



Council of the
European Union

Brussels, 19 November 2021
(OR. en)

11561/17
ADD 1 DCL 1

JUSTCIV 186
AGRI 439
ENER 345
IND 200

DECLASSIFICATION¹

of document: 11561/17 ADD 1 RESTREINT UE/EU RESTRICTED

dated: 29 August 2017

new status: Public

Subject: ANNEX Directives for the negotiation of a Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Agricultural, Construction and Mining Equipment (MAC Protocol) to the 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)

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

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

¹ Document declassified by the European Commission on 19/10/2021



Council of the
European Union

Brussels, 29 August 2017
(OR. en)

11561/17
ADD 1

RESTREINT UE/EU RESTRICTED

JUSTCIV 186
AGRI 439
ENER 345
IND 200

COVER NOTE

From:	European Commission
date of receipt:	23 August 2017
To:	General Secretariat of the Council
No. Cion doc.:	COM(2017) 448 final
Subject:	ANNEX Directives for the negotiation of a Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Agricultural, Construction and Mining Equipment (MAC Protocol) to the 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)

Delegations will find attached document COM(2017) 448 final.

Encl.: COM(2017) 448 final



EUROPEAN
COMMISSION

Brussels, 23.8.2017
COM(2017) 448 final

ANNEX 1

ANNEX

Directives for the negotiation of a Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Agricultural, Construction and Mining Equipment (MAC Protocol)

to the

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)

DECLASSIFIED

ANNEX

Directives for the negotiation of a Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Agricultural, Construction and Mining Equipment (MAC Protocol)

to the

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)

1. The Commission should ensure right up to the end of negotiations that the MAC Protocol is compatible with the provisions of European Union legislation on jurisdiction, recognition and enforcement of judgements. Failing this, the Commission should ensure that the MAC Protocol include one or more clauses enabling Member States to apply Regulation (EU) No 1215/2012 in their relations with each other in preference to the Cape Town Convention and its MAC Protocol.

It must be ensured that Article 55 of the Cape Town Convention applies to the Protocol as applied to mobile equipment on matters specific to agricultural, construction and mining equipment.

To that end it must be ensured that the current provision of Article IX of the draft MAC Protocol "*Modification of provisions regarding relief pending final determination*" is maintained in the Protocol so that this Article is optional and would be applied only upon a declaration from the Contracting State.

2. It must be ensured that the Articles of the Protocol relating to insolvency proceedings are compatible with Regulation (EU) No 2015/848.

To that end it must be ensured that the current provisions of Article X of the draft MAC Protocol (*Remedies on insolvency*) and Article XI (*Insolvency assistance*) are maintained so that these Articles are optional and would be applied only upon a declaration from the Contracting State.

3. It must be ensured that the current provision of Article VI of the draft MAC Protocol (*Choice of law*) is maintained in the Protocol so that this Article is optional and would be applied only upon a declaration from the Contracting State.

4. It must be ensured that the current provision of Article XXII (*Regional Economic Integration Organisation*) is maintained in the Protocol so that a Regional Economic Integration Organisation established by sovereign States and having competence over matters within the scope of the Protocol may sign, accept, approve or accede to the Protocol as it were a Contracting State.