



CAR IDERA

(Irrevocable De-registration and Export Request Authorisation)

FOREWORD

CONTENTS

REVISION RECORD

LIST OF EFFECTIVE PAGES

ANNEXES



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FOREWORD

1. The Republic of San Marino Civil Aviation Authority, known in these regulations as the “Authority” has implemented CAR IDERA (Civil Aviation Regulations – Irrevocable De-registration and Export Request Authorisation).
 2. The structure and substance of these regulations is based on the Delegated Decree provisions implementing the Cape Town Convention and its aircraft protocol.
 3. Unless otherwise stated in these regulations, the CAR DEF definitions and abbreviations also apply.
 4. The editing practices used in this document are as follows:
 - (a) ‘Shall’ or ‘Will’ or ‘Must’ is used to indicate a mandatory requirement.
 - (b) ‘Should’ is used to indicate a recommendation.
 - (c) ‘May’ is used to indicate discretion by the Authority, the industry or the applicant, as appropriate.
- Note: The use of the male gender implies the female gender and vice versa.*
5. Paragraphs and sub-paragraphs with new, amended and corrected text will be enclosed within brackets until a subsequent “amendment” is issued.



REVISION RECORD

REVISION NO.	EFFECTIVE DATE	ENTERED BY
Initial Issue Rev 00	25 November 2015	



LIST OF EFFECTIVE PAGES

i	25 Nov 15
ii	25 Nov 15
iii	25 Nov 15
iv	25 Nov 15
1	25 Nov 15
2	25 Nov 15
3	25 Nov 15
4	25 Nov 15
5	25 Nov 15
6	25 Nov 15
7	25 Nov 15
8	25 Nov 15
9	25 Nov 15
10	25 Nov 15
11	25 Nov 15
12	25 Nov 15

-End-



CONTENTS

Forewordi
Revision Record.....ii
List of Effective Pages.....iii
Contentsiv

1. Introduction 1

2. References 1

3. Background..... 2

4. IDERA Recordation..... 3

5. Cancellation of an IDERA or Designation.....4

6. De-registration and Export 5

7. Assignments 6

8. Forms..... 6

Annex 1 IDERA 7

Annex 2 Designation 8

Annex 3 De-registration and Export Request 9

Annex 4 Revocation 10

Annex 5 Safety Rules and Regulations (Ferry Flight Rules) 11



1. Introduction

1.1 The purpose of this regulation is to provide procedures for;

- (a) recording and cancelling an IDERA;
- (b) de-registering aircraft and exporting aircraft objects under an IDERA.

1.2 This regulation applies to aircraft registered in the Republic of San Marino and for purposes of 6.2.2 and 6.3.4, aircraft objects therein located.

2. References

2.1 Authority

The Civil Aviation Authority of the Republic of San Marino has authority to issue this regulation under Art. 5, paragraph 3 of the Delegated Decree n. 60 of 29th April 2015.

2.2 Reference Documents

2.2.1 Convention on International Interests in Mobile Equipment, 2001.

2.2.2 Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment, 2001.

2.2.3 Law no. 125 of 29th July 2015.

2.2.4 Delegated Decree no. 60 of 29th April 2015.

2.3 Definitions

Terms used without definition in this regulation have the meanings given in the Treaty.

Aircraft: an airframe which is part of an aircraft, or a helicopter

- (a) registered or intended to be registered in the Registry, and
- (b) to which the Treaty applies.

Applicant: an entity or person that has applied or is applying for the registration of an Aircraft in the Registry.

Authorised party: an entity or person in favour of whom an IDERA has been issued.

Authority: Civil Aviation Authority of the Republic of San Marino.

Certified designee: an entity or person named in a Designation as the certified designee under an IDERA.

Convention: Convention on International Interests in Mobile Equipment, 2001.

Declarations: the declarations lodged by the Republic of San Marino in connection with its accession to the Convention and Protocol.



De-registration: deletion of the registration of an Aircraft from the Registry and promptly providing a certificate evidencing de-registration to the authorised party or certified designee, as applicable.

Designation: a designation in the form of Annex 2.

Export: export and physical transfer of an aircraft from the territory of the Republic of San Marino.

IDERA: an Irrevocable de-registration and Export Request Authorisation in the form of Annex 1.

Officer: of an entity is;

- (a) a member of its board of directors,
- (b) its chief executive, operating, financial or legal officer,
- (c) a vice president,
- (d) a trustee; or
- (e) any other person or entity whose signing authority is acceptable to the Authority.

Protocol: Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment, 2001.

