

Naghti l-kunsens tieghi.

(L.S.)

EDWARD FENECH ADAMI
President

4 ta' April, 2006

ATT Nru. III ta' l-2006

ATT biex jipprovdi għar-Ratifika tal-Konvenzjoni ta' Adeżjoni ta' l-14 ta' April 2005 għall-Konvenzjoni ta' Ruma ta' l-1980 fuq il-liġi li tapplika għal obbligazzjonijiet kuntrattwali u għall-Ewwel u t-Tieni Protokoll relattivi.

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità ta' l-istess, hareġ b'liġi dan li ġej:-

TAQSIMA I

1. It-titolu fil-qosor ta' dan l-Att hu Att ta' l-2006 li Jirratifika l-Konvenzjoni ta' Ruma fuq l-Obbligazzjonijiet Kuntrattwali. Titolu fil-qosor.

2. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma tkunx tehtieg xort'ohra: Tifsir.

“Konvenzjoni ta' Adeżjoni ta' l-2005” tfisser il-Konvenzjoni ta' l-14 ta' April 2005 fuq l-Adeżjoni tar-Repubblika Ċeka, ir-Repubblika ta' l-Estonja, ir-Repubblika ta' Ċipru, ir-Repubblika tal-Latvja, ir-Repubblika tal-Litwanja, ir-Repubblika ta' l-Ungerija, ir-Repubblika ta' Malta, ir-Repubblika tal-Polonja, ir-Repubblika tas-Slovenja u r-Repubblika Slovakka għall-Konvenzjoni fuq il-liġi li tapplika għal Obbligazzjonijiet Kuntrattwali miftuħa għall-firem f'Ruma fid-19 ta' Ġunju 1980 u għall-Ewwel u t-Tieni Protokoll li jinsabu magħha fuq l-interpretazzjoni mill-Qorti tal-Ġustizzja tal-Komunitajiet Ewropej;

“Konvenzjoni ta’ Ruma” tfisser il-Konvenzjoni fuq il-liġi li tapplika ghal Obbligazzjonijiet Kuntrattwali miftuha ghall-firem f’Ruma fid-19 ta’ Ġunju 1980 u ghall-Ewwel u t-Tieni Protokolli li jinsabu magħha fuq l-interpretazzjoni mill-Qorti tal-Ġustizzja tal-Komunitajiet Ewropej;

“il-Ministru” tfisser il-Ministru responsabbli għall-ġustizzja;

“Stat Kontraenti”, għar-rigward u għall-finijiet tal-Konvenzjoni ta’ Ruma, kif din għandha l-forza ta’ liġi f’Malta, tfisser dawk l-Istati Membri ta’ l-Unjoni Ewropea li huma minn żmien għal żmien partijiet għall-Konvenzjoni ta’ Ruma u li huma minn żmien għal żmien speċifikati mill-Ministru b’ordni magħmula taħt l-artikolu 4;

“tordna” tfisser tordna b’regolamenti magħmulin taħt dan l-Att.

Ratifika
tal-Konvenzjoni
ta’ Adeżjoni ta’
l-2005.

3. Il-Gvern ta’ Malta huwa b’dan awtorizzat jirratifika l-Konvenzjoni ta’ Adeżjoni ta’ l-2005.

Stati Kontraenti.

4. (1) Il-Ministru jista’, b’ordni fil-Gazzetta, minn żmien għal żmien jispeċifika liema jkun l-Istati Kontraenti, minbarra Malta, għall-finijiet tal-Konvenzjoni ta’ Ruma.

(2) Ordni bħal dak għandu jkun jispeċifika d-data tad-dhul fis-seħh tal-Konvenzjoni ta’ Ruma, bejn Malta u Stat li jkun speċifikat fl-ordni.

Il-Konvenzjoni
ta’ Ruma jkollha
forza ta’ liġi.

5. (1) Il-Konvenzjoni ta’ Ruma għandu jkollha, bla hsara għad-disposizzjonijiet ta’ dan l-Att, forza ta’ liġi f’Malta minn dik id-data li l-Ministru jista’ jordna.

(2) Il-Konvenzjoni ta’ Adeżjoni ta’ l-2005 u l-Konvenzjoni ta’ Ruma għandhom jiġu inkluzi fl-Ewwel u t-Tieni Skedi rispettivament ta’ dan l-Att u dawk l-iskedi jistgħu minn żmien għal żmien jiġu emendati skond ma jista’ jiġi ordnat mill-Ministru għall-fini li dawn jinżammu agġornati mat-test uffiċjali ta’ dawk il-Konvenzjonijiet skond ma dan jidher fil-Ġurnal Uffiċjali ta’ l-Unjoni Ewropea.

Setgħa li jsiru
regolamenti.

6. Il-Ministru jista’ jagħmel regolamenti fejn jordna kull ma hu, bis-saħħa ta’ dan l-Att, meħtieġ li jiġi ordnat jew li jista’ jiġi ordnat u generalment sabiex jitwettqu d-disposizzjonijiet ta’ dan l-Att u biex issir kull haġa li tista’ tinħtieġ għall-fini li jiġu sodisfatti l-obbligazzjonijiet ta’ Malta taħt il-Konvenzjoni ta’ Ruma.

7. L-Att dwar l-Unjoni Ewropea ghandu jiġi emendat kif ġej:-

Emenda ta' l-Att
dwar l-Unjoni
Ewropea, Kap. 460.

(a) fl-artikolu 2 ta' l-Att, minnufih qabel id-definizzjoni "il-Komunitajiet", ghandha tiġi miżjuda din id-definizzjoni ġdida li ġejja:

“ “atti adottati mill-Unjoni Ewropea” jinkludu regolamenti, direttivi, u atti ohra li Malta ghandha l-obbligu bhala Stat Membru ta' l-Unjoni Ewropea li taderixxi ghalihom, trattati u konvenzjonijiet internazzjonali li Malta tista' taderixxi ghalihom bis-sahha tas-shubija fl-Unjoni Ewropea, u trattati u konvenzjonijiet internazzjonali li Malta ghandha obbligu li tirratifika f' isimha propju jew ghan-nom tal-Komunità Ewropea bis-sahha tas-shubija taghha fl-Unjoni Ewropea;” u

(b) fis-subartikolu (2) ta' l-artikolu 4 ta' l-Att, minflok il-kliem “jew drittijiet kif hawn qabel imsemmija.” ghandhom jidhlu l-kliem “jew drittijiet kif hawn qabel imsemmija:

Izda fil-każ ta' trattati u konvenzjonijiet internazzjonali li Malta tista' taderixxi ghalihom bis-sahha tas-shubija fl-Unjoni Ewropea, u trattati u konvenzjonijiet internazzjonali li Malta ghandha obbligu li tirratifika f' isimha proprju jew ghan-nom tal-Komunità Ewropea bis-sahha tas-shubija taghha fl-Unjoni Ewropea, dawn jiġu fis-sehh xahar wara li jiġu riferiti sabiex jiġu diskussi fil-Kumitat Permanenti dwar l-Affarijiet Ewropej u Barranin.”.

TAQSIMA II

8. Din it-Taqsima temenda u ghandha tinqara u tiftiehem bhala haġa wahda ma' l-Ordinanza dwar l-Akkwist ta' l-Artijiet ghal Skopijiet Pubbliċi, hawnhekk iżjed 'il quddiem f'din it-Taqsima msejha “l-Ordinanza prinċipali”.

Emenda ta'
l-Ordinanza dwar
l-Akkwist ta'
l-Artijiet ghal
Skopijiet Pubbliċi,
Kap. 88.

9. Minnufih wara l-proviso tas-subartikolu (3) ta' l-artikolu 12 ta' l-Ordinanza prinċipali, ghandu jiżdied dan il-proviso ġdid li ġej:

Emenda ta'
l-artikolu 12
ta' l-Ordinanza
prinċipali.

“Izda meta jinhareġ Avviż ghall-Ftehim taht din l-Ordinanza, u l-persuna li jkollha jedd ghall-kumpens tkun ghażlet li ma taċċettax il-prezz offrut fl-avviż, imghax sempliċi bir-rata ta' hamsa fil-mija fis-sena ghandu jibqa' ghaddej fuq il-valur ta' l-art mahdum skond Skeda 3 li tinsab f'din l-Ordinanza u ghaż-żmien hemm indikat favur kull min ghandu jedd ghall-kumpens dwar xi art miksuba bix-xiri assolut taghha taht din l-Ordinanza.”.

Emenda ta' l-artikolu 22 ta' l-Ordinanza prinċipali.

10. Fit-tieni proviso mas-subartikolu (3) ta' l-artikolu 22 ta' l-Ordinanza prinċipali, il-kelma “qliegħ” kull fejn tidher f’ dan il-proviso għandha tiġi mhassra u sostitwita bil-kelma “dħul”.

Emenda ta' l-Iskeda 2 ta' l-Ordinanza prinċipali.

11. Fl-Iskeda 2 ta' l-Ordinanza prinċipali, il-formula

$$\left(\frac{A-B}{2} \right) \times \left(\frac{5}{100} \right) \times \left(\frac{\dot{C}}{365} \right)$$

għandha tiġi mhassra u sostitwita bil-formula li ġejja:

$$\left(\frac{A+B}{2} \right) \times \left(\frac{5}{100} \right) \times \left(\frac{\dot{C}}{365} \right)$$

Żieda ta' Skeda ġdida ma' l-Ordinanza prinċipali.

12. Minnufih wara l-Iskeda 2 ta' l-Ordinanza prinċipali għandha tiżdied is-segwenti Skeda ġdida:

“SKEDA 3

**Artikolu 12(3)
it-tieni proviso**

$$\left(\frac{P+Q}{2} \right) \times \left(\frac{5}{100} \right) \times \left(\frac{R}{365} \right)$$

fejn “P” hu l-valur ta' l-art iffissat fl-Avviz għall-Ftehim;

“Q” hu l-valur ta' l-art iffissat mill-Bord ta' l-Arbitraġġ dwar l-Artijiet; u

“R” hu n-numru ta' granet li għaddew bejn id-data tat-tehid tal-pussess ta' l-art mill-awtorità kompetenti, u d-data tat-trasferiment tat-titolu b' xiri assolut lill-Gvern ta' Malta.”.

TAQSIMA III

13. Din it-Taqsima temenda u ghandha tinqara u tinftiehem bhala haġa wahda ma' l-Att ta' l-2005 dwar Azzjonijiet Ġudizzjarji (Mizuri Varji), hawnhekk iżjed 'il quddiem f'din it-Taqsima msejjah "l-Att prinċipali" u ghandha titqies li giet fis-sehh fis-16 ta' Jannar, 2006.

Emenda ta' l-Att ta' l-2005 dwar Azzjonijiet Ġudizzjarji (Mizuri Varji).

14. Minnufih wara l-artikolu 76 ta' l-Att prinċipali ghandu jiżdedied dan l-artikolu ġdid li ġej:

Żieda ta' artikolu ġdid ma' l-Att prinċipali.

"Interpretazzjoni tal-Liġijiet, eċċ.

76A. (1) Meta, skond id-disposizzjonijiet ta' xi liġi, xi proċediment legali ghandu jinbeda permezz ta' ċitazzjoni, dak il-proċediment jista', minkejja d-disposizzjonijiet ta' dik il-liġi jew ta' xi liġi ohra, jinbeda permezz ta' rikors ġuramentat u dak ir-rikors ġuramentat ghandu, mis-16 ta' Jannar, 2006, jitqies li jissodisfa kompletament, il-htigiet ta' kull liġi li biha hemm stipulata proċedura ta' ċitazzjoni.

