

**STATUS OF THE EUROPEAN UNION
WITH REGARD TO INTERNATIONAL AIR LAW INSTRUMENTS**

		Date of Signature	Date of Ratification, Accession, Approval	Effective Date
1.	Convention for the Unification of Certain Rules for International Carriage by Air Montreal, 28 May 1999	9/12/99	29/4/04 ^{1, 3}	28/6/04
2.	Convention on International Interests in Mobile Equipment Cape Town, 16/11/01	-	28/4/09 ²	1/8/09
3.	Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment Cape Town, 16/11/01	-	28/4/09 ²	1/8/09
*4.	Convention on Compensation for Damage Caused by Aircraft to Third Parties Montréal, 2/5/09	-	-	-
*5.	Convention on Compensation for Damage to Third Parties, Resulting from Acts of Unlawful Interference Involving Aircraft Montréal, 2/5/09	-	-	-

* Not in force

Historical note

On 1 December 2009, the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community entered into force. As a consequence, as from 1 December 2009, the European Union has replaced and succeeded the European Community.

NOTES

- (1) On 9 February 2010, the Council of the European Union deposited with ICAO a note verbale referring to the entry into force, on 1 December 2009, of the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, and stating: “As a consequence, as from 1 December 2009, the European Union has replaced and succeeded the European Community . . . and has exercised all rights and assumed all obligations of the European Community whilst continuing to exercise existing rights and assume obligations of the European Union.”

The note further states “that, as from 1 December 2009, the European Community has been replaced and succeeded by the European Union in respect of the Convention for the Unification of Certain Rules for International Carriage by Air for which the International Civil Aviation Organization is the depositary and to which the European Community, replaced from 1 December 2009 by the European Union, is a contracting party.”

The instrument of approval by the European Community deposited on 29 April 2004 contains the following declaration: “Declaration concerning the competence of the European Community with regard to matters governed by the Convention of 28 May 1999 for the unification of certain rules for international carriage by air (the Montreal Convention):

1. The Montreal Convention provides that Regional Economic Integration Organisations constituted by sovereign States of a given region, which have competence in respect of certain matters governed by this Convention, may become parties to it.
2. The current Member States of the European Community are the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

3. This declaration is not applicable to the territories of the Member States in which the Treaty establishing the European Community does not apply and is without prejudice to such acts or positions as may be adopted under the Convention by the Member States concerned on behalf of and in the interests of those territories.
4. In respect of matters covered by the Convention, the Member States of the European Community have transferred competence to the Community for liability for damage sustained in case of death or injury of passenger. The Member States have also transferred competence for liability for damage caused by delay and in the case of destruction, loss, damage or delay in the carriage of baggage. This includes requirements on passenger information and a minimum insurance requirement. Hence, in this field, it is for the Community to adopt the relevant rules and regulations (which the Member States enforce) and within its competence to enter into external undertakings with third States or competent organisations*.
5. The exercise of competence which the Member States have transferred to the Community pursuant to the EC Treaty is, by its nature, liable to continuous development. In the framework of the Treaty, the competent institutions may take decisions which determine the extent of the competence of the European Community. The European Community therefore reserves the right to amend the present declaration accordingly, without this constituting a prerequisite for the exercise of its competence with regard to matters governed by the Montreal Convention.”

(2) At the time of accession to the Cape Town Convention and Aircraft Protocol, the European Community made the following declarations:

— **general declarations concerning the competence of the European Community**

- I. Declaration made pursuant to Article 48(2) concerning the competence of the European Community over matters governed by the Convention on International Interests in Mobile Equipment (“Cape Town Convention”) in respect of which the Member States have transferred their competence to the Community
 1. Article 48 of the Cape Town Convention provides that regional economic integration organisations which are constituted by sovereign States and which have competence over certain matters governed by that Convention may accede to it on condition that they make the declaration referred to in Article 48(2). The Community has decided to accede to the Cape Town Convention and is accordingly making that declaration.
 2. The current Members of the Community are the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.
 3. However, this Declaration does not apply to the Kingdom of Denmark, in accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and the Treaty establishing the European Community.
 4. This Declaration is not applicable in the case of the territories of the Member States in which the Treaty establishing the European Community does not apply and is without prejudice to such acts or positions as may be adopted under the Cape Town Convention by the Member States concerned on behalf and in the interests of those territories.
 5. The Member States of the European Community have transferred their competence to the Community as regards matters which affect Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters¹, Council Regulation (EC) No 1346/2000 of 29 May 2000 on insolvency proceedings² and Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I)³.

