background/Highlights**
- **U.S. Ratification Process**
- **Implementing Legislation**
- **Federal Aviation Regulations**
- **Conclusion**



# Cape Town—the U.S. Experience

## Background

- Active since early 1990s
- Article 9, Uniform Commercial Code
- Bankruptcy Code
- Global Cooperation/Coordination



# Cape Town—the U.S. Experience

## U.S. Ratification Process

- Diplomatic Conference—Nov. 16, 2001
- Briefings to all interested parties
- U.S. signed treaty—May 9, 2003
- Treaty sent to Senate—Nov. 5, 2003
- Senate Hearings—April 1, 2004  
(same day C.T. Conv. enters into force)

# Cape Town—the U.S. Experience

## U.S. Ratification Process (cont.)

- Briefings to both Houses on legislation
- Senate approves treaty—July 22, 2004
- C.T. Implement'n Act signed—Aug 9, 2004
- C.T. ratification deposited—Oct. 28, 2004
- FAR changes promulgated—Jan 3, 2005
- Notice—Registry practices—Feb 17, 2006
- C.T. entry into force—March 1, 2006



# Cape Town—the U.S. Experience

## Declarations

- Art. 39—non-consensual rights
- Art. 54—Creditor's remedies
- Art. VIII—Choice of law
- Art. XII—Insolvency assistance
- Art. XIII—IDERA
- Art. XIX—FAA Registry as entry point



# Cape Town—the U.S. Experience

## Implementing Legislation

- 49 U.S.C. chapter 441
- Geneva and Cape Town treaties
- Engines—changed 750 to 550
- FAA as authorizing entry point



# Cape Town—the U.S. Experience

## Aviation Regulations

- FAR 47.13—Board signatures not required
- FAR 47.37—discharge of ranking interests
- FAR 47.47—export requirements
- FAR 49.61—FAA as entry point for auth.
- FAR 49.63—general requirements
- AC Form 8050-135 with documents





# Cape Town—the U.S. Experience

## FAA Aircraft Registry Workload (2011)

- 355,880 aircraft on FAA Registry
- 47,000 eligible for International Registry
- 12,000+ Entry Point Filing Forms
- 1500 prospective interest filings



# Cape Town—the U.S. Experience

## FAA Aircraft Registry Workload (2011)

- 182,140 registrations/recordations
- 78,548 aircraft certs. of registration
- 63,786 airworthiness docs/applications
- 80,591 phone/written inquiries
- 200 employees to meet this demand



# Cape Town—the U.S. Experience

## Conclusion

- Goal is universal ratification of C.T.
- All of us have an interest in this goal
- We can learn from each other's experiences
- Working together we can have success

