



# REPUBLIC OF SAN MARINO

**DELEGATED DECREE no. 60 of 29 April 2015**  
(Ratifying Delegated Decree no. 15 of 13 February 2015)

**We the Captains Regent  
of the Most Serene Republic of San Marino**

*Having regard to Delegated Decree no. 15 of 13 February 2015 “Provisions implementing the Cape Town Convention and its Aircraft Protocol”, which was promulgated:*

*Having regard to Article 71 of Law no. 125 of 29 July 2014, in particular to paragraph 2;*

*Having regard to Decision no. 47 of the Congress of State, adopted in its sitting of 10 February 2015;*

*Having regard to the amendments to the above-mentioned Decree, which were introduced at the time of its ratification by the Great and General Council in its sitting of 27 April 2015;*

*Having regard to Decision no. 20 of 27 April 2015 of the Great and General Council ,*

*Having regard to Article 5, paragraph 3 of Constitutional Law no. 185/2005 and to Articles 8 and 10, paragraph 2 of Qualified Law no. 186/2005;*

*Hereby promulgate and order the publication of the final text of Delegated Decree no. 15 of 13 February 2015,*

*as amended following the approval of the Great and General Council when ratifying it:*

**PROVISIONS IMPLEMENTING THE CAPE TOWN CONVENTION AND ITS  
AIRCRAFT PROTOCOL**

**Art.1**

*(Scope)*

1. This Delegated Decree is issued in order to implement specific provisions of the Cape Town Convention of 16 November 2001 and of its Aircraft Protocol.

**Art. 2**

*(Definitions)*

1. For the purposes of this Decree, the following terms are employed with the meanings set out below:

a) “Authority” means the Civil Aviation and Maritime Navigation Authority of the Republic of San Marino

- b) "Director General" means the Director General of the Authority;
- c) "Convention" means the Cape Town Convention of 16 November 2001;
- d) "Protocol" means the Aircraft Protocol to the Convention;
- e) "International Interest" means international interests as defined in Article 2 of the Convention and regularly registered in the International Registry;
- f) "Creditor" and "debtor" mean, respectively, a chargee and a chargor under a security agreement, as defined in Article 1 of the Convention;
- g) "International Registry" means the Registry established pursuant to article 16 of this Convention;
- h) "National Aircraft Register" means the registry referred to in Article 38 of Law n.125/2014 which contains aircraft registrations, recordings of relevant security interests and leasing contracts in accordance with Chapter IV of the Law.

### **Art. 3**

#### *(Types of registrations)*

1. Holders of security interests or lessors of leasing contracts of aircraft entered in the National Aircraft Register may enter the same interest or contract even in the International Register, where the requirements envisaged by the Convention and the Protocol are met.
2. Registration in the International Registry pursuant to paragraph 1 may be effected regardless of whether the security interest or the leasing contract has been entered or not in the National Aircraft Register under Chapter IV of Law no. 125/2014.

#### *(Art.4 - deleted)*

### **Art. 5**

#### *(De-registration and export of aircraft equipment)*

1. The Director General may procure the de-registration of an aircraft and issue permits to fly in accordance with Article IX of the Protocol if:
  - a) *deleted*
  - b) the creditor is entitled to request the discharge under Article X, paragraph 6, of the Protocol;
  - c) the creditor is entitled to request the de-registration, being authorised by the debtor by means of an irrevocable de-registration and export request authorisation issued under Article XIII of the Protocol. To exercise such remedies the creditor has the right to appoint another person.
2. *Paragraph deleted*
3. With regard to paragraph 1, letter (c), the Director General shall register the irrevocable de-registration and export request authorisation in the National Aircraft Register. The use of this authorization shall be governed by relevant internal regulations and forms issued by the Authority. In any case, the exercise of this remedy is subject to the provisions of Article IX, paragraph 5, letter (b) of the Protocol.

### **Art. 6**

#### *(Amendment to Article 38 of Law no. 125/2014)*

1. The following paragraph 6 *bis* shall be added to Article 38 of Law no. 125/2014:

"6 bis. The owner of the aircraft is assumed to be the owner of all its parts, unless the owner asks the Director General to register a different owner of the engines installed. Such request, signed by the owner of the aircraft and by the owner of the engines, shall be accompanied by a written deed attesting the ownership of the installed engines".

*Done at Our Residence, on 29 April 2015/1714 since the Foundation of the Republic.*

THE CAPTAINS REGENT  
*Andrea Belluzzi – Roberto Venturini*

THE MINISTER OF  
INTERNAL AFFAIRS  
*Gian Carlo Venturini*