Record: Evidencing a document in permanent form for authoritative reproduction in the future and retaining that evidence in the registration file for an Aircraft to which the document relates.

Registry: Aircraft registry of the Republic of San Marino.

Related engine: an engine to which the Treaty applies and which is identified by manufacturer's serial number in an IDERA.

Request: a request in the form of Annex 3.

Revocation: a revocation of an IDERA or Designation, as the case may be, in the form of Annex 4.

Signature Authorisation: a document legally authorising execution of a document contemplated by this regulation, including, without restriction, a power of attorney signed by an Officer.

Treaty: the Convention, as modified by the Protocol and including the Declarations.

3. Background

3.1 The Republic of San Marino is a Contracting State to the Convention and Protocol and made a declaration under Article XXX(1) of the Protocol providing for the recording and enforcement of IDERA.

3.2 In addition to other remedies available to a creditor under the Treaty, an authorised party may, upon request made pursuant to an IDERA:

- (a) procure the de-registration and export of an aircraft, and
- (b) procure the export of any related engines.



3.3 Under the Treaty;

- (a) the Authority shall record a properly submitted IDERA;
- (b) the Authority and other administrative authorities shall expeditiously co-operate with and assist an authorised party in the exercise of the de-registration and export remedies;
- (c) the Authority shall honour a request for de-registration made pursuant to an IDERA; and
- (d) the Authority and other administrative authorities shall honour a request for export made pursuant to an IDERA, subject to applicable safety laws and regulations.

4. IDERA Recordation

4.1 Recordation Requirements and Procedures

4.1.1 The Authority will accept and record an IDERA if that IDERA:

- (a) is submitted in writing to the Authority substantially in the form of *Annex 1*;
- (b) identifies an aircraft registered in the Registry; and
- (c) is signed;
 - (1) by an applicant, or, if an applicant is not a natural person, an officer of an applicant, or
 - (2) under a signature authorisation.

4.1.2 If two copies of an IDERA are submitted to the Authority, the Authority will acknowledge receipt of that IDERA by executing one such copy and returning it.

4.1.3 The Authority will;

- (a) Record an IDERA submitted in line with 4.1.1 within five working days of receipt, and
- (b) if requested by the applicant, authorised party or certified designee, promptly confirm that recordation is complete.

4.1.4 The Authority will neither record nor give any effect to an IDERA for an aircraft if another recorded IDERA for that aircraft has not been revoked in line with 5.1.

4.1.5 If an IDERA is recorded, an authorised party, or, if a Designation is also recorded, its certified designee shall be the sole person authorised to deliver a request and exercise the remedies specified in Article IX(1) of the Protocol pursuant to such IDERA.

4.2 certified designee

4.2.1 The Authority will record a Designation if:

- (a) it is submitted in writing to the Authority in the form of *Annex 2*;
- (b) it identifies a recorded IDERA or an IDERA submitted with that Designation;



- (c) no other Designation is recorded for the relevant IDERA, other than a Designation which has been revoked in line with 5.1; and
- (d) it is signed
 - (1) by the authorised party, or, if the authorised party is not a natural person, an officer of the authorised party, or
 - (2) by the foregoing under a signature authorisation.

4.2.2 If two copies of a Designation are submitted to the Authority, the Authority will acknowledge receipt of that Designation by returning one copy, indicating in writing that it was 'received'.

4.2.3 The Authority will;

- (a) Record a Designation submitted in line with 4.2.1 within five working days, and
- (b) upon request from an authorised party or certified designee, promptly confirm that recordation is complete.

5. Cancellation of an IDERA or Designation

5.1 An IDERA or Designation shall be revoked and be of no further effect if a revocation:

- (a) is submitted in writing to the Authority in the form of **Annex 4**;
- (b) identifies a recorded IDERA or Designation, as the case may be; and
- (c) is signed;
 - (1) in the case of an IDERA, by an authorised party, or, in the case of a Designation, by the certified designee; and
 - (2) if the signatory to the revocation is not a natural person, by an officer of the foregoing or by the foregoing under a signature authorisation.

5.2 An applicant shall have no power to issue a revocation or otherwise revoke an IDERA or Designation.

5.3 If two copies of a revocation are submitted to the Authority, the Authority will acknowledge receipt of that revocation by returning one copy, indicating in writing that it was 'received'.

5.4 The Authority will;

- (a) record a revocation submitted in line with 5.1 within five working days; and
- (b) upon request from an applicant, authorised party or certified designee, promptly confirm that recordation is complete.

5.5 Effect of Revocation

5.5.1 The Authority will not accept a request or take any other action relating to an IDERA that has been revoked in line with 5.1.