*Sources:

- 1) Council Regulation (EC) No 2027/97 of 9 October 1997 on air carrier liability in the event of accidents, Official Journal of the European Union, L 285, 17.10.1997, p. 1;
- 2) Regulation (EC) No 889/2002 of the European Parliament and of the Council of 13 May 2002 amending Council Regulation (EC) No 2027/97 on air carrier liability in the event of accidents, Official Journal of the European Union, L 140, 30.05.2002, p. 2.

1 OJ L 12, 16.1.2001, p. 1

2 OJ L 160, 30.6.2000, p. 1

3 OJ L 177, 4.7.2008, p. 6

6. At the time of accession to the Cape Town Convention, the Community will not make any of the declarations permitted under the Articles referred to in Article 56 of the said Convention, with the exception of a declaration concerning Article 55. The Member States keep their competence concerning the rules of substantive law as regards insolvency.
 7. The exercise of the competence which the Member States have transferred to the Community pursuant to the Treaty establishing the European Community is, by its nature, liable to continuous development. In the framework of that Treaty, the competent institutions may take decisions which determine the extent of the competence of the Community. The latter therefore reserves the right to amend this Declaration accordingly, without this constituting a prerequisite for the exercise of its competence with regard to matters governed by the Cape Town Convention.
- II. Declaration pursuant to Article XXVII(2) concerning the competence of the European Community over matters governed by the Aircraft Protocol on matters specific to aircraft equipment (“Aircraft Protocol”), in respect of which the Member States have transferred their competence to the Community
1. Article XXVII of the Aircraft Protocol provides that regional economic integration organisations which are constituted by sovereign States and which have competence over certain matters governed by that Protocol may accede to it on condition that they make the declaration referred to in Article XXVII(2). The Community has decided to accede to the Aircraft Protocol and is accordingly making that declaration.
 2. The current Members of the Community are the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.
 3. However, this Declaration does not apply to the Kingdom of Denmark, in accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and the Treaty establishing the European Community.
 4. This Declaration is not applicable in the case of the territories of the Member States in which the Treaty establishing the European Community does not apply and is without prejudice to such acts or positions as may be adopted under the Aircraft Protocol by the Member States concerned on behalf and in the interests of those territories.
 5. The Member States of the European Community have transferred their competence to the Community as regards matters which affect Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters⁴, Council Regulation (EC) No 1346/2000 of 29 May 2000 on insolvency proceedings⁵ and Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I)⁶.
 6. At the time of accession to the Aircraft Protocol, the Community will not make a declaration pursuant to Article XXX(1) concerning the application of Article VIII nor will it make any of the declarations permitted under Article XXX(2) and (3). The Member States keep their competence concerning the rules of substantive law as regards insolvency.
 7. The exercise of competence which the Member States have transferred to the Community pursuant to the Treaty establishing the European Community is, by its nature, liable to continuous development. In the framework of that Treaty, the competent institutions may take decisions which determine the extent of the competence of the Community. The latter therefore reserves the right to amend this Declaration accordingly, without this constituting a prerequisite for the exercise of its competence with regard to matters governed by the Aircraft Protocol.

— **declarations concerning certain provisions and measures contained in the Cape Town Convention and Aircraft Protocol:**

4 OJ L 12, 16.1.2001, p. 1
5 OJ L 160, 30.6.2000, p. 1
6 OJ L 177, 4.7.2008, p. 6

I. Declaration pursuant to Article 55 of the Cape Town Convention

Pursuant to Article 55 of the Cape Town Convention, where the debtor is domiciled in the territory of a Member State of the Community, the Member States bound by Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters⁷ will apply Articles 13 and 43 of the Cape Town Convention for interim relief only in accordance with Article 31 of Regulation No 44/2001 as interpreted by the Court of Justice of the European Communities in the context of Article 24 of the Brussels Convention of 27 September 1968 on jurisdiction and the enforcement of judgments in civil and commercial matters⁸.

