

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

2008/0162(CNS) - 06/04/2009 - Final act

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.