

# Procedure file

| Basic information  |   |
|--|---|
| CNS - Consultation procedure<br>Decision   | 2008/0162(CNS)<br><br>Procedure completed |
| Convention on international interests in mobile equipment and its Protocol on matters specific to aircraft equipment. Cape Town Convention and Aircraft Protocol 2001<br><br>See also <a href="#">2013/0184(NLE)</a><br><br>Subject<br>3.20.01 Air transport and air freight<br>7.40.02 Judicial cooperation in civil and commercial matters |   |

| Key players                   |  |   |            |
|-------------------------------|--|---|------------|
| European Parliament           | Committee responsible                          | Rapporteur                                  | Appointed  |
|                               | <b>JURI</b> Legal Affairs                      | PPE-DE <a href="#">PAPASTAMKOS Georgios</a> | 22/09/2008 |
| Council of the European Union | Council configuration                          | Meeting                                     | Date       |
|                               | <a href="#">Justice and Home Affairs (JHA)</a> | <a href="#">2936</a>                        | 06/04/2009 |
| European Commission           | Commission DG                                  | Commissioner                                |            |
|                               | <a href="#">Justice and Consumers</a>          | BARROT Jacques                              |            |

| Key events |   |   |         |
|------------|---|---|---------|
| 11/08/2008 | Legislative proposal published                                  | <a href="#">COM(2008)0508</a>   | Summary |
| 25/09/2008 | Committee referral announced in Parliament                      |   |         |
| 15/12/2008 | Vote in committee   |   |         |
| 15/12/2008 | Committee report tabled for plenary, 1st reading/single reading | <a href="#">A6-0506/2008</a>  |         |
| 18/12/2008 | Results of vote in Parliament                                   |  |         |
| 18/12/2008 | Decision by Parliament  | <a href="#">T6-0623/2008</a>  | Summary |
| 06/04/2009 | Act adopted by Council after consultation of Parliament         |   |         |
| 06/04/2009 | End of procedure in Parliament                                  |   |         |
| 15/05/2009 | Final act published in Official Journal                         |   |         |

| Technical information |
|-----------------------|
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|----------------------------|---|
| Procedure reference        | 2008/0162(CNS)  |
| Procedure type             | CNS - Consultation procedure  |
| Procedure subtype          | Legislation   |
| Legislative instrument     | Decision  |
|                            | See also <a href="#">2013/0184(NLE)</a>   |
| Legal basis                | EC Treaty (after Amsterdam) EC 300-p2/3-a1; EC Treaty (after Amsterdam) EC 061- |
| Stage reached in procedure | Procedure completed   |
| Committee dossier          | JURI/6/66065  |

### Documentation gateway

|   |                               |            |    |         |
|---|-------------------------------|------------|----|---------|
| Legislative proposal  | <a href="#">COM(2008)0508</a> | 11/08/2008 | EC | Summary |
| Committee draft report  | <a href="#">PE415.002</a>     | 05/11/2008 | EP |         |
| Committee report tabled for plenary, 1st reading/single reading | <a href="#">A6-0506/2008</a>  | 15/12/2008 | EP |         |
| Text adopted by Parliament, 1st reading/single reading          | <a href="#">T6-0623/2008</a>  | 18/12/2008 | EP | Summary |

### Additional information

|                      |                         |
|----------------------|-------------------------|
| National parliaments | <a href="#">IPEX</a>    |
| European Commission  | <a href="#">EUR-Lex</a> |

### Final act

[Decision 2009/370](#)  
[OJ L 121 15.05.2009, p. 0003](#) Summary

## Convention on international interests in mobile equipment and its Protocol on matters specific to aircraft equipment. Cape Town Convention and Aircraft Protocol 2001

**PURPOSE:** conclusion by the European Community of the Convention on International Interests in Mobile Equipment and its Protocol on matters specific to aircraft equipment, adopted jointly in Cape Town on 16 November 2001.

**PROPOSED ACT:** Amended Proposal for a Council Decision.

**CONTENT:** the Commission is proposing that the Community should conclude the Convention on

International Interests in Mobile Equipment ("the Cape Town Convention") and its Protocol on matters specific to aircraft equipment ("the Aircraft Protocol") adopted, at a Diplomatic Conference held in Cape Town from 29 October to 16 November 2001, under the combined auspices of the International Institute for the Unification of Private Law (UNIDROIT) and the International Civil Aviation Organisation (ICAO).