(2) Il-Ministru responsabbli għall-ġustizzja jista', b'regolamenti, jemenda d-disposizzjonijiet ta' kull liġi biex jipprovdi li kull proċedura ġudizzjarja li ghandha tinbeda b'ċitazzjoni tinbeda permezz ta' rikors ġuramentat."

TAQSIMA IV

15. Din it-Taqsima temenda u ghandha tinqara u tinftiehem bhala haġa wahda ma' l-Ordinanza dwar il-Kummissjunarji b'setgħa li Jagħtu Ġurament, hawnhekk iżjed 'il quddiem f'din it-Taqsima msejha "l-Ordinanza prinċipali".

Emenda ta' l-Ordinanza dwar il-Kummissjunarji b'setgħa li Jagħtu Ġurament, Kap. 79.

16. Fil-proviso ta' l-artikolu 4 ta' l-Ordinanza prinċipali, il-kliem "jew prokuraturi legali" għandhom jithassru.

Emenda ta' l-artikolu 4 ta' l-Ordinanza prinċipali.

TAQSIMA V

17. Din it-Taqsima temenda u ghandha tinqara u tinftiehem bhala haġa wahda ma' l-Att dwar ir-Ratifika ta' Konvenzjonijiet dwar Proċeduri Legali, hawnhekk iżjed 'il quddiem f'din it-Taqsima msejjah "l-Att prinċipali".

Emenda ta' l-Att dwar ir-Ratifika ta' Konvenzjonijiet dwar Proċeduri Legali, Kap. 443.

18. L-artikolu 2 ta' l-Att prinċipali ghandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 2 ta' l-Att prinċipali.

(a) it-tifsira ta' "Il-Konvenzjoni ta' Lugano ta' 1-1988" ghandha tithassar; u

(b) fit-tifsira "Konvenzjonijiet", il-kliem "u Il-Konvenzjoni ta' Lugano ta' 1-1988" ghandhom jithassru.

Emenda ta' l-artikolu 4 ta' l-Att princġipali.

19. Fis-subartikolu (1) ta' l-artikolu 4 ta' l-Att princġipali, il-kliem "minbarra l-Konvenzjoni ta' Lugano ta' 1-1988," ghandhom jithassru.

Thassir ta' Taqsima u artikoli ta' l-Att princġipali.

20. It-Taqsima V, flimkien ma' l-artikoli 29 sa 40 (it-tnejn inkluġi) li jinsabu minnufih wara l-artikolu 28 ta' l-Att princġipali ghandhom jithassru.

Emenda ta' l-Ewwel Skeda ta' l-Att princġipali.

21. It-Taqsima D ta' l-Ewwel Skeda ta' l-Att princġipali ghandha tithassar.

Emenda tal-Hames Skeda ta' l-Att princġipali.

22. Il-paragrafi 3 u 4 tal-Hames Skeda ta' l-Att princġipali ghandhom jithassru.

L-EWWEL SKEDA

KONVENZJONI

DWAR L-ADEŻJONI TAR-REPUBBLIKA ĊEKA, IR-REPUBBLIKA TA' L-ESTONJA, IR-REPUBBLIKA TA' ĊIPRU, IR-REPUBBLIKA TAL-LATVJA, IR-REPUBBLIKA TAL-LITWANJA, IR-REPUBBLIKA TA' L-UNGERIJA, IR-REPUBBLIKA TA' MALTA, IR-REPUBBLIKA TAL-POLONJA, IR-REPUBBLIKA TAS-SLOVENJA U R-REPUBBLIKA SLOVAKKA GHALL-KONVENZJONI DWAR IL-LIĠI APPLIKABBLI GHAL OBBLIGI KUNTRATTWALI, MIFTUHA GHALL-FIRMA F'RUMA FID-19 TA' ĠUNJU 1980, U GHALL-EWWEL U T-TIENI PROTOKOLLI DWAR L-INTERPRETAZZJONI TAGHHA MILL-QORTI TAL-ĠUSTIZZJA TAL-KOMUNITAJIET EWROPEJ

IL-PARTIJIET KONTRAENTI GHOLJA GHAT-TRATTAT LI JISTABILIXXI L-KOMUNITA EWROPEA,

FILWAQT LI JŻOMMU F'MOHHOM l-Att dwar il-kondizzjonijiet ta' l-adeżjoni tar-Repubblika Ċeka, ir-Repubblika ta' l-Estonja, ir-Repubblika ta' Ċipru, ir-Repubblika tal-Latvja, ir-Repubblika tal-Litwanja, ir-Repubblika ta' l-Ungerija, ir-Repubblika ta' Malta, ir-Repubblika tal-Polonja, ir-Repubblika tas-Slovenja u r-Repubblika Slovakka u l-aġġustamenti għat-Trattati li fuqhom hi mibnija l-Unjoni Ewropea, u b'mod partikolari l-Artikolu 5(2) tiegħu,

FILWAQT LI JIFTAKRU li ladarba saru Membri ta' l-Unjoni Ewropea, l-Istati Membri godda ħadu r-responsabbiltà li jaderixxu għall-Konvenzjoni dwar il-Liġi applikabbli għal Obbligi Kuntrattwali, miftuħa għall-firma f'Ruma fid-19 ta' Ġunju 1980, u għall-Ewwel u t-Tieni Protokolli dwar l-interpretazzjoni tagħha mill-Qorti tal-Ġustizzja, kif modifikata bil-Konvenzjoni ffirmata fil-Lussemburgu fl-10 ta' April 1984, dwar l-adeżjoni tar-Repubblika Ellenika, il-Konvenzjoni ffirmata f'Funchal fit-18 ta' Mejju 1992 dwar l-adeżjoni tar-Renju ta' Spanja u r-Repubblika Portugiża, u l-Konvenzjoni ffirmata fi Brussell fid-29 ta' Novembru 1996 dwar l-adeżjoni tar-Repubblika ta' l-Awstrija, ir-Repubblika tal-Finlandja u r-Rejnu ta' l-Iżvezja,

FTIEHMU KIF ĠEJ:

TITOLU I

DISPOŻIZZJONIJIET ĠENERALI

Artikolu 1

Ir-Repubblika Ċeka, ir-Repubblika ta' l-Estonja, ir-Repubblika ta' Ċipru, ir-Repubblika tal-Latvja, ir-Repubblika tal-Litwanja, ir-Repubblika ta' l-Ungerija, ir-Repubblika ta' Malta, ir-Repubblika tal-Polonja, ir-Repubblika tas-Slovenja u r-Repubblika Slovakka b'dan jaderixxu għal:

- (a) il-konvenzjoni dwar il-liġi applikabbli għal obbligi kuntrattwali, miftuħa għall-firma f'Ruma fid-19 ta' Ġunju 1980, minn issa 'l quddiem imsejha "il-Konvenzjoni ta' l-1980", kif inhi wara l-inkorporazzjoni ta' l-aġġustamenti u l-emendi magħmula għaliha minn:
- Il-Konvenzjoni ffirmata fil-Lussemburgu fl-10 ta' April 1984, minn issa 'l quddiem imsejha "il-Konvenzjoni ta' l-1984", dwar l-adeżjoni tar-Repubblika Ellenika għall-Konvenzjoni dwar il-Liġi applikabbli għal Obbligi Kuntrattwali,
 - Il-Konvenzjoni ffirmata f'Funchal fit-18 ta' Mejju 1992, minn issa 'l quddiem imsejha "il-Konvenzjoni ta' l-1992", dwar l-adeżjoni tar-Renju ta' Spanja u r-Repubblika Portugiża għall-Konvenzjoni dwar il-Liġi applikabbli għal Obbligi Kuntrattwali,
 - Il-Konvenzjoni ffirmata fi Brussell fid-29 ta' Novembru 1996, minn issa 'l quddiem imsejha "il-Konvenzjoni ta' l-1996", dwar l-adeżjoni tar-Repubblika ta' l-Awstrija, ir-Repubblika tal-Finlandja u r-Renju ta' l-Iżvezja għall-Konvenzjoni dwar il-Liġi applikabbli għal Obbligi Kuntrattwali,
- (b) l-Ewwel Protokoll, iffirmit fid-19 ta' Diċembru 1988, minn issa 'l quddiem imsejjah "l-Ewwel Protokoll ta' l-1988" dwar l-interpretazzjoni mill-Qorti tal-Ġustizzja tal-Komunitajiet Ewropej tal-Konvenzjoni dwar il-Liġi applikabbli għal Obbligi Kuntrattwali, kif inhi wara l-inkorporazzjoni ta' l-aġġustamenti u l-emendi magħmula għalih bil-Konvenzjoni ta' l-1992 u l-Konvenzjoni ta' l-1996;
- (c) it-Tieni Protokoll, iffirmit fid-19 ta' Diċembru 1988, minn issa 'l quddiem imsejjah "it-Tieni Protokoll ta' l-1988", li jikkonferixxi lill-Qorti tal-Ġustizzja tal-Komunitajiet Ewropej ċerti setgħat biex tinterpreta l-Konvenzjoni dwar il-Liġi applikabbli għal Obbligi Kuntrattwali.

TITOLU II

AĠĠUSTAMENTI GĦALL-EWWEL PROTOKOLL TA' L-1988

Artikolu 2

L-inċizi li ġejjin għandhom jiġu mdaħħla fl-Artikolu 2(a):

(a) bejn l-ewwel u t-tieni inċiż:

“ - fir-Repubblika Ċeka:
Nejvyšší soud České republiky
Nejvyšší správní soud”

(b) bejn it-tielet u r-raba' inċiż:

“ - fl-Estonja:

Riigikohus”

(ċ) bejn it-tmien u d-disa’ inciz:

“ - f’ Ċipru:

Ανώτατο Δικαστήριο

- fil-Latvja:

Augstākās Tiesas Senāts

- fil-Litwanja:

Lietuvos Aukščiausiasis Teismas

Lietuvos vyriausiasis administracinis teismas’

(d) bejn id-disa’ u l-ghaxar inciz:

“ - fl-Ungerija:

Legfelsobb Birosag

- f’ Malta:

Qorti ta’ l-Appell”

(e) bejn il-ħdax u t-tnax inciz:

“ - fil-Polonja:

Sąd Najwyższy

Naczelny Sąd Administracyjny’

(f) bejn it-tnax u t-tlettax inciz:

“ - fis-Slovenja:

Ustavno sodišče Republike Slovenije

Vrhovno sodišče Republike Slovenije

- fis-Slovakkja:

Najvyšší súd Slovenskej republiky”.

TITOLU III

DISPOŻIZZJONIJIET FINALI

Artikolu 3

1. Is-Segretarju Ġenerali tal-Kunsill ta’ l-Unjoni Ewropea għandu jgħaddi kopja ċertifikata tal-Konvenzjoni ta’ l-1980, il-Konvenzjoni ta’ l-1984, l-Ewwel Protokoll ta’ l-1988, it-Tieni Protokoll ta’ l-1988, il-Konvenzjoni ta’ l-1992 u l-Konvenzjoni ta’ l-1996 fil-lingwa Spanjola, Daniża, Ġermaniża, Griega, Ingliża, Franciża, Taljana, Olandiża,

Portugiża, Finlandiża u Svediża lill-Gvernijiet tar-Repubblika Ċeka, ir-Repubblika ta' l-Estonja, ir-Repubblika ta' Ċipru, ir-Repubblika tal-Latvja, ir-Repubblika tal-Litwanja, ir-Repubblika ta' l-Ungerija, ir-Repubblika ta' Malta, ir-Repubblika tal-Polonja, ir-Repubblika Slovakka u r-Repubblika tas-Slovenja.