5.5.2 The Authority will not accept a request from a certified designee or take any other action on request of a certified designee under an IDERA if the Designation of that certified designee has been revoked in line with 5.1.

5.5.3 The validity of an IDERA shall not be affected by revocation of a related Designation.

6. Deregistration and Export

6.1 A request will be accepted by the Authority if that request:

- (a) is submitted in writing substantially in the form of Annex 3;
- (b) identifies an IDERA recorded in the Registry; and
- (c) is signed
 - (1) by an authorised party or a certified designee, or, if the authorised party or certified designee is not a natural person, by an Officer thereof; or
 - (2) by the foregoing under a signature authorisation.

6.2 The Authority will honour each request submitted in line with 6.1.

6.2.1 To the extent so requested, by;

- (a) effecting the de-registration of the aircraft; and
- (b) taking all action within its power to effect or facilitate the export of the aircraft and any related engines.
 - (1) expeditiously, and, in any case, no later than five working days following receipt of the request;
 - (2) without;
 - (i) the consent or approval of the applicant or any other person or entity;
 - (ii) any court or administrative or other order or decision of any kind,
 - (iii) any need for the Authority to investigate external facts; or
 - (iv) imposing any additional requirements; and
 - (3) regardless of whether the authorised party or its certified designee is in possession of the aircraft or related engine and notwithstanding that a related engine is not installed on the aircraft.

6.2.2 In the context of export remedies only, subject to applicable aviation safety laws and regulations. For purposes of this regulation, ‘applicable aviation safety laws and regulations’:

- (a) with respect to aircraft, are those set in Annex 5, which must be met to permit the operation in its airspace of an aircraft under a ferry or other special flight permit issued by the aviation authority of the State of Registration of that aircraft (‘ferry flight rules’); and



- (b) do not include any requirement;
 - (1) for the issuance of an export certificate of airworthiness; or
 - (2) without limiting 6.3, for any documents in the possession of, or any action by, an operator of an aircraft.
- 6.3 A request will have following additional effects:
 - 6.3.1 To the extent within its reasonable control, the authorised party is responsible, promptly following but not as a condition to the de-registration and export of the aircraft, for:
 - (a) removing or covering the Registry's nationality marks on the aircraft;
 - (b) returning to the Authority the original of all the certificates issued by the Authority; and
 - (c) changing the aircraft's transponder code so that it no longer indicates that such aircraft is registered in the Republic of San Marino.
 - 6.3.2 Upon notice to the operator, the aircraft may not be operated unless and until it is re-registered and can be lawfully operated under applicable airworthiness rules.
 - 6.3.3 A request with respect to an aircraft will be honoured under 6.1 and 6.2 without regard to the identity of the engines and other equipment then installed on that aircraft.
 - 6.3.4 Export remedies under 6.1 and 6.2 will be made available for any related engines which are not then installed on the aircraft.
- 6.4 Without limiting the Authority's authority to de-register aircraft under applicable law, an aircraft for which there is a recorded IDERA may not be de-registered on the request of the applicant, unless that IDERA is the subject of a revocation.

7. Assignments

Rights under the documents set out in this regulation may not be assigned except with the express consent of the Authority.

8. Forms

- (a) Annex 1 – IDERA
- (b) Annex 2 – Designation
- (c) Annex 3 – De-registration and Export Request
- (d) Annex 4 – Revocation
- (e) Annex 5 – Safety Rules and Regulations (Ferry Flight Rules)



ANNEX 1

IDERA

[Insert Date]

To: Civil Aviation Authority of the Republic of San Marino

Re: Irrevocable De-registration and Export Request Authorisation

The undersigned is the registered [operator] [owner] of the [insert the airframe/helicopter manufacturer name and model number] bearing manufacturer’s serial number [insert manufacturer’s serial number] and registration marks [insert registration number/mark], with the following related engines [insert description of engines, by model and manufacturer’s serial number] (together with all installed, incorporated or attached accessories, parts and equipment, the ‘aircraft’).

This instrument is an irrevocable de-registration and export request authorisation issued by the undersigned in favour of [insert name of creditor] (the ‘authorised party’) under the authority of Article XIII of the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment. In accordance with that Article, the undersigned hereby requests:

- (i) recognition that the authorised party or the person it certifies as its designee is the sole person entitled to:
 - (a) procure the de-registration of the aircraft from the Aircraft Registry of the Republic of San Marino maintained by the Civil Aviation Authority of the Republic of San Marino for the purposes of Chapter III of the Convention on International Civil Aviation, signed at Chicago, on 7 December 1944, and
 - (b) procure the export and physical transfer of the aircraft from the Republic of San Marino; and
- (ii) confirmation that the authorised party or the person it certifies as its designee (the ‘certified designee’) may take the action specified in clause (i) above on written demand without the consent of the undersigned and that, upon such demand, the authorities in the Republic of San Marino shall co-operate with the authorised party with a view to speedy completion of such action.