II. Declaration pursuant to Article XXX of the Aircraft Protocol

In accordance with Article XXX(5) of the Aircraft Protocol, Article XXI of the Protocol will not apply within the Community and Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters⁹ will apply to this matter for the Member States bound by the said Regulation or by any other agreement designed to extend its effects.

- (3) On 31 January 2020, the Delegation of the European Union to Canada forwarded a Note Verbale to the Organization concerning the Agreement on the withdrawal of the United Kingdom from the European Union and the European Atomic Energy Community. In the said Note, it requested the Organization to bring the Annex attached thereto “to the attention of the other parties or participants” to “all conventions/agreements/arrangements to which the European Union or the European Atomic Energy Community is a signatory, party or participant, and for which [the] Organization is the depositary or Secretariat”. The text of the Annex to the said Note Verbale is reproduced below:

“Annex to the Note Verbale on the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community

1. On 29 March 2017, the Government of the United Kingdom of Great Britain and Northern Ireland (the “United Kingdom”) notified the European Council of the United Kingdom’s intention to withdraw from the European Union (“Union”) and the European Atomic Energy Community (“Euratom”) in accordance with Article 50 of the Treaty on European Union. On 22 March 2019, the European Council decided in agreement with the United Kingdom to extend the period provided for in Article 50(3) of the Treaty on European Union until 12 April 2019. On 10 April 2019, the European Council decided in agreement with the United Kingdom to extend the period provided for in Article 50(3) of the Treaty on European Union until 31 October 2019. On 29 October 2019, the European Council decided in agreement with the United Kingdom to extend the period provided for in Article 50(3) of the Treaty on European Union until 31 January 2020. The United Kingdom will therefore cease to be a Member State of the European Union and of Euratom on 1 February 2020.

2. On 24 January 2020, the Union and Euratom, and the United Kingdom, in accordance with Article 50, paragraph 2, of the Treaty on European Union, signed an Agreement setting out the arrangements for the withdrawal of the United Kingdom from the Union and Euratom (“Withdrawal Agreement”)³. The Withdrawal Agreement will enter into force on 1 February 2020, subject to its prior ratification by the United Kingdom and conclusion by the Union and Euratom.

[³The text of the Withdrawal Agreement can be consulted in the Official Journal of the European Union of 12 November 2019, C 384 I, p. 1.]

3. In order to address the specific situation of the withdrawal of the United Kingdom from the Union and Euratom, the Withdrawal Agreement provides for a time-limited transition period during which, save certain very limited exceptions, Union law shall be applicable to and in the United Kingdom and that any reference to Member States in Union law, including as implemented and applied by Member States, shall be understood as including the United Kingdom.

4. The Union and Euratom, and the United Kingdom have agreed that Union law within the meaning of the Withdrawal Agreement encompasses international agreements concluded by the Union (or Euratom), or by Member States acting on behalf of the Union (or Euratom), or by the Union (or Euratom) and its Member States jointly.

5. Subject to timely ratification and conclusion of the Withdrawal Agreement, the Union and Euratom notify parties to the international agreements referred to in point 4 above that, during the transition period, the United Kingdom is treated as a Member State of the Union and of Euratom for the purposes of these international agreements.

7 OJ L 12, 16.1.2001, p. 1

8 OJ L 299, 31.12.1972, p. 1

9 OJ L 12, 16.1.2001, p. 1

6. It is understood that the principles set out in this Annex also extend to international instruments and arrangements without legally binding force entered into by the Union or Euratom and to international agreements referred to in point 4 above which are provisionally applied.
7. The provisions relating to the transition period are laid down in Part Four (Articles 126 to 132) of the Withdrawal Agreement, to be read in conjunction with the other relevant provisions of the Withdrawal Agreement, in particular its Part One.
8. The transition period starts on 1 February 2020 and ends on 31 December 2020, but the Withdrawal Agreement foresees the possibility of adopting a single decision extending the transition period for up to 24 months. In the event of an extension, the Union and Euratom will communicate this by a further Note Verbale.
9. At the end of the transition period, the United Kingdom will no longer be covered by the international agreements referred to in points 4 and 6 above. This is without prejudice to the status of the United Kingdom in relation to multilateral agreements to which it is a party in its own right.”