

1. Which government authority in your country has primary responsibility for the regulation of aviation and the registration of aircraft?

Civil Aviation Authority

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2. Can foreign-owned aircraft be registered on your national aircraft register, for example when leased to an airline based in your country?

In principle, an aircraft cannot be registered unless it is the exclusive property of an individual with Algerian nationality or belongs to a company incorporated under Algerian law. However if the Aircraft is to be operated by such an Algerian individual or company then the Minister for Civil Aviation may allow the aircraft to be registered as an exception to the principle. This is permitted by article 2 of the act 2000/04 and articles 2 and 3 of Executive Order No. 03-260.

3. Are there any limits/restrictions on the age of the aircraft that may be registered or operated in your country?

No.

4. Who is entitled to have their interests recorded on your national aircraft register?

The Lessor's interest in the Aircraft and a mortgage can be recorded in the aircraft register (article 32 of the act 98-06)

5. Would a mortgage governed by a foreign law over aircraft and/or engines be recognised in your country?

Yes.

6. To be recognised under your laws, must a lease or mortgage over an aircraft and/or engines be in a particular form or language, are there any special terms that it must contain and/or must it be registered or filed anywhere?

The lease or mortgage must be notarized and if signed abroad, legalized by the Algerian consulate

7. If an engine owned by a third party is installed on an aircraft, would your country's law treat that engine as being subject to the same ownership as the aircraft itself? In other words is there a risk that by physical installation, the engine owner loses its title to the engine or that the engine becomes subject to any mortgage which exists over the aircraft on which it is installed? Would a nameplate fixed on the engine, confirming its separate ownership, make any difference?

Yes. Algerian law treats the engine as being subject to the same ownership as the airframe.

8. Has your country ratified and brought into force any of the following aviation related conventions: 1944 Chicago Convention, 1948 Geneva Convention and 2001 Cape Town Convention (with its Aircraft Equipment Protocol)?

Algeria has ratified and brought into force the 1944 Chicago Convention by the Décret Présidentiel n° 2000-416 of 17 December 2000. Algeria has not ratified and brought into force either the 1948 Geneva Convention nor the 2001 Cape Town Convention.

9. Does the local civil aviation authority provide assurances to lessors and financiers as to prompt deregistration of the aircraft (for example the IDERA under the Cape Town Convention)?

No

10. Are powers of attorney from a local airline in favour of a lessor or mortgagee likely to be effective to allow the lessor or mortgagee to deregister the aircraft? Can such powers be irrevocable, be governed by a foreign law and/or do they need to be in any particular form for local recognition?

Yes. Such powers of attorney should be recognised provided they have been notarised and if appropriate, legalised.

11. Are there any charges which would have to be paid before an aircraft can be deregistered from your national register (e.g. local air navigation fees)?

No.

12. Would courts in your country generally uphold a choice of law and jurisdiction clause in an aircraft lease or loan document entered into between commercial parties?

Yes. For example Article 106 of the Civil Code recognises that the parties may choose the law to govern their relationship.

13. If the lease is terminated for lessee default, would the lessor be entitled to repossess (by taking physical possession) of the relevant aircraft or engine or does it need the prior permission or order of a local court or agency?

The lessor can take physical possession of the relevant Aircraft but for that it should get an order from the court.

14. In clear cases of a lessee default is there an effective summary procedure or interim relief available in your courts allowing lessor prompt repossession of the aircraft? Would security be required to avail of such process?

No.

15. What is the procedure for a lender to enforce a mortgage over the aircraft or engine in your country when the borrower is in default? For example must the aircraft be sold by the court or can the lender itself take possession and arrange a sale?

The aircraft must be sold by the court only.

16. Do the courts in your country have experience of repossession / foreclosure action involving aircraft? If so, please provide some details and indicate the time such proceedings generally would be expected to take from start to finish.

Courts in Algeria do not have experience of repossession / foreclosure action involving aircraft

17. Where an aircraft is leased to (i.e. not owned by) the airline operating it, can that airline create liens or encumbrances over the aircraft for example if it fails to pay suppliers, airport charges or maintenance providers? If so, would the existence of any such liens (e.g. in respect of unpaid airport charges) prevent an owner or mortgagee from repossessing the aircraft?

No.

18. Are there any circumstances under your country's laws where a non-operating lessor, owner or a mortgagee could be held liable for damage caused by the aircraft whilst operated by an airline, even if there is no fault on the part of lessor, owner or mortgagee?

No. The owner / lessor cannot be held responsible for faults of the airline operator. Under the law 98-06 on civil aviation, the air carrier (lessee) is solely responsible.

19. Are there any legal requirements in relation to insurance and/or reinsurance of an Aircraft registered in or operated to/from/within your country? For example is there a minimum liability insurance amount required and must some or all of the cover be taken out with local insurers?

Under the law n° 98-06 on civil aviation, any aircraft operator must carry insurance covering its responsibilities, the sum insured must not be less than the legal liability limits.

20. Are there any other specific issues arising under your country's laws that you feel a lessor or financier of aircraft or engines ought to be aware of when considering whether to lease or finance an aircraft to be based or registered in your country?

No