To recall, the Cape Town Convention and Aircraft Protocol are mixed agreements falling partly under exclusive Community competence. In 2002, the Commission presented two proposals for the signing and the conclusion by the Community of these instruments (see [CNS/2002/0312](#)). These proposals contained declarations to be made by the Community on the application of specific provisions of both instruments which affect Community law.

Following discussions in the Civil Law Committee, the file was sent to COREPER in October 2003, but it did not reach adoption because of a dispute between Spain and the United Kingdom relating to the Gibraltar authorities in the context of mixed agreements. This dispute has been solved in December 2007. However the context has substantially changed since December 2003 as a number of new Member States joined the Community and the Convention and Protocol are no more open to signature. Therefore an amended proposal was necessary.

This proposal replaces and updates the following proposals that were presented by the Commission in 2002. In the course of the Cape Town Diplomatic Conference in November 2001, the Community obtained provisions allowing it to apply Community law instead of the Convention and the Aircraft Protocol in matters covered by Regulations (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters and (EC) No 1346/2000 on insolvency proceedings.

At the time of conclusion, to make declarations on the matters falling within the Community's exclusive jurisdiction. These declarations attached in Annex II deal with the following matters:

- interim relief (Article 55 of the Convention and Article X of the Protocol);
- insolvency (Articles XI and XII of the Protocol);
- the application of Article VIII of the Aircraft Protocol on choice of law.

The United Kingdom and Ireland should take part in the adoption and application of this Decision. Denmark shall not take part in the adoption of this Decision and is not bound by it or subject to its application.

## Convention on international interests in mobile equipment and its Protocol on matters specific to aircraft equipment. Cape Town Convention and Aircraft Protocol 2001

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The European Parliament adopted by 570 votes to 12 with 8 abstentions in the framework of the consultation procedure, a legislative resolution approving the amended proposal for a Council decision on the conclusion by the European Community of the Convention on International Interests in Mobile Equipment and its Protocol on matters specific to aircraft equipment, adopted jointly in Cape Town on 16 November 2001.

The report had been tabled for consideration in plenary by Georgios PAPANIKOLAOU (EPP-ED, EL), on behalf of the Committee on Legal Affairs.

## Convention on international interests in mobile equipment and its Protocol on matters specific to aircraft equipment. Cape Town Convention and Aircraft Protocol 2001

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**PURPOSE:** to conclude the Convention on International Interests in Mobile Equipment and its Protocol on matters specific to aircraft equipment, adopted jointly in Cape Town on 16 November 2001.

**LEGISLATIVE ACT:** Council Decision 2009/370/EC on the accession of the European Community to the Convention on international interests in mobile equipment and its Protocol on matters specific to aircraft equipment, adopted jointly in Cape Town on 16 November 2001.

**CONTENT:** the Council adopted a decision approving the accession of the European Community to the Convention on International Interests in Mobile Equipment (the "Cape Town Convention") and the Protocol on matters specific to aircraft equipment (?Aircraft Protocol?). To recall, the Cape Town Convention and its Protocol on matters specific to aircraft equipment was adopted, at a Diplomatic Conference held in Cape Town from 29 October to 16 November 2001, under the combined auspices of the International Institute for the Unification of Private Law (UNIDROIT) and the International Civil Aviation Organisation (ICAO).

In 2002, the Commission presented [two proposals](#) for the signing and the conclusion by the Community of these instruments. These proposals contained declarations to be made by the Community on the application of specific provisions of both instruments which affect Community law.

This Decision replaces and updates the following proposals that were presented by the Commission in 2002. In the course of the Cape Town Diplomatic Conference in November 2001, the Community obtained provisions allowing it to apply Community law instead of the Convention and the Aircraft Protocol in matters covered by Regulations Council Regulations (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters and (EC) No 1346/2000 on insolvency proceedings.

The Community is required, at the time of conclusion, to make declarations on the matters falling within the Community's exclusive jurisdiction. These declarations deal with the following matters:

- interim relief (Article 55 of the Convention and Article X of the Protocol);
- insolvency (Articles XI and XII of the Protocol);
- the application of Article VIII of the Aircraft Protocol on choice of law.

The United Kingdom and Ireland are taking part in the adoption and application of this Decision. Denmark does not take part in the adoption of this Decision and is not bound by it or subject to its application.