



Brussels, 20 September 2017
(OR. en)

12230/17

JUSTCIV 210
ENER 359
IND 218
AGRI 478

'I' ITEM NOTE

From:	Presidency
To:	Permanent Representatives Committee
No. prev. doc.:	12179/17 JUSTICIV 206 AGRI 480 ENER 361 IND 220 + ADD 1 RESTREINT
Subject:	Draft COUNCIL DECISION authorising the opening of negotiations on the conclusion of a Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Agricultural, Construction and Mining Equipment (MAC Protocol) - Approval of a compromise text for a negotiating mandate

I. BACKGROUND

1. On 23 August 2017, the Commission submitted to the Council a Recommendation for a COUNCIL DECISION authorising the opening of negotiations on the conclusion of a Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Agricultural, Construction and Mining Equipment (MAC Protocol).
2. The proposal is based on Article 81(2) of the Treaty on the Functioning of the European Union in conjunction with 218(3) and (4) thereof.
3. The Recommendation was examined by the Working Party on Civil Law Matters (General Questions) at its meeting on 13 September 2017. It was amended, in order to correct technical inaccuracies in the Proposal. The revised text is set out in document 12179/17 + ADD 1 RESTREINT.

4. The United Kingdom and Ireland are bound by Regulation EU (No) 1215/2012 (Brussels I recast), Regulation EU (No) 2015/848 (Insolvency proceedings recast) and Regulation (EC) (No) 593/2008 (Rome I) and are therefore taking part in the adoption of this Decision.
5. In accordance with Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision.

II. CONCLUSION

6. In the light of the above, Coreper is invited to confirm that there is an agreement on the draft Council Decision authorising the opening of negotiations on the conclusion of a Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Agricultural, Construction and Mining Equipment (MAC Protocol), as set out in document 12179/17 + ADD 1 RESTREINT.
7. The draft Council Decision will be submitted to Coreper and Council for adoption once it has been subjected to linguistic review and the 3-month period specified in Protocol 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice is elapsed.
