



Council of the
European Union

Brussels, 21 November 2019
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JUSTCIV 9
TRANS 35
OC 46

DECLASSIFICATION

of document: ST 5609/04 RESTREINT UE

dated: 23 January 2004

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Subject: Recommendation from the Commission to the Council to authorise the Commission to open negotiations for the adoption of a Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Space Assets, under the auspices of UNIDROIT COMMON GUIDELINES
Consultation deadline: 28 January 2004

Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

RESTREINT UE



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 23 January 2004

5609/04

RESTREINT UE

**JUSTCIV 9
TRANS 35
OC 46**

I/A ITEM NOTE

from : General Secretariat of the Council
to : Coreper / Council

No. Cion prop. : 13828/03 JUSTCIV 204 TRANS 266 (RESTREINT UE)

Subject : Recommendation from the Commission to the Council to authorise the Commission to open negotiations for the adoption of a Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Space Assets, under the auspices of UNIDROIT

COMMON GUIDELINES

Consultation deadline: 28 January 2004

1. On 20 October 2003, the Commission submitted to the Council a draft mandate for negotiations for an adoption of a protocol to the convention on International Interests in Mobile Equipment on Matters specific to Space Assets, under the auspices of UNIDROIT.
2. At its meeting on 15 December 2003, the Committee on Civil Law Matters (General questions) had an exchange of views on this draft mandate. Following that meeting, delegations were invited to send their possible comments to this proposal. The result of these comments, that were of a technical nature, were inserted in the text.

RESTREINT UE

3. The United Kingdom and Ireland will take part in the adoption and application of the Decision.
4. In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark will not take part in the adoption of the Decision, and will not be bound by it or subject to its application.
5. In this context, Coreper/Council is invited to:
 - a) authorise the Commission, on matters falling within the exclusive competence of the Community, to open negotiations for the adoption of a Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Space Assets, under the auspices of UNIDROIT;
 - b) appoint a Special Committee to assist the Commission during the negotiations;
 - c) adopt the negotiating directives set out in the Annex.
6. The Commission shall report to the Council on the outcome of the negotiations.

DECLASSIFIED

NEGOTIATING DIRECTIVES

on a future Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Space Assets, under the auspices of UNIDROIT

1. It must be ensured right up to the end of the negotiations that all the Articles of the Space Protocol are compatible with the provisions of Community legislation on jurisdiction and the recognition and enforcement of judgments. Failing this, it must be negotiated to ensure that the instruments include one or more clauses enabling Member States to apply Community Regulation (EC) No 44/2001 in their relations with each other in preference to the Convention and the Protocol.

It must be ensured that Article 55 of the Convention applies to the UNIDROIT Convention as applied to space assets.

2. It must be ensured that the Articles of the Protocol relating to insolvency proceedings are compatible with Regulation (EC) No 1346/2000.

To that end it must be ensured that the current provision of Article XI(1) is maintained in the Protocol so that Article XI is optional, similar to that in Article XI of the Aircraft Equipment Protocol.

3. It must be ensured that the Space Protocol contains an accession clause allowing Regional Economic Integration Organisations, and in particular the European Community, to accede.