2. It-test tal-Konvenzjoni ta' l-1980, il-Konvenzjoni ta' l-1984, l-Ewwel Protokoll ta' l-1988, it-Tieni Protokoll ta' l-1988, il-Konvenzjoni ta' l-1992 u l-Konvenzjoni ta' l-1996 fil-lingwa Ċeka, Estonjana, Ungerija, Latvjana, Litwana, Maltija, Pollakka, Slovakka u Slovena għandhom ikunu awtentiċi taħt l-istess kundizzjonijiet bħat-testi l-oħra tal-Konvenzjoni ta' l-1980, il-Konvenzjoni ta' l-1984, l-Ewwel Protokoll ta' l-1988, it-Tieni Protokoll ta' l-1988, il-Konvenzjoni ta' l-1992 u l-Konvenzjoni ta' l-1996.

Artikolu 4

Din il-Konvenzjoni għandha tiġi ratifikata mill-Istati firmatarji. L-istrumenti ta' ratifika għandhom jiġu depożitati mas-Segretarju Ġenerali tal-Kunsill ta' l-Unjoni Ewropea.

Artikolu 5

1. Din il-Konvenzjoni għandha tidhol fis-seħħ, bejn l-Istati li jkunu irratifikawha, fl-ewwel jum tat-tielet xahar wara d-depożitu tat-tieni strument ta' ratifika.

2. Minn hemm 'il quddiem, din il-Konvenzjoni għandha tidhol fis-seħħ, għal kull Stat firmatarju li sussegwentement jirratifikaha, fl-ewwel jum tat-tielet xahar wara d-depożitu ta' l-istrument ta' ratifika tiegħu.

Artikolu 6

Is-Segretarju Ġenerali tal-Kunsill ta' l-Unjoni Ewropea għandu jinnotifika lill-istati firmatarji dwar:

- (a) d-depożitu ta' kull strument ta' ratifika;
- (b) d-dati tad-dhul fis-seħħ ta' din il-Konvenzjoni għall-Istati Kontraenti.

Artikolu 7

Din il-Konvenzjoni, imfassla f'original uniku bil-lingwa Ċeka, Daniża, Estonjana, Finlandiża, Franciża, Ġermaniża, Griega, Ingliża, Irlandiża, Latvjana, Litwana, Maltija, Olandiża, Pollakka, Portugiża, Slovena, Slovakka, Spanjola, Svediża, Taljana u Ungeriza, bil-21 test ilkoll ugwalment awtentiċi, għandha tiġi depożitata fl-arkivji tas-Segretarjat Ġenerali tal-Kunsill ta' l-Unjoni Ewropea. Is-Segretarju Ġenerali għandu jgħaddi kopja ċertifikata lill-Gvern ta' kull stat firmatarju.

Magħmul fil-Lussemburgu, fl-erbatax-il jum ta' April tas-sena elfejn u hamsa.

(*Firmatarji*)

Dikjarazzjoni Komuni tal-Partijiet Kontraenti Għolja dwar it-termini perentorji previsti għar-ratifika tal-Konvenzjoni dwar l-Adeżjoni

“Il-Partijiet Kontraenti Għolja, li Itaqgħu fi hdan il-Kunsill għall-iffirmar tal-Konvenzjoni dwar l-Adeżjoni tar-Repubblika Ċeka, ir-Repubblika ta' l-Estonja, ir-Repubblika ta' Ċipru, ir-Repubblika tal-Latvja, ir-Repubblika tal-Litwanja, ir-Repubblika ta' l-Ungerija, ir-Repubblika ta' Malta, ir-Repubblika tal-Polonja, ir-Repubblika tas-Slovenja u r-Repubblika Slovakka għall-Konvenzjoni ta' Ruma 1980 dwar il-Liġi applikabbli għal Obbligi Kuntrattwali, jiddikjaraw li huma ser jieħdu l-miżuri neċessarji bil-ħsieb tar-ratifika ta' din il-Konvenzjoni fi żmien raġonevoli u, jekk ikun possibbli, qabel Diċembru 2005.”

Dikjarazzjoni ta' l-Istati Membri dwar il-waqt tas-sottomissjoni ta' proposta għal Regolament dwar il-liġi applikabbli għal obbligi kuntrattwali

“L-Istati Membri jitolbu lill-Kummissjoni biex tissottometti kemm jista' jkun malajr u, l-izjed tard sa l-aħħar ta' l-2005, proposta għal Regolament dwar il-liġi applikabbli għal obbligi kuntrattwali.”

Dikjarazzjoni kongunta mill-Istati Membri dwar l-iskambju ta' informazzjoni

Il-gvernijiet tar-Renju tal-Belġju, ir-Repubblika Ċeka, ir-Renju tad-Danimarka, ir-Repubblika Federali tal-Ġermanja, ir-Repubblika ta' l-Estonja, ir-Repubblika Ellenika, ir-Renju ta' Spanja, ir-Repubblika Franciża, l-Irlanda, ir-Repubblika Taljana, ir-Repubblika ta' Ċipru, ir-Repubblika tal-Latvja, ir-Repubblika tal-Litwanja, il-Gran Dukat tal-Lussemburgu, ir-Repubblika ta' l-Ungerija, ir-Repubblika ta' Malta, ir-Renju ta' l-Olanda, ir-Repubblika ta' l-Awstrija, ir-Repubblika tal-Polonja, ir-Repubblika Portugiża, ir-Repubblika tas-Slovenja, ir-Repubblika Slovakka, ir-Repubblika tal-Finlandja, ir-Renju ta' l-Isvezja u r-Renju Unit tal-Gran Brittanja u ta' l-Irlanda ta' Fuq,

fil-mument tal-firma tal-Konvenzjoni dwar l-Adeżjoni ta' l-2005 għall-Konvenzjoni dwar il-Liġi applikabbli għal Obbligi Kuntrattwali, miftuħa għall-firma f'Ruma fl-1980, u għall-Ewwel u t-Tieni Protokolli dwar l-interpretazzjoni tagħha mill-Qorti tal-Ġustizzja, hekk kif emendati,

xewqana li jiżguraw applikazzjoni mill-izjed effettiva u uniformi possibbli tad-dispożizzjonijiet ta' l-Ewwel Protokoll imsemmi hawn fuq,

jiddikjaraw li huma lesti li jorganizzaw, b'kooperazzjoni mal-Qorti tal-Ġustizzja tal-Komunitajiet Ewropej, skambju ta' informazzjoni dwar sentenzi li saru *res judicata*, u li ngħataw b'applikazzjoni tal-Konvenzjoni dwar il-Liġi applikabbli għal Obbligi

Kuntrattwali mill-qradi msemija fl-Artikolu 2 tal-Protokoll imsemmi. L-iskambju ta' informazzjoni jkun jinvolvi:

- it-trażmissjoni lill-Qorti tal-Ġustizzja, mill-awtoritajiet nazzjonali kompetenti, tas-sentenzi mogħtija mill-qradi msemija fl-Artikolu 2(a) ta' l-Ewwel Protokoll kif ukoll tas-sentenzi importanti mogħtija mill-qradi msemija fl-Artikolu 2(b) ta' l-istess Protokoll,
- il-klassifikazzjoni u l-approffitar dokumentarju ta' sentenzi mill-Qorti tal-Ġustizzja inkluż, sa fejn ikun neċessarju, it-tfassil ta' astratti u traduzzjonijiet, kif ukoll il-pubblikazzjoni ta' sentenzi ta' importanza partikolari,
- il-komunikazzjoni mill-Qorti tal-Ġustizzja tad-dokumentazzjoni lill-awtoritajiet nazzjonali kompetenti ta' l-Istati li huma partijiet għall-Protokoll kif ukoll lill-Kummissjoni u lill-Kunsill tal-Komunitajiet Ewropej.

IT-TIENI SKEDA

Konvenzjoni dwar il-liġi applikabbli għall-obbligazzjonijiet kuntrattwali (verżjoni konsolidata)

L-Ewwel Protokoll dwar l-interpretazzjoni tal-Konvenzjoni ta' l-1980 mill-Qorti tal- Ġustizzja (verżjoni konsolidata)

It-Tieni Protokoll li jagħti lill-Qorti tal-Ġustizzja setgħat li tinterpreta l- Konvenzjoni ta' l-1980 (verżjoni konsolidata)

KONVENZJONI

dwar il-liġi applikabbli għall-obbligazzjonijiet kuntrattwali miftuħa għal firma f'Ruma fid-19 ta' Ġunju, 1980.

PREAMBOLU

IL-PARTIJIET GHOLJIN KONTRAENTI fit-Trattat li jstabblixxi l-Komunità Ekonomika Ewropea,

HERQANA li, fil-qasam tad-dritt internazzjonali privat, jissoktaw bix-xogħol ta' unifikazzjoni tal-liġijiet li diġà sar fi hdan il-Komunità, partikolarment fil-qasam ta' ġurisdizzjoni u eżekuzzjoni ta' sentenzi,

XEWQANA li jstabblixxu regoli dwar il-liġi applikabbli għall-obbligazzjonijiet kuntrattwali,
FTIEHMU KIF ĠEJ:

TITOLU I

SKOP TAL-KONVENZJONI

Artikolu 1

Skop tal-Konvenzjoni

1. Ir-Regoli ta' din il-Konvenzjoni għandhom japplikaw għall-obbligazzjonijiet kuntrattwali f'kull sitwazzjoni dwar għażla bejn il-liġijiet ta' pajjiżi differenti.
2. Huma m'għandhomx japplikaw għal:
 - (a) kwistjonijiet dwar l-istat jew kapacià legali ta' persuni naturali, bla hsara għall-Artikolu 11;

- (b) obbligazzjonijiet kuntrattwali dwar:
- testmenti u suċċessjoni,
 - drittijiet ta' proprjetà li jkunu ġejjin minn rabta fiż-żwieġ,
 - drittijiet u dmirijiet li jkunu ġejjin minn relazzjoni familjari, parentela, żwieġ jew affinità, inklużi obbligazzjonijiet ta' manteniment għal ulied barra miż-żwieġ;
- (ċ) obbligazzjonijiet li jkunu ġejjin minn kambjali, ċekkijiet u biljetti negozjabbli (*promissory notes*) u strumenti oħra negozjabbli b'mod illi l-obbligazzjonijiet minn strumenti negozjabbli oħra bhalhom ikunu ġejjin minn natura negozjabbli tagħhom;
- (d) ftehim dwar arbitraġġ u ftehim dwar l-għażla ta' qorti;
- (e) kwistjonijiet regolati bil-liġi tal-kumpaniji u korpi oħra ġuridiċi jew mhux ġuridiċi bħalma huma l-ħolqien, b'registrazzjoni jew mod ieħor, kapaċità legali, organizzazzjoni interna jew stralċ ta' kumpaniji u korpi oħra ġuridiċi jew mhux ġuridiċi u r-responsabbiltà personali ta' uffiċjali u membri bħala tali għall-obbligazzjonijiet tal-kumpanija jew korp;
- (f) il-kwistjoni dwar jekk aġent jistax jorbot lil prinċipal, jew organu lil kumpanija jew korp ġuridiku jew mhux ġuridiku, ma' terzi;
- (g) il-kostituzzjoni ta' *trusts* u r-relazzjoni bejn *settlers*, *trustees* u benefiċjarji;
- (h) xhieda u proċedura, bla ħsara għall-Artikolu 14.
3. Ir-Regoli ta' din il-Konvenzjoni ma japplikawx għal kuntratti dwar riskji li jkun qegħdin fit-territorju ta' l-Istati Membri tal-Komunità Ekonomika Ewropea. Biex ikun stabbilit jekk riskju jkunx qiegħed f'dawk it-territorji il-Qorti għandha tapplika l-liġi interna tagħha.
4. Il-paragrafu ta' qabel dan ma japplikax għal kuntratti ta' ri-assigurazzjoni.

