

**No. 53483\***

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## **Multilateral**

**Convention on Choice of Court Agreements. The Hague, 30 June 2005**

**Entry into force:** *1 October 2015, in accordance with article 31*

**Authentic texts:** *English and French*

**Registration with the Secretariat of the United Nations:** *Netherlands, 2 February 2016*

**Note:** *See also annex A, No. 53483.*

*\*No UNTS volume number has yet been determined for this record. The Text(s) reproduced below, if attached, are the authentic texts of the agreement /action attachment as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are not final and are provided for information only.*

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## **Multilatéral**

**Convention sur les accords d'élection de for. La Haye, 30 juin 2005**

**Entrée en vigueur :** *1<sup>er</sup> octobre 2015, conformément à l'article 31*

**Textes authentiques :** *anglais et français*

**Enregistrement auprès du Secrétariat des Nations Unies :** *Pays-Bas, 2 février 2016*

**Note :** *Voir aussi annexe A, No. 53483.*

*\*Aucun numéro de volume n'a encore été attribué à ce dossier. Les textes disponibles qui sont reproduits ci-dessous sont les textes originaux de l'accord ou de l'action tels que soumis pour enregistrement. Par souci de clarté, leurs pages ont été numérotées. Les traductions qui accompagnent ces textes ne sont pas définitives et sont fournies uniquement à titre d'information.*

Participant	Ratification and Accession (a)		
European Union (with reservations and declaration)	11 Jun	2015	
Mexico	26 Sep	2007	a

**Note:** The texts of the declarations and reservations are published after the list of Parties -- Les textes des déclarations et réserves sont reproduits après la liste des Parties.

**Participant****Ratification et Adhésion (a)**

Mexique

26 sept 2007 a

Union européenne (avec réserves et déclaration) 11 juin 2015

*Reservations and declaration made upon  
Ratification**Réserves et déclaration faites lors de la  
Ratification***EUROPEAN UNION****UNION EUROPÉENNE**



The objective of this declaration which excludes certain types of insurance contracts from the scope of the Convention is to protect certain policyholders, insured parties and beneficiaries who, according to internal EU law, receive special protection.

1. The European Union declares, in accordance with Article 21 of the Convention, that it will not apply the Convention to insurance contracts, except as provided for in paragraph 2 below.

2. The European Union will apply the Convention to insurance contracts in the following cases:

- (a) where the contract is a reinsurance contract;
- (b) where the choice of court agreement is entered into after the dispute has arisen;
- (c) where, without prejudice to Article 1 (2) of the Convention, the choice of court agreement is concluded between a policyholder and an insurer, both of whom are, at the time of the conclusion of the contract of insurance, domiciled or habitually resident in the same Contracting State, and that agreement has the effect of conferring jurisdiction on the courts of that State, even if the harmful event were to occur abroad, provided that such an agreement is not contrary to the law of that State;
- (d) where the choice of court agreement relates to a contract of insurance which covers one or more of the following risks considered to be large risks:
  - (i) any loss or damage arising from perils which relate to their use for commercial purposes, of, or to:
    - (a) seagoing ships, installations situated offshore or on the high seas or river, canal and lake vessels;
    - (b) aircraft;
    - (c) railway rolling stock;
  - (ii) any loss of or damage to goods in transit or baggage other than passengers' baggage, irrespective of the form of transport;
  - (iii) any liability, other than for bodily injury to passengers or loss of or damage to their baggage, arising out of the use or operation of:
    - (a) ships, installations or vessels as referred to in point (i)(a);
    - (b) aircraft, in so far as the law of the Contracting State in which such aircraft are registered does not prohibit choice of court agreements regarding the insurance of such risks;
    - (c) railway rolling stock;
  - (iv) any liability, other than for bodily injury to passengers or loss of or damage to their baggage, for loss or damage caused by goods in transit or baggage as referred to in point (ii);
  - (v) any financial loss connected with the use or operation of ships, installations, vessels, aircraft or railway rolling stock as referred to in point (i), in particular loss of freight or charter-hire;
  - (vi) any risk or interest connected with any of the risks referred to in points (i) to (v);
  - (vii) any credit risk or suretyship risk where the policy holder is engaged professionally in an industrial or commercial activity or in one of the liberal professions and the risk relates to such activity;
  - (viii) any other risks where the policy holder carries on a business of a size which exceeds the limits of at least two of the following criteria:
    - (a) a balance-sheet total of EUR 6,2 million;
    - (b) a net turnover of EUR 12,8 million;
    - (c) an average number of 250 employees during the financial year.

The European Union makes the following unilateral declaration:

The European Union declares that it may, at a later stage in the light of the experience acquired in the application of the Convention, reassess the need to maintain its declaration under Article 21 of the Convention.