

Convention relative aux garanties internationales portant sur des matériels d'équipement mobiles et son Protocole portant sur les questions spécifiques aux matériels d'équipement aéronautiques, faits au Cap, le 16 novembre 2001 - Adhésion et déclarations par la République du Paraguay.

Il résulte d'une notification de l'Institut international pour l'unification du droit privé (UNIDROIT) qu'en date du 19 décembre 2018, la République du Paraguay a adhéré aux actes désignés ci-dessus, avec des déclarations en vertu des articles 39 (1) (a) – (b), 39 (4), 53 et 54 (2) de la convention et des articles XIX, XXX (1), XXX (2) et XXX (3) du protocole aéronautique. La convention et le protocole aéronautique entreront en vigueur à l'égard de la République du Paraguay le 1^{er} avril 2019.

Déclarations

With respect to Article 39, paragraph 1 (a) of the convention :

All categories of non-consensual right or interest which under the Law of Paraguay have or come to have priority over an interest in an object equivalent to that of the holder of a registered international interest shall have priority over a registered international interest, whether within the scope of insolvency or not.

With respect to Article 39, paragraph 1 (b) of the convention :

Nothing in this convention shall affect the right of the Republic of Paraguay or any of its entities, intergovernmental organization of which the Republic of Paraguay is a member State, or other private provider of public services in the Republic of Paraguay to arrest or detain an object under the laws of the State for payment of amount owed to any such entity, organization, or provider directly relating to those services in respect of that object or another object.

With respect to Article 39, paragraph 4 of the convention :

A right or interest of a category covered by a declaration made under Article 39, sub-paragraph (a) of paragraph 1, shall have priority over an international interest registered prior to the date of the instrument of accession.

With respect to Article 53 of the convention :

The Republic of Paraguay declares that all of the competent courts of the Republic of Paraguay, as determined in accordance with the laws and regulations of the Paraguayan Judicial System, are the relevant court(s) for the purposes of Article 1 and Chapter XII of this convention.

With respect to Article 54, paragraph 2 of the convention :

The Republic of Paraguay declares that all remedies available to the creditor under any provision of this convention and the protocol may be exercised only with the authorization of the Judiciary (Paraguayan legal system), with the exception of the remedy provided for in Article XIII of the protocol, which may be exercised without judicial authorization.

With respect to Article XIX, paragraph 1 of the protocol :

(a) The Dirección Nacional de Aeronáutica Civil, acting through the Registro Aeronáutico Nacional, shall be the entry point from which there shall be transmitted - and in the case of engines may be transmitted - to the International Registry information related to international transactions with respect to airframes pertaining to civil aircraft, helicopters or civil aircraft registered in the Republic of Paraguay.

(b) The requirements related to the Registry, established by the Paraguayan laws and regulations, shall be fully complied with, prior to the transmission of any information from the Registro Aeronáutico Nacional to the International Registry.

With respect to Article XXX, paragraph 1 of the protocol :

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

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

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

With respect to Article XXX, paragraph 3 of the protocol :

The Republic of Paraguay declares that it will apply the entirety of Article XI, Alternative A, to all insolvency proceedings, and that the waiting period for the purpose of Article XI, paragraph 3, of this Alternative shall be thirty (30) calendar days.