Artikolu 2

Applikazzjoni tal-liġi ta' Stati mhux kontraenti.

Kull liġi msemmija f'din il-Konvenzjoni għandha tkun applikata, tkun jew ma tkunx il-liġi ta' Stat Kontraenti.

TITOLU II

REGOLI UNIFORMI*Artikolu 3***Libertà ta' l-ghazla**

1. Kuntratt għandu jkun regolat mil-liġi magħzula mill-partijiet. L-ghazla għandha tkun espressa jew murija b'ċertezza raġjonevoli mill-klawsoli tal-kuntratt jew miċ-ċirkostanzi tal-każ. Permezz ta' l-ghazla tagħhom il-partijiet jistgħu jiftiehm fuq il-liġi applikabbli għall-kuntratt kollu jew għal parti minnu.
2. Il-partijiet jistgħu f'kull żmien jiftiehm li l-kuntratt ikun soġġett għal liġi oħra li ma tkunx dik li biha kien regolat qabel, jew minhabba riżultat ta' għazla magħmula qabel skond dan l-Artikolu jew minhabba disposizzjonijiet oħra ta' din il-Konvenzjoni. Kull tibdil mill-partijiet tal-liġi li għandha tkun applikata, magħmul wara li jkun konkluz il-kuntratt, m'għandux ikun ta' ħsara għall-validità formali tiegħu skond l-Artikolu 9 jew iħalli effett hażin fuq id-drittijiet ta' terzi.
3. Il-fatt li l-partijiet ikunu għazlu liġi barranija, kemm jekk ikun hemm magħha l-ghazla ta' tribunal barrani u kemm jekk ma jkunx hemm, m'għandux, jekk l-elementi l-oħra kollha rilevanti għas-sitwazzjoni fiż-żmien ta' l-ghazla jkollhom rabta ma' pajjiż wieħed biss, ikun ta' ħsara għall-applikazzjoni ta' regoli tal-liġi tal-pajjiż li minnhom ma jistax ikun hemm deroga b'kuntratt, minn hawn 'il quddiem imsejhin "regoli mandatarji".
4. L-eżistenza u l-validità tal-kunsens tal-partijiet dwar l-ghazla tal-liġi applikabbli għandhom ikunu stabbiliti skond l-Artikoli 8, 9 u 11.

*Artikolu 4***Liġi applikabbli fin-nuqqas ta' għazla**

1. Safejn il-liġi applikabbli għall-kuntratt ma tkunx intgħazlet skond l-Artikolu 3, il-kuntratt għandu jkun regolat mil-liġi tal-pajjiż li miegħu ikollu l-eqreb rabta. Izda parti separabbli mill-kuntratt li jkollha rabta eqreb ma' pajjiż ieħor tista' f'każ eċċezzjonali tkun regolata mil-liġi ta' dak il-pajjiż l-ieħor.
2. Bla ħsara għad-disposizzjonijiet tal-paragrafu 5 ta' dan l-Artikolu, għandu jkun hemm preżunzjoni li l-kuntratt ikollu l-eqreb rabta mal-pajjiż fejn il-parti li jkollha tagħmel l-eżekuzzjoni li tikkaratterizza l-kuntratt kellha, fiż-żmien meta kien konkluz il-kuntratt, ir-residenza abitwali tagħha, jew, fil-każ ta' korp ġuridiku jew mhux ġuridiku, l-amministrazzjoni ċentrali tiegħu. Izda jekk il-kuntratt isir minhabba n-negożju jew professjoni ta' dik il-parti, dak il-pajjiż ikun il-pajjiż fejn ikun jinsab il-post prinċipali tan-negożju jew, jekk skond il-klawsoli tal-kuntratt l-eżekuzzjoni jkollha ssir f'post ta'

negozju li ma jkunx il-post prinċipali tan-negozju, il-pajjiż fejn dak il-post l-ieħor tan-negozju jkun jinsab.

3. Minkejja d-disposizzjonijiet tal-paragrafu 2 ta' dan l-Artikolu, safejn is-sugġett tal-kuntratt ikun dritt ta' proprjetà immobbli jew dritt ta' uzu ta' proprjetà immobbli, għandu jkun hemm preżunzjoni illi l-kuntratt ikollu l-eqreb rabta mal-pajjiż fejn il-proprjetà immobbli tkun tinsab.

4. Kuntratt għall-garr ta' oġġetti m'għandux ikun soġġett għall-preżunzjoni tal-paragrafu 2. F'kuntratt bħal dan jekk il-pajjiż, li fih, fiż-żmien meta l-kuntratt ikun konkluz, min igorr ikollu l-post prinċipali tan-negozju tiegħu, ikun ukoll il-pajjiż fejn ikun jinsab il-post tat-tgħabija jew il-post tal-hatt, għandu jkun hemm preżunzjoni li l-kuntratt ikollu l-eqreb rabta ma' dak il-pajjiż. Fl-applikazzjoni ta' dan il-paragrafu *charter-parties* ta' vjaġġ wiehed u kuntratti oħra li l-għan ewlieni tagħhom huwa l-garr ta' oġġetti għandhom jitqiesu bħala kuntratti għall-garr ta' oġġetti.

5. Il-paragrafu 2 m'għandux japplika jekk il-karatteristika ta' l-eżekuzzjoni ma tkunx tista' tiġi stabbilita, u l-preżunzjonijiet tal-paragrafi 2, 3 u 4 m'għandhomx jitqiesu jekk miċ-ċirkostanzi kollha ikun jidher li l-kuntratt ikollu rabta eqreb ma' pajjiż ieħor.

Artikolu 5

Ċerti kuntratti dwar konsumaturi

1. Dan l-Artikolu japplika għal kuntratt li l-għan tiegħu huwa l-provvista ta' oġġetti jew servizzi lil persuna ('il-konsumatur') għal skop li jista' jitqies li ma jkollux x'jaqsam man-negozju jew professjoni tiegħu, jew għal kuntratt biex jingħata kreditu għal dak il-għan.

2. Minkejja d-disposizzjonijiet ta' l-Artikolu 3, għażla ta' liġi magħmula mill-partijiet m'għandhiex ikollha r-rizultat li ċċaħhad lill-konsumatur mill-protezzjoni mogħtija lilu mir-regoli mandatarji tal-liġi tal-pajjiż li fih huwa jkollu r-residenza abitwali tiegħu.

- jekk f'dak il-pajjiż il-kuntratt ikun konkluz wara stedina speċifika indirizzata lilu jew permezz ta' avviż, u huwa jkun għamel f'dak il-pajjiż dak kollu meħtieġ minnu biex il-kuntratt ikun konkluz, jew
- jekk il-parti l-oħra jew l-aġent tagħha jkunu rċevew l-ordni tal-konsumatur, jew
- jekk il-kuntratt ikun għal bejgħ ta' oġġetti u l-konsumatur ikun mar minn dak il-pajjiż għal pajjiż ieħor u hemmhekk huwa jkun għamel l-ordni tiegħu, bil-kondizzjoni li l-vjaġġ tal-konsumatur ikun thejja mill-bejgiegħ bl-iskop li jhajar lill-konsumatur biex jixtri.

3. Minkejja d-disposizzjonijiet ta' l-Artikolu 4, kuntratt li għalih japplika dan l-Artikolu għandu, fin-nuqqas ta' għażla skond l-Artikolu 3, ikun regolat skond il-liġi tal-pajjiż li fih il-konsumatur ikollu r-residenza abitwali tiegħu jekk il-kuntratt ikun sar fiċ-ċirkostanzi msemmijin fil-paragrafu 2 ta' dan l-Artikolu.

4. Dan l-Artikolu ma japplikax għal:

- (a) kuntratt ta' garr;
- (b) kuntratt għall-provvista ta' servizzi fejn is-servizzi għandhom jingħataw lill-konsumatur esklussivament f'pajjiż li ma jkunx dak li fih huwa jkollu r-residenza abitwali tiegħu.

5. Minkejja d-disposizzjonijiet tal-paragrafu 4, dan l-Artikolu għandu japplika għal kuntratt li, għal prezz inklussiv, jipprovdi għal vjaġġ u akkomodazzjoni flimkien.

Artikolu 6

Kuntratti ta' impjeg individwali

1. Minkejja d-disposizzjonijiet ta' l-Artikolu 3, f' kuntratt ta' impjeg għażla ta' liġi magħmula mill-partijiet m'għandhiex ikollha r-rizultat li ċċaħhad lill-impjegat mill-protezzjoni mogħtija lill mir-regoli mandatarji tal-liġi li tkun applikabbli skond il-paragrafu 2 fin-nuqqas ta' għażla.

2. Minkejja d-disposizzjonijiet ta' l-Artikolu 4, kuntratt ta' impjeg għandu, fin-nuqqas ta' għażla skond l-Artikolu 3, jkun regolat:

- (a) bil-liġi tal-pajjiż li fih l-impjegat soltu jagħmel ix-xogħol tiegħu fl-eżekuzzjoni tal-kuntratt, ukoll jekk ikun temporanjament impjegat f'pajjiż ieħor; jew
- (b) jekk l-impjegat mhux soltu jagħmel ix-xogħol tiegħu f'pajjiż wieħed, skond il-liġi tal-pajjiż fejn il-post tan-negożju li minnu jkun tqabbd ikun jinsab;

sakemm ma jkunx jidher miċ-ċirkostanzi kollha li l-kuntratt ikollu rabta eqreb ma' pajjiż ieħor, f'liema każ il-kuntratt għandu jkun regolat mil-liġi ta' dak il-pajjiż.

Artikolu 7

Regoli mandatarji

1. Fejn tkun applikata skond din il-Konvenzjoni il-liġi ta' pajjiż, jistgħu jingiebu fis-seħħ ir-regoli mandatarji tal-liġi ta' pajjiż ieħor li miegħu s-sitwazzjoni jkollha rabta mill-qrib, jekk u sakemm, skond il-liġi ta' dan l-aħħar pajjiż, dawk ir-regoli għandhom ikunu applikati tkun liema tkun il-liġi applikabbli għall-kuntratt. Fejn ikun ikkunsidrat jekk ikollhomx jingiebu fis-seħħ dawn ir-regoli mandatarji, għandhom jitqiesu n-natura u l-ghan tagħhom u l-effetti tagħhom jekk ikunu applikati jew jekk ma jkunux applikati.

2. L-ebda haġa f'din il-Konvenzjoni m'għandha żżomm l-applikazzjoni tar-regoli tal-liġi tal-forum f'sitwazzjoni fejn dawn ikunu mandatarji irrispettivament mill-liġi li mod ieħor kienet tapplika għall-kuntratt

Artikolu 8

Validità materjali

1. L-eżistenza u l-validità ta' kuntratt, jew ta' kull klawnsola ta' kuntratt, għandhom ikunu deċiżi skond il-liġi li tirregolah skond din il-Konvenzjoni jekk il-kuntratt jew klawnsola kienu validi.

2. Izda parti tista' ssib sostenn fil-liġi tal-pajjiż li fih hija jkollha r-residenza abitwali tagħha biex tipprova li hija ma tatx il-kunsens tagħha jekk miċ-ċirkostanzi jidher li ma jkunx raġjonevoli li jkun stabbilit l-effett ta' l-imġieba tagħha skond il-liġi msemmija fil-paragrafu ta' qabel dan.

