

Newsletter

INDONESIA

INDONESIAN LEGAL DIGEST - AVIATION LAW

Frequently Asked Questions on Irrevocable Deregistration and Export Request Authorization (“IDERA”) in Indonesia

Is IDERA recognized and enforceable in Indonesia?

Yes, IDERA is recognized and enforceable in Indonesia.

What are the regulatory regimes related to IDERA under Indonesian Legal System?

The regulatory regimes related to IDERA are provided in:

- (i) Law No. 1 of 2009 regarding Aviation;
- (ii) Presidential Regulation No. 8 of 2007 regarding the ratification of the Cape Town Convention and the Protocol to the Cape Town Convention;
- (iii) Decree of the Minister of Transportation No. 49 of 2009 regarding Civil Aviation Safety Regulation Part 47 on Aircraft Registration; and
- (iv) Regulation of the Directorate General of Civil Aviation No. 166 of 2009 regarding Staff Instruction No. 47-02 regarding Irrevocable Deregistration and Export Request Authorisation.

Is there any standard IDERA form under Indonesian Law?

Yes, the Directorate General of Civil of Aviation (“**DGCA**”) has issued a standard form for IDERA. Note that this form may change from time to time.

Are there any requirements to ensure enforceability of IDERA?

Yes. The requirements are:

- a. the IDERA must be granted using the bilingual form prescribed by the DGCA; and
- b. the IDERA must be registered with and acknowledged by the DGCA.

Can an IDERA be registered before the registration of the aircraft?

No.

What are the procedures for registering an IDERA?

To register an IDERA, an application must be submitted to the DGCA with the following documents attached:

- a. copy of the certificate of registration of the aircraft issued by the DGCA;
- b. copy of the underlying agreement creating the international interest;
- c. summary of the underlying agreement creating the international interest, signed by an Indonesian legal counsel and addressed to the DGCA; andd. corporate documents confirming the authority of the signatory to the IDERA (e.g. the Articles of Association of the lessee).

Can more than one IDERA be registered over the same aircraft?

No.