The rights in favour of the authorised party established by this instrument may not be revoked by the undersigned without the written consent of the authorised party.

Please acknowledge your agreement to this request and its terms by appropriate notation in the space provided below and lodging this instrument in the Aircraft Registry of the Republic of San Marino.

[insert name of operator / owner]

Agreed to and lodged this
[insert date]

By: [insert name of signatory]
Its: [insert title of signatory]

[insert relevant notational details]



ANNEX 2

DESIGNATION

[Insert Date]

To: Civil Aviation Authority of the Republic of San Marino

Re: Designation Under Irrevocable de-registration and Export Request Authorisation, dated [insert date of IDERA] by [insert name of operator/owner] for the [insert the airframe/helicopter manufacturer name and model number] bearing manufacturer’s serial number [insert manufacturer’s serial number] and registration marks [insert registration number/mark] (the ‘IDERA’)

The undersigned is the authorised party (this and all other terms used in this Designation have the meanings given in the IDERA) under the IDERA.

Under 4.2 of IDERA Regulation the undersigned hereby designates [insert name of certified designee] as the ‘certified designee’ for all purposes of [describe regulation], effective immediately and until this Designation is revoked under 5.1 of CAR IDERA.

[insert name of authorised party]

Agreed to and lodged this
[insert date]

By: [insert name of signatory]
Its: [insert title of signatory]

[insert relevant notational details]



ANNEX 3

REQUEST

[Insert Date]

To: Civil Aviation Authority of the Republic of San Marino

Re: Irrevocable de-registration and Export Request Authorisation, dated [insert date of IDERA] by [insert name of operator/owner] for the [insert the airframe/helicopter manufacturer name and model number] bearing manufacturer’s serial number [insert manufacturer’s serial number] and registration marks [insert registration number/mark] (the ‘IDERA’)

Aircraft: [insert the airframe/helicopter manufacturer name and model number] bearing manufacturer’s serial number [insert manufacturer’s serial number] and registration number [number][mark] [insert registration number/mark]

[Related engines: [if relevant, insert description, by model and manufacturer’s serial number]]

The undersigned is the [authorised party][certified designee] (this and all other terms used in this Designation have the meanings given in the IDERA) under the IDERA.

The undersigned hereby certifies that all registered interests ranking in priority to that of the authorised party have been discharged or that the holders of such interests have consented to the [de-registration and export of the Aircraft][export of the Related Engine].

Under paragraph 6 of the CAR IDERA the undersigned hereby requests as soon as practicable, and, in any case, within five working days [(i) de-registration of the aircraft, with notice of such de-registration immediately thereafter sent to [insert name of state where the aircraft is intended to be subsequently registered] and (ii) co-operation of the Civil Aviation Authority of the Republic of San Marino and other administrative authorities in the Republic of San Marino in the export of the [aircraft][related engine] from the Republic of San Marino.

[insert name of authorised party/certified designee]

Agreed to and lodged this
[insert date]

By: [insert name of signatory]
Its: [insert title of signatory]

[insert relevant notational details]



ANNEX 4

REVOCATION

[Insert Date]

To: Civil Aviation Authority of the Republic of San Marino

Re: Irrevocable De-registration and Export Request Authorisation, dated [insert date of IDERA] by [insert name of operator/owner] for the [insert the airframe/helicopter manufacturer name and model number] bearing manufacturer’s serial number [insert manufacturer’s serial number] and registration marks [insert registration number/mark] (the ‘IDERA’)

[if this is a revocation of a Designation, include: The Designation, dated [insert date of Designation] by [name of authorised party] designating [insert name of certified designee]

The undersigned is the [authorised party][certified designee] (this and all other terms used in this Revocation have the meanings given in the IDERA) under the [IDERA][Designation].

In line with 5.1 of the CAR IDERA the undersigned hereby revokes the [IDERA][Designation], effective immediately.

[insert name of authorised party]

Agreed to and lodged this
[insert date]

By: [insert name of signatory]
Its: [insert title of signatory]

[insert relevant notational details]



ANNEX 5

SAFETY LAWS AND REGULATIONS [(FERRY FLIGHT RULES)]

- Law no. 125 of 29th July 2014 (art. 51).
- CAR 21, Subpart P.
- CAP 02, point 9.



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