Artikolu 9

Validità formali

1. Kuntratt li jkun konkluz bejn żewġ persuni li jkunu fl-istess pajjiż huwa formalment validu jekk jissodisfa il-htigijiet formali tal-liġi li tirregolah skond din il-Konvenzjoni jew tal-liġi tal-pajjiż fejn ikun konkluz.

2. Kuntratt li jkun konkluz bejn żewġ persuni li jkunu f'pajjiżi differenti huwa formalment validu jekk jissodisfa il-htigijiet formali tal-liġi li tirregolah skond din il-Konvenzjoni jew tal-liġi ta' wiehed minn dawk il-pajjiżi.

3. Fejn kuntratt ikun konkluz minn aġent, il-pajjiż li fih l-aġent jaġixxi ikun il-pajjiż rilevanti għall-finijiet tal-paragrafi 1 u 2.

4. Att li jsir bil-ħsieb li jkollu effett legali għal kuntratt li diġà sar jew li għad irid isir huwa formalment validu jekk jissodisfa l-htigijiet formali tal-liġi li skond din il-Konvenzjoni tirregola jew tista' tirregola l-kuntratt, jew tal-liġi tal-pajjiż fejn l-att ikun sar.

5. Id-disposizzjoni tal-paragrafu ta' qabel dan m'għandhomx japplikaw għal kuntratt li għalih japplika l-Artikolu 5, konkluz fiċ-ċirkostanzi msemmija fil-paragrafu 2 ta' l-Artikolu 5. Il-validità formali ta' kuntratt bħal dan hija regolata mil-liġi tal-pajjiż li fih il-konsumatur ikollu r-residenza abitwali tiegħu.

6. Minkejja l-paragrafi 1 sa 4 ta' dan l-Artikolu, kuntratt dwar dritt ta' proprjetà immobbli jew dritt ta' uzu ta' proprjetà immobbli għandu jkun skond il-htigijiet mandatarji tal-forma tal-liġi tal-pajjiż fejn il-proprjetà tkun tinsab jekk skond dik il-liġi

dawk il-htigijiet ikunu imposti irrispettivament mill-pajjiż fejn il-kuntratt jigi konkluz u irrispettivament mill-liġi li tirregola l-kuntratt.

Artikolu 10

Skop tal-liġi applikabbli

1. Il-liġi applikabbli għal kuntratt bis-saħħa ta' l-Artikoli 3 sa 6 u 12 ta' din il-Konvenzjoni għandha tirregola b'mod partikolari:

- (a) l-interpretazzjoni;
- (b) l-eżekuzzjoni;
- (c) skond is-setgħat mogħtija lill-qorti bil-liġi tal-proċedura tagħha, l-effetti ta' ksur ta' kuntratt, inkluża stima tal-ħsarat jekk dan jirriżulta minn regoli tal-liġi;
- (d) id-diversi modi kif jispiċċaw l-obbligazzjonijiet, u l-preskrizzjoni u termini perentorji;
- (e) l-effetti ta' nullità tal-kuntratt.

2. Dwar kif għandha ssir l-eżekuzzjoni u l-miżuri li jkollhom jittieħdu f'każ ta' eżekuzzjoni difettuża għandha titqies il-liġi tal-pajjiż li fiha issir l-eżekuzzjoni.

Artikolu 11

Inkapacità

F'kuntratt konkluz bejn żewġ persuni li jkunu fl-istess pajjiż, persuna naturali li jkollha kapaċità skond il-liġi ta' dak il-pajjiż tista' tinwoka l-inkapaċità tagħha skond liġi oħra biss jekk il-parti l-oħra fil-kuntratt kienet taf b'dik l-inkapaċità fiż-żmien meta l-kuntratt kien konkluz jew ma kinitx taf biha minħabba negligenza.

Artikolu 12

Ċessjoni volontarja

1. L-obbligazzjonijiet reċiproci taċ-ċedent u taċ-ċessjonarju permezz ta' ċessjoni volontarja ta' dritt kontra persuna oħra ('id-debitur') għandhom ikunu regolati mil-liġi li skond din il-Konvenzjoni tapplika għall-kuntratt bejn iċ-ċedent u iċ-ċessjonarju.

2. Il-liġi li tirregola d-dritt relattiv għaċ-ċessjoni għandha tistabilixxi kif issir iċ-ċessjoni, ir-relazzjoni bejn iċ-ċessjonarju u d-debitur, il-kondizzjonijiet li taħthom iċ-ċessjoni tista' tkun invokata kontra d-debitur u kull kwistjoni dwar jekk inħelsux l-obbligazzjonijiet tad-debitur.

Artikolu 13

Surroga

1. Fejn persuna ('il-kreditur') tagħmel talba kuntrattwali kontra persuna oħra ('id-debitur'), u terza persuna jkollha l-obbligu li tissodisfa lill-kreditur, jew tkun fil-fatt issodisfat lill-kreditur biex jinheles dak l-obbligu, il-liġi li tirregola l-obbligu tal-persuna li tissodisfa lill-kreditur għandha tistabbilixxi jekk it-terza persuna tkunx intitolata li teżerċita kontra d-debitur id-drittijiet li l-kreditur kellu kontra d-debitur skond il-liġi li tirregola r-relazzjoni ta' bejniethom u, jekk dan ikun il-każ, jekk huwa jistax jagħmel dan totalment jew parzjalment.
2. L-istess regola tapplika fejn diversi persuni jkunu soġġetti għall-istess talba kuntrattwali u wiehed minnhom ikun issodisfa lill-kreditur.

Artikolu 14

Oneru tal-prova, eċċ.

1. Il-liġi li tirregola l-kuntratt skond din il-Konvenzjoni tapplika sakemm ikollha, fil-liġi tal-kuntratti, regoli dwar prezunzjonijiet ta' liġi jew li jistabbilixxu l-oneru tal-prova.
2. Kuntratt jew att li jsir bil-ħsieb li jkollu effett legali jistgħu jkunu pprovati b'kull xorta ta' prova rikonoxxuta mil-liġi tal-forum jew mil-liġijiet imsemmijin fl-Artikolu 9 li bihom dak il-kuntratt jew att ikun formalment validu, bil-kondizzjoni li dik ix-xorta ta' prova tkun tista' tiġi amministrata mill-forum.

Artikolu 15

Esklużjoni ta' *renvoi*

L-applikazzjoni tal-liġi ta' kull pajjiż imsemmi f'din il-Konvenzjoni tfisser l-applikazzjoni tar-regoli tal-liġi fis-seħħ f'dak il-pajjiż minbarra r-regoli tiegħu tad-dritt internazzjonali privat.

Artikolu 16

'Ordre public'

L-applikazzjoni ta' regola tal-liġi ta' kull pajjiż imsemmi f'din il-Konvenzjoni tista' ma tintalqax biss jekk dik l-applikazzjoni tkun fid-deher li ma taqbilx ma' l-ordni pubbliku ('*ordre public*') tal-forum.

*Artikolu 17***Effett mhux retroattiv**

Din il-Konvenzjoni għandha tapplika fi Stat Kontraenti għal kuntratti magħmulin wara data li fiha din il-Konvenzjoni tkun dahlet fis-sehħ għal dak l-Istat.

*Artikolu 18***Interpretazzjoni uniformi**

Fl-interpretazzjoni u applikazzjoni tar-regoli uniformi imsemmijin hawn qabel, għandhom jitqiesu l-karattru internazzjonali tagħhom u x-xewqa li jkun hemm uniformità fl-interpretazzjoni u l-applikazzjoni tagħhom.

*Artikolu 19***Stati b'aktar minn sistema legali waħda**

1. Fejn Stat jinkludi numru ta' unitajiet territorjali, li kull waħda minnhom ikollha r-regoli tagħha tal-ligi applikabbli għall-materji msemija fil-paragrafu 1, kull unità territorjali għandha titqies bħala Stat biex issir magħrufa l-ligi applikabbli skond dan l-Artikolu.
2. Stat li jkollu fih unitajiet territorjali differenti b'regoli tagħhom tal-ligi dwar l-obbligazzjonijiet kuntrattwali m'għandux ikun marbut li japplika din il-Konvenzjoni għal konflitti li jkunu biss bejn il-ligijiet ta' daww l-unitajiet.

*Artikolu 20***Preċedenza tal-ligi Komunitarja**

Din il-Konvenzjoni m'għandhiex ikollha effett fuq l-applikazzjoni ta' disposizzjonijiet li, fir-rigward ta' materji partikolari, jistabbilixxu regoli tal-għażla tal-ligi relattivi għall-obbligazzjonijiet kuntrattwali u li huma f'atti jew ser ikunu f'atti ta' l-istituzzjonijiet tal-Komunitajiet Ewropej jew f'ligijiet nazzjonali armonizzati fl-implimentazzjoni ta' daww l-atti.

*Artikolu 21***Relazzjoni ma' konvenzjonijiet ohra**

Din il-Konvenzjoni m'għandhiex tkun ta' ħsara għall-applikazzjoni ta' konvenzjonijiet internazzjonali li tagħhom Stat Kontraenti jkun, jew isir, parti.

Artikolu 22

Riservi

1. Kull Stat Kontraenti jista', waqt l-iffirmar, ratifika, aċċettazzjoni jew approvazzjoni, jirriserva d-dritt li ma japplikax:
 - (a) id-disposizzjonijiet ta' l-Artikolu 7 (1);
 - (b) id-disposizzjonijiet ta' l-Artikolu 10 (1) (e).
2. *(Paragrafu mhassar bl-Artikolu 2 (1) tal-Konvenzjoni ta' l-Adeżjoni ta' l-1992)*
3. Kull Stat Kontraenti jista' f'kull żmien jirtira riserva li jkun għamel; ir-riserva ma tibqax ikollha effett fl-ewwel jum tat-tielet xahar kalendarju wara n-notifika ta' l-irtirar.

TITOLU III

DISPOSIZZJONIJIET FINALI

Artikolu 23

1. Jekk, wara d-data li fiha din il-Konvenzjoni tkun dahlet fis-seħħ għal Stat Kontraenti, dak l-Istat ikun irid jadotta regola ġdida tal-għażla tal-liġi fir-rigward ta' kategorija partikolari ta' kuntratt għall-finijiet ta' din il-Konvenzjoni, huwa għandu jikkomunika l-hsieb tiegħu lill-Istati Kontraenti l-oħra permezz tas-Segretarju-Ġenerali tal-Kunsill tal-Komunitajiet Ewropej.
2. Kull Stat firmatarju jista', fi żmien sitt xhur mid-data tal-komunikazzjoni magħmula lis-Segretarju-Ġenerali, jitlob lil dan ihejji biex isiru konsultazzjonijiet bejn Stati firmatarji biex jintlaħaq ftehim.
3. Jekk l-ebda Stat firmatarju ma jkun talab konsultazzjonijiet f'dak il-perjodu jew jekk fi żmien sentejn wara l-komunikazzjoni magħmula lis-Segretarju-Ġenerali ma jkunx intlaħaq ftehim matul il-konsultazzjonijiet, l-Istat Kontraenti interessat jista' jemenda l-liġi tiegħu fil-materja indikata. Il-miżuri meħudin minn dak l-Istat għandhom ikunu jafu bihom l-Istati firmatarji l-oħra permezz tas-Segretarju-Ġenerali tal-Kunsill tal-Komunitajiet Ewropej.

Artikolu 24

1. Jekk, wara d-data li fiha din il-Konvenzjoni tkun dahlet fis-seħħ għal Stat Kontraenti, dak l-Istat ikun irid jidhol parti f'konvenzjoni multilaterali bl-għan ewlieni tagħha jew wiehed mill-għanijiet ewlenin tagħha li tistabbilixxi regoli tad-dritt internazzjonali privat għal kull haġa regolata b'din il-Konvenzjoni, għandha tapplika l-

proċedura msemmija fl-Artikolu 23. Izda il-perjodu ta' sentejn, imsemmi fil-paragrafu 3 ta' dak l-Artikolu, għandu jitnaqqas b'sena.

2. Il-proċedura msemmija fil-paragrafu ta' qabel dan tista' ma tkunx segwita jekk Stat Kontraenti jew waħda mill-Komunitajiet Ewropej tkun diġà parti fil-konvenzjoni multilaterali, jew jekk l-għan tagħha jkun li tirrevedi konvenzjoni li fiha l-Istat interessat ikun diġà parti, jew jekk tkun konvenzjoni konkluża fil-kwadru tat-Trattati li jstabbilixxu l-Komunitajiet Ewropej.

Artikolu 25

Jekk Stat Kontraenti jqis li l-konkluzjoni ta' kull ftehim mhux kopert mill-Artikolu 24 (1) ikun ta' ħsara għall-unifikazzjoni miksuba b'din il-Konvenzjoni, dak l-Istat jista' jitlob lis-Segretarju-Ġenerali tal-Kunsill tal-Komunitajiet Ewropej ihejji biex isiru konsultazzjonijiet bejn l-Istati firmatarji ta' din il-Konvenzjoni.

Artikolu 26

Kull Stat Kontraenti jista' jitlob li ssir reviżjoni ta' din il-Konvenzjoni. F'dan il-każ għandha titlaqqa' konferenza ta' reviżjoni mill-President tal-Kunsill tal-Komunitajiet Ewropej.

Artikolu 27

(Artikolu mħassar bl-Artikolu 2 (1) tal-Konvenzjoni ta' Adeżjoni ta' l-1992)

Artikolu 28

1. Din il-Konvenzjoni għandha tkun miftuħa mid-19 ta' Ġunju, 1980, għall-firma mill-Istati partijiet fit-Trattat li jstabbilixxi l-Komunità Ekonomika Ewropea.

2. Din il-Konvenzjoni għandha tkun soġġetta għal ratifika, aċċettazzjoni jew approvazzjoni mill-Istati firmatarji. L-istrumenti ta' ratifika, aċċettazzjoni jew approvazzjoni għandhom ikunu depożitati mas-Segretarju-Ġenerali tal-Kunsill tal-Komunitajiet Ewropej.

Artikolu 29

1. Din il-Konvenzjoni għandha tidhol fis-seħh fl-ewwel jum tat-tielet xahar wara d-depożitu tas-seba' strument ta' ratifika, aċċettazzjoni jew approvazzjoni.

2. Din il-Konvenzjoni għandha tidhol fis-seħh għal kull Stat firmatarju li jkun irratifika, aċċetta jew approva wara fl-ewwel jum tat-tielet xahar wara d-depożitu ta' l-istrumenti ta' ratifika, aċċettazzjoni jew approvazzjoni tagħha.

Artikolu 30

1. Din il-Konvenzjoni għandha tibqa' fis-sehħ għal 10 snin mid-data tad-dhul tagħha fis-sehħ skond l-Artikolu 29 (1), ukoll għall-Istati li għalihom tidhol fis-sehħ f'data wara.
2. Jekk ma tkunx saret denunzja hija għandha tkun imgedda taċitament kull hames snin.
3. Stat Kontraenti li jkun jixtieq jagħmel denunzja għandu, f'mhux inqas minn sitt xhur qabel l-iskadenza tal-perjodu ta' għaxar jew hames snin, skond il-każ, jagħti avviz lis-Segretarju-Ġenerali tal-Kunsill tal-Komunitajiet Ewropej. Denunzja tista' tkun limitata għal kull territorju li għalih din il-Konvenzjoni tkun giet estiza b'dikjarazzjoni skond l-Artikolu 27 (2).
4. Id-denunzja għandha jkollha effett biss fir-rigward ta' l-Istat li jkun innotifikaha. Il-Konvenzjoni għandha tibqa' fis-sehħ bejn l-Istati Kontraenti l-oħra kollha.

Artikolu 31

Is-Segretarju-Ġenerali tal-Kunsill tal-Komunitajiet Ewropej għandu jinnotifika lill-Istati partijiet fit-Trattat li jistabbilixxi l-Komunità Ekonomika Ewropea:

- (a) bil-firem;
- (b) bid-depożitu ta' kull strument ta' ratifika, aċċettazzjoni jew approvazzjoni;
- (ċ) bid-data tad-dhul fis-sehħ ta' din il-Konvenzjoni;
- (d) komunikazzjonijiet magħmulin skond l-Artikoli 23, 24, 25, 26 u 30;
- (e) bir-riservi u l-irtirar ta' riservi msemmijin fl-Artikolu 22.

Artikolu 32

Il-Protokoll anness ma' din il-Konvenzjoni għandu jiffirma parti integrali minnha.

Artikolu 33

Din il-Konvenzjoni, magħmula f'original wiehed fil-lingwa Daniza, Olandiza, Ingliza, Franciża, Ġermaniża, Irlandiża u Taljana, b'dawn it-testi jkunu awtentiċi ndaqs, għandha tkun depożitata fl-arkivji tas-Segretarjat tal-Kunsill tal-Komunitajiet Ewropej. Is-Segretarju-Ġenerali għandu jibgħat kopja awtentikata tagħha lill-Gvern ta' kull Stat firmatarju.

Bħala xhieda ta' dan, is-sottoskritti, debitament awtorizzati għal hekk, iffirmaw din il-Konvenzjoni.

Magħmula f'Ruma, fid-dsatax ta' Ġunju tas-sena elf disa' mija u tmenin.

(Firem tal-Plenipotenzjarji)

PROTOKOLL

Il-Partijiet Għolja Kontraenti ftehem fuq id-disposizzjoni li ġejja li għandha tkun annessa mal-Konvenzjoni:

‘Minkejja d-disposizzjonijiet tal-Konvenzjoni, id-Danimarka, l-Isvezja u l-Finlandja jistgħu jzommu disposizzjonijiet nazzjonali dwar il-liġi applikabbli għall-kwistjonijiet dwar il-ġarr ta’ l-oġġetti bil-baħar u jistgħu jemendaw dawn id-disposizzjonijiet mingħajr ma jsegwu l-proċedura provduta fl-Artikolu 23 tal-Konvenzjoni ta’ Ruma. Id-disposizzjonijiet nazzjonali applikabbli f’dan ir-rigward huma li ġejjin:

- fid-Danimarka, il-paragrafi 252 u 321 (3) u (4) tas-“Solov” (liġi marittima),
- fl-Isvezja, il-Kapitolu 13, l-Artikolu 2 (1) u (2), u l-Kapitolu 14, Artikolu 1 (3), tas-“sjölagen” (liġi marittima),
- fil-Finlandja, il-Kapitolu 13, l-Artikolu 2 (1) u (2), u l-Kapitolu 14, l-Artikolu 1 (3), ta’ “merilaki”/“sjölagen” (liġi marittima).’

B’xiehda ta’ dan il-firmatarji ta’ hawn taħt, awtorizzati debitament għal dan, iffirmaw dan il-Protokoll.

Magħmul f’Ruma fid-dsatax-il jum ta’ Ġunju tas-sena elf disa’ mija u tmenin.

(Firem tal-Plenipotenzjarji)

DIKJARAZZJONI KONGUNTA

Mal-firma tal-Konvenzjoni fuq il-ligi applikabbli għall-obbligazzjonijiet kuntrattwali, il-Gvernijiet tar-Renju tal-Belġju, ir-Renju tad-Danimarka, ir-Repubblika Federali tal-Ġermanja, ir-Repubblika Franciża, l-Irlanda, ir-Repubblika Taljana, il-Gran Dukat tal-Lussemburgu, ir-Renju ta' l-Olanda u r-Renju Unit tal-Gran Britannja u l-Irlanda ta' Fuq,

- I. Herqana biex jevitaw, kemm jista' jkun, it-tixrid tar-regoli tal-għażla tal-ligi fost hafna strumenti u differenzi bejn dawn ir-regoli, jesprimu x-xewqa li l-istituzzjonijiet tal-Komunitajiet Ewropej, fl-eżerċizzju tal-poteri tagħhom skond it-Trattati li kienu mwaqqfa bihom, għandhom, meta tinqala' l-htieġa, iħabirku biex jadottaw regoli ta' l-għażla tal-ligi li huma kemm jista' jkun konsistenti ma' dawk ta' din il-Konvenzjoni;
- II. Jiddikjaraw l-intenzjoni tagħhom mid-data tal-firma ta' din il-Konvenzjoni sakemm jintrabtu bl-Artikolu 24, li jikkonsultaw lil xulxin jekk xi wiehed mill-Istati firmatarji jixtieq isir parti f'xi konvenzjoni li tapplika għaliha l-proċedura msemmija fl-Artikolu 24.
- III. Wara li titqies il-kontribuzzjoni tal-Konvenzjoni fuq il-ligi applikabbli għall-obbligazzjonijiet kuntrattwali għall-unifikazzjoni tar-regoli ta' l-għażla tal-ligi gewwa l-Komunitajiet Ewropej, jesprimu l-veduta li kull Stat li jsir membru tal-Komunitajiet Ewropej għandu jaderixxi għal din il-Konvenzjoni.

B'xiehda ta' dan il-firmatarji ta' hawn taħt, awtorizzati debitament għal dan, iffirmaw din id-Dikjarazzjoni kongunta.

Magħmula f'Ruma fid-dsatax-il jum ta' Ġunju tas-sena elf disa' mija u tmenin.

(Firem tal-Plenipotenzjarji)

DIKJARAZZJONI KONGUNTA

Il-Gvernijiet tar-Renju tal-Belġju, ir-Renju tad-Danimarka, ir-Repubblika Federali tal-Ġermanja, ir-Repubblika Franċiża, l-Irlanda, ir-Repubblika Taljana, il-Gran Dukat tal-Lussemburgu, ir-Renju ta' l-Olanda u r-Renju Unit tal-Gran Brittanja u l-Irlanda ta' Fuq,

Mal-firma tal-Konvenzjoni fuq il-liġi applikabbli għall-obbligazzjonijiet kuntrattwali;

Xewqana li jiżguraw li l-Konvenzjoni tkun applikata b'mod effettiv kemm jista' jkun;

Herqana li jipprevjenu milli jkun hemm differenzi fl-interpretazzjoni tal-Konvenzjoni li jhassru l-effett ta' unifikazzjoni tagħha;

Jiddikjaraw li huma lesti:

1. li jeżaminaw il-possibbiltà li jagħtu ġurisdizzjoni f'ċerti kwistjonijiet lill-Qorti tal-Ġustizzja tal-Komunitajiet Ewropej u, jekk meħtieġ, jinnegozjaw ftehim f'dan is-sens;
2. li jagħmlu laqgħat f'intervalli regolari bejn ir-rappreżentanti tagħhom.

B'xiehda ta' dan il-firmatarji ta' hawn taht, awtorizzati debitament għal dan, iffirmaw din id-Dikjarazzjoni Kongunta.

Magħmula f'Ruma fid-dsatax-il jum ta' Ġunju tas-sena elf disa' mija u tmenin.

(Firem tal-Plenipotenzjarji)

L-EWWEL PROTOKOLL
fuq l-interpretazzjoni mill-Qorti tal-Ġustizzja tal-Komunitajiet Ewropej tal-
Konvenzjoni fuq il-liġi applikabbli fl-obbligazzjonijiet kuntrattwali, miftuha għall-
firem f'Ruma fid-19 ta' Ġunju 1980

IL-PARTIJIET GHOLJIN KONTRAENTI FIT-TRATTAT LI JISTABILIXXI L-KOMUNITÀ EKONOMIKA EWROPEA,

WARA LI KKUNSIDRAW id-Dikjarazzjoni Kongunta annessa mal-Konvenzjoni fuq il-liġi applikabbli fl-obbligazzjonijiet kuntrattwali, miftuha għall-firem f'Ruma fid-19 ta' Ġunju 1980,

IDDEĊIDEW li jikkonkludu Protokoll li jagħti ġurisdizzjoni lill-Qorti tal-Ġustizzja tal-Komunitajiet Ewropej biex tinterpreta dik il-Konvenzjoni, u għal dan l-iskop hatru bhala l-Plenipotenżjarji tagħhom:

(Plenipotenżjarji mahtura mill-Istati Membri)

Li, mlaqqgħin fil-Kunsill tal-Komunitajiet Ewropej, skambjaw il-poteri shaħ tagħhom, misjubin f'forma tajba u debita.

FTEHMU KIF ĠEJ:

Artikolu 1

Il-Qorti tal-Ġustizzja tal-Komunitajiet Ewropej għandha jkollha ġurisdizzjoni li tagħti deċiżjonijiet fuq l-interpretazzjoni ta':

- (a) il-Konvenzjoni fuq il-liġi applikabbli għall-obbligazzjonijiet kuntrattwali, miftuha għall-firem f'Ruma fid-19 ta' Ġunju 1980, minn hawn 'il quddiem msemmija bhala 'l-Konvenzjoni ta' Ruma';
- (b) il-Konvenzjoni fuq l-Adeżjoni għall-Konvenzjoni ta' Ruma mill-Istati li saru membri tal-Komunitajiet Ewropej mid-data meta nfethet għall-firem;
- (c) dan il-Protokoll.

Artikolu 2

Kull qorti msemmija isfel tista' titlob lill-Qorti tal-Ġustizzja biex tagħti deċiżjoni proviżorja fuq kwistjoni mqajma f'każ pendenti quddiemha u li tirrigwarda l-interpretazzjoni tad-disposizzjonijiet li hemm fl-istrumenti msemmija fl-Artikolu 1 jekk dik il-Qorti tikkonsidra li tenhtieg deċiżjoni fuq il-kwistjoni biex tkun tista' tagħti sentenza:

- (a) - fil-Belġju:

‘la Cour de cassation’ (‘het Hof van Cassatie’) u ‘le Conseil d’État’ (‘de Raad van State’),

- fid-Danimarka:
‘Højesteret’,

- fir-Repubblika Federali tal-Ġermanja:
‘die obersten Gerichtshöfe des Bundes’,

- fil-Grecja:
‘Τα ανώτατα Διχαστηρια’,

- fi Spanja:
‘el Tribunal Supremo’,

- fi Franza:
‘la Cour de cassation’ and ‘le Conseil d’État’,

- fl-Irlanda:
‘the Supreme Court’,

- fl-Italja:
‘la Corte suprema di cassazione’ u ‘il Consiglio di Stato’,

- fil-Lussemburgu:
‘la Cour Supérieure de Justice’, meta tkun sedenti bħala ‘Cour de cassation’,

- fl-Awstrija:
il-‘Oberste Gerichtshof’, il-‘Verwaltungs-gerichtshof’ u il-‘Verfassungsgerichtshof’,

- fl-Olanda:
‘de Hoge Raad’,

- fil-Portugall:
‘o Supremo Tribunal de Justiça’ u ‘o Supremo Tribunal Administrativo’,

- fil-Finlandja:
‘korkein oikeus/högsta domstolen’,
‘korkein hallinto-oikeus/högsta förvaltningsdomstolen’,
‘markkinatuomioistuini/marknadsdomstolen’ u ‘työtuomioistuini/arbetsdomstolen’,

- fl-Isvezja:
‘Högsta domstolen’, ‘Regeringsrätten’, ‘Arbets-domstolen’ u ‘Marknadsdomstolen’,

- fir-Renju Unit:
il-‘House of Lords’ u qrati oħra li minnhom m’hemmx il-possibilità ta’ appell ieħor;

- (b) il-qrati ta' l-Istati Kontraenti meta jaġixxu bħala qrati ta' appell.

Artikolu 3

1. L-awtorità kompetenti ta' Stat Kontraenti tista' titlob li l-Qorti tal-Ġustizzja tagħti deċiżjoni fuq kwistjoni ta' interpretazzjoni tad-disposizzjonijiet li jinsabu fl-istrumenti msemmija fl-Artikolu 1 jekk is-sentenzi mogħtija mill-Qrati ta' dak l-istat jikkonfligġu ma' l-interpretazzjoni mogħtija jew mill-Qorti tal-Ġustizzja jew f'sentenza ta' waħda mill-qrati ta' Pajjiż Kontraenti ieħor msemmija fl-Artikolu 2. Id-disposizzjonijiet ta' dan il-paragrafu għandhom jgħoddu biss għal sentenzi li saru *res judicata*.
2. L-interpretazzjoni mogħtija mill-Qorti tal-Ġustizzja b'risposta għal din it-talba m'għandhiex taffettwa s-sentenzi li taw lok għat-talba għall-interpretazzjoni.
3. Il-Prokuraturi-Ġenerali tal-Qrati Supremi ta' l-Appell ta' l-Istati Kontraenti, jew kull awtorità oħra maħtura minn Stat Kontraenti, għandhom ikunu intitolati li jitolbu l-Qorti tal-Ġustizzja li tagħti deċiżjoni fuq l-interpretazzjoni skond il-paragrafu 1.
4. Ir-Registatur tal-Qorti tal-Ġustizzja għandu jagħti avviż tat-talba lill-Istati Kontraenti, lill-Kummissjoni u lill-Kunsill tal-Komunitajiet Ewropej; imbagħad għandhom ikunu intitolati fi żmien xahrejn tan-notifika li jissottomettu noti tal-każ jew osservazzjonijiet bil-miktub lill-Qorti.
5. M'għandux ikun hemm drittijiet jew xi spiza jew nefqa mogħtija fir-rigward ta' proċeduri msemmija f'dan l-Artikolu.

Artikolu 4

1. Hlief meta dan il-Protokoll jipprovdi mod ieħor, id-disposizzjonijiet tat-Trattat li jstabbilixxi l-Komunità Ekonomika Ewropea u dawk tal-Protokoll fuq l-Istatut tal-Qorti tal-Ġustizzja anness miegħu, li japplikaw meta l-Qorti tintalab li tagħti deċiżjoni preliminari, għandhom japplikaw ukoll għal kull proċedura għall-interpretazzjoni ta' l-istrumenti msemmija fl-Artikolu 1.
2. Ir-Regoli tal-Proċedura tal-Qorti tal-Ġustizzja għandhom, jekk meħtieġ, ikunu aġġustati u miżjuda skond l-Artikolu 188 tat-Trattat li jstabbilixxi l-Komunità Ekonomika Ewropea.

Artikolu 5

Dan il-Protokoll għandu jkun bla ħsara għar-ratifika ta' l-Istati Firmatarji. L-istrumenti ta' ratifika għandhom ikunu ddepożitati mas-Segretarju-Ġenerali tal-Kunsill tal-Komunitajiet Ewropej.

Artikolu 6

1. Biex jidhol fis-seħħ, dan il-Protokoll għandu jkun ratifikat minn seba' Stati li fir-rigward tagħhom hija fis-seħħ il-Konvenzjoni ta' Ruma. Dan it-Trattat għandu jidhol fis-seħħ fl-ewwel jum tat-tielet xahar wara d-depożitu ta' l-istrument ta' ratifika mill-aħħar Stat firmatarju li jkun għamel dan. Jekk, iżda, it-Tieni Protokoll li jagħti lill-Qorti tal-Ġustizzja tal-Komunitajiet Ewropej ċerti poteri għall-interpretazzjoni tal-Konvenzjoni fuq il-liġi applikabbli għall-obbligazzjonijiet kuntrattwali, miftuħa għall-firem f'Ruma fid-19 ta' Ġunju 1980, konkluzi fi Brussel fid-19 ta' Diċembru 1988 tidhol fis-seħħ f'data aktar tard, dan il-Protokoll għandu jidhol fis-seħħ fid-data tad-dhul fis-seħħ tat-Tieni Protokoll.

2. Kull ratifika wara d-dhul fis-seħħ ta' dan il-Protokoll għandu jkollha effett fl-ewwel jum tat-tielet xahar wara d-depożitu ta' l-istrument tar-ratifika, iżda r-ratifika, l-aċċettazzjoni jew l-approvazzjoni tal-Konvenzjoni ta' Ruma mill-Istat partikolari għandhom ikunu effettivi.

Artikolu 7

Is-Segretarju-Ġenerali tal-Kunsill tal-Komunitajiet Ewropej għandu jinnotifika l-Istati Firmatarji bi:

- (a) id-depożitu ta' kull istrument ta' ratifika;
- (b) id-data tad-dhul fis-seħħ ta' dan il-Protokoll;
- (ċ) kull hatra kkomunikata bis-saħħa ta' l-Artikolu 3(3);
- (d) kull komunikazzjoni magħmula bis-saħħa ta' l-Artikolu 8.

Artikolu 8

L-Istat Kontraenti għandhom jikkomunikaw lis-Segretarju-Ġenerali tal-Kunsill tal-Komunitajiet Ewropej it-testi ta' kull disposizzjoni tal-liġijiet tagħhom li jehtiegu emenda għal-lista tal-qradi fl-Artikolu 2 (a).

Artikolu 9

Dan il-Protokoll għandu jkollu effett kemm iddum fis-seħħ il-Konvenzjoni ta' Ruma skond il-kondizzjonijiet preskritti fl-Artikolu 30 ta' dik il-Konvenzjoni.

Artikolu 10

Kull Stat Kontraenti jista' jitlob ir-reviżjoni ta' dan il-Protokoll. F'dan il-każ, għandha titlaqqa' konferenza ta' revizjoni mill-President tal-Kunsill tal-Komunitajiet Ewropej.

Artikolu 11

Dan il-Protokoll, magħmul f'original wiehed fl-ilsien Daniż, Olandiż, Inġliż, Franċiż, Ġermaniż, Grieg, Irlandiż, Taljan, Portugiż u l-Ispanjol, l-għaxar testi ikunu awtentiċi l-istess, għandhom ikunu ddepożitati fl-arkivji tas-Segretarjat Ġenerali tal-Kunsill tal-Komunitajiet Ewropej. Is-Segretarju Ġenerali għandu jibgħat kopji ċċertifikati lil kull Gvern ta' kull Stat Firmatarju..

B'xiehda ta' dan, il-Plenipotenzjarji hawn taht iffirmat niżlu l-firem tagħhom taht dan il-Protokoll.

Magħmula fi Brussel fid-dsatax-il jum ta' Dicembru tas-sena elf disa' mija u tmienja u tmenin.

(Firem tal-Plenipotenzjarji)

DIKJARAZZJONIJIET KONGUNTA

Dikjarazzjoni Kongunta

Il-Gvernijiet tar-Renju tal-Belġju, ir-Renju tad-Danimarka, ir-Repubblika Federali tal-Ġermanja, ir-Repubblika Ellenika, ir-Renju ta' Spanja, ir-Repubblika Franċiża, l-Irlanda, ir-Repubblika Taljana, il-Gran Dukat tal-Lussemburgu, ir-Renju ta' l-Olanda, ir-Repubblika Portugiża u r-Renju Unit tal-Gran Brittanja u l-Irlanda ta' Fuq,

Mal-firma ta' l-Ewwel Protokoll fuq l-interpretazzjoni mill-Qorti tal-Ġustizzja tal-Komunitajiet Ewropej tal-Konvenzjoni fuq il-liġi applikabbli fl-obbligazzjonijiet kuntrattwali, miftuħa għall-firem f'Ruma fid-19 ta' Ġunju 1980,

Xewqana li jiżguraw li l-Konvenzjoni hija applikata kemm jista' jkun b'mod effettiv u uniformi,

Jiddikjaraw li lesti jorganizzaw, f'kooperazzjoni mal-Qorti tal-Ġustizzja tal-Komunitajiet Ewropej, skambju ta' informazzjoni fuq sentenzi li saru *res judicata* u li ngħataw bis-saħħa tal-Konvenzjoni fuq il-liġi applikabbli għall-obbligazzjonijiet kuntrattwali mill-qrati msemmija fl-Artikolu 2 ta' l-imsemmi Protokoll. L-iskambju ta' l-informazzjoni jikkompreni:

- li jintbagħtu lill-Qorti tal-Ġustizzja mill-awtoritajiet nazzjonali kompetenti s-sentenzi mogħtija mill-qrati msemmija fl-Artikolu 2(a) u sentenzi sinifikanti mogħtija mill-qrati msemmija fl-Artikolu 2(b),
- il-klassifikazzjoni u l-isfruttament dokumentali ta' dawn is-sentenzi mill-Qorti tal-Ġustizzja jinkludu, safejn meħtieg, it-thejjija ta' estratti u traduzzjonijiet, u l-pubblikazzjoni ta' sentenzi ta' importanza partikolari,
- il-komunikazzjoni mill-Qorti tal-Ġustizzja ta' materjal dokumentali lill-awtoritajiet nazzjonali kompetenti ta' l-Istati partijiet fil-Protokoll u lill-Kummissjoni u lill-Kunsill tal-Komunitajiet Ewropej.

B'xiehda ta' dan, il-Plenipotenzjarji hawn taħt iffirmat nizlu l-firem tagħhom taħt din id-Dikjarazzjoni kongunta

Magħmula fi Brussel fid-dsatax-il jum ta' Diċembru tas-sena elf disa' mija u tmienja u tmenin.

(Firem tal-Plenipotenzjarji)

Dikjarazzjoni kongunta

Il-Gvernijiet tar-Renju tal-Belġju, ir-Renju tad-Danimarka, ir-Repubblika Federali tal-Ġermanja, ir-Repubblika Ellenika, ir-Renju ta' Spanja, ir-Repubblika Françiża, l-Irlanda, ir-Repubblika Taljana, il-Gran Dukat tal-Lussemburgu, ir-Renju ta' l-Olanda, ir-Repubblika Portugiża u r-Renju Unit tal-Gran Brittanja u l-Irlanda ta' Fuq,

Mal-firma ta' l-Ewwel Protokoll fuq l-interpretazzjoni mill-Qorti tal-Ġustizzja tal-Komunitajiet Ewropej tal-Konvenzjoni fuq il-liġi applikabbli fl-obbligazzjonijiet kuntrattwali, miftuħa għall-firem f'Ruma fid-19 ta' Ġunju 1980,

Wara li kkunsidraw id-Dikjarazzjoni Kongunta annessa mal-Konvenzjoni fuq il-liġi applikabbli għall-obbligazzjonijiet kuntrattwali,

Xewqana li jiżguraw li l-Konvenzjoni hija applikata kemm jista' jkun b'mod effettiv u uniformi,

Herqana li ma jhallux li d-differenzi fl-interpretazzjoni tal-Konvenzjoni jtellfu l-effett ta' unifikazzjoni tagħha,

Jesprimu l-fehma li kull Stat li jsir membru tal-Komunitajiet Ewropej għandu jaderixxi għal dan il-Protokoll.

B'xiehda ta' dan, il-Plenipotenzjarji hawn taħt iffirmat niżlu l-firem tagħhom taħt din id-Dikjarazzjoni kongunta.

Magħmula fi Brussel fid-dsatax-il jum ta' Diċembru tas-sena elf disa' mija u tmienja u tmenin.

(Firem tal-Plenipotenzjarji)

IT-TIENI PROTOKOLL

li jaghti lill-Qorti tal-Ġustizzja tal-Komunitajiet Ewropej ċerti poteri għall-interpretazzjoni tal-Konvenzjoni fuq il-liġi applikabbli għall-obbligazzjonijiet kuntrattwali; miftuha għall-firem f'Ruma fid-19 ta' Ġunju 1980.

IL-PARTIJIET GHOLJIN KONTRAENTI FIT-TRATTAT LI JISTABILIXXI L-KOMUNITÀ EKONOMIKA EWROPEA,

BILLI l-Konvenzjoni fuq il-liġi applikabbli għall-obbligazzjonijiet kuntrattwali, miftuha għal firem f'Ruma fid-19 ta' Ġunju 1980, minn hawn 'il quddiem msejha 'il-Konvenzjoni tar-Ruma', ser tidhol fis-seħh wara d-depożitu tas-seba' strument ta' ratifika, aċċettazzjoni jew approvazzjoni;

BILLI l-applikazzjoni uniformi tar-regoli preskritti fil-Konvenzjoni ta' Ruma jehtiegu li jitwaqqaf il-makkinarju biex jiżgura interpretazzjoni uniformi u billi għal dak il-għan għandhom jingħataw poteri xierqa lill-Qorti tal-Ġustizzja tal-Komunitajiet Ewropej, qabel mal-Konvenzjoni ta' Ruma tidhol fis-seħh fir-rigward ta' l-Istati Membri kollha tal-Komunità Ekonomika Ewropea.

IDDEĊIDEW li jikkonkludu dan il-Protokoll u għal dan il-għan innominaw bhala plenipotenżjarji tagħhom:

(Plenipotenżjarji mahtura mill-Istati Membri)

LI, mlaqqgħin ġewwa l-Kunsill tal-Komunitajiet Ewropej, skambjaw il-poteri shah tagħhom; li kienu tajbin u fil-forma dovuta,

FTEHMU KIF ĠEJ:

Artikolu 1

1. Il-Qorti tal-Ġustizzja tal-Komunitajiet Ewropej għandha, fir-rigward tal-Konvenzjoni ta' Ruma, ikollha l-ġurisdizzjoni li tingħatalha mill-Ewwel Protokoll fuq l-interpretazzjoni mill-Qorti tal-Ġustizzja tal-Komunitajiet Ewropej tal-Konvenzjoni fuq il-liġi applikabbli għall-obbligazzjonijiet kuntrattwali, miftuha għall-firem f'Ruma fid-19 ta' Ġunju 1980, konkluża fi Brussel fid-19 ta' Diċembru 1988. Għandhom jgħoddu l-Protokoll dwar l-Istatut tal-Qorti tal-Ġustizzja tal-Komunitajiet Ewropej u r-Regoli ta' Proċedura tal-Qorti tal-Ġustizzja.

2. Ir-Regoli tal-Proċedura tal-Qorti tal-Ġustizzja għandhom ikunu aġġustati u miżjuda kif meħtieġ skond l-Artikolu 188 tat-Trattat li jistabilixxi l-Komunità Ekonomika Ewropea.

Artikolu 2

Dan il-Protokoll għandu jkun bla ħsara għar-ratifika mill-Istati Firmatarji. L-istrumenti tar-ratifika għandhom ikunu ddepożitati mas-Segretarju-Ġenerali tal-Kunsill tal-Komunitajiet Ewropej.

Artikolu 3

Dan il-Protokoll għandu jidhol fis-seħħ fl-ewwel jum tat-tielet xahar wara d-depożitu ta' l-istrument ta' ratifika mill-aħħar Stat Firmatarju li jkun għamel dik il-formalità.

Artikolu 4

Dan il-Protokoll, magħmul f'original wiehed fl-ilsien Daniż, Olandiż, Ingliż, Franċiż, Ġermaniż, Grieg, Irlandiż, Taljan, Portugiż u l-Ispanjol, l-għaxar testi kollha jkunu awtentiċi l-istess, għandhom ikunu ddepożitati fl-arkivji tas-Segretarjat Ġenerali tal-Kunsill tal-Komunitajiet Ewropej. Is-Segretarju-Ġenerali għandu jibgħat kopja ċċertifikata lill-Gvern ta' kull Stat Firmatarju.

B'xiehda ta' dan, il-Plenipotenzjarji hawn taht iffirmit niżżlu l-firem tagħhom taht dan il-Protokoll.

Magħmul fi Brussel fid-dsatax-il jum ta' Diċembru tas-sena elf disa' mija u tmienja u tmenin.

(Firem tal-Plenipotenzjarji)

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 371 tat-28 ta' Marzu, 2006.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

EDWARD FENECH ADAMI
President

4th April, 2006

ACT No. III of 2006

AN ACT to provide for the Ratification of the Accession Convention of the 14 April 2005 to the 1980 Rome Convention on the law applicable to contractual obligations and to the First and Second Protocols thereof.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled and by the authority of the same, as follows:–

PART I

1. The short title of this Act is the Rome Convention on Contractual Obligations (Ratification) Act, 2006. Short title.

2. In this Act, unless the context otherwise requires: Interpretation.

“2005 Accession Convention” means the Convention of the 14 April 2005 on the Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the Convention on the law applicable to contractual obligations opened for signature in Rome on the 19 June 1980 and to the First and Second Protocols thereto on interpretation by the Court of Justice of the European Communities;

“Contracting State”, in relation to and for the purposes of the Rome Convention, as having the force of law in Malta, means those Member States of the European Union that are from time to time parties to the Rome Convention and which are from time to time specified by the Minister by an order made under article 4;

“the Minister” means the Minister responsible for justice;

“prescribe” means prescribe by regulations made under this Act;

“Rome Convention” means the Convention on the law applicable to contractual obligations opened for signature in Rome on the 19 June 1980 and the First and Second Protocols thereto on interpretation by the Court of Justice of the European Communities.

Ratification of
2005 Accession
Convention.

3. The Government of Malta is hereby authorised to ratify the 2005 Accession Convention.

Contracting States.

4. (1) The Minister may, by order in the Gazette, from time to time specify the Contracting States, other than Malta, for the purposes of the Rome Convention.

(2) Such order shall specify the date of coming into force of the Rome Convention, as between Malta and any State specified in the order.

Rome Convention
to have force of law.

5. (1) The Rome Convention shall, subject to the provisions of this Act, have force of law in Malta as from such date as the Minister may prescribe.

(2) The 2005 Accession Convention and the Rome Convention shall be included in the First and Second Schedules respectively of this Act and the said schedules may from time to time be amended as may be prescribed by the Minister for the purpose of being kept updated with the official text of the said Conventions as appearing in the Official Journal of the European Union.

Power to make
regulations.

6. The Minister may make regulations prescribing anything that in virtue of this Act is required to be or may be prescribed and generally for carrying out the provisions of this Act and for doing anything that may be required for the purpose of satisfying the obligations of Malta under the Rome Convention.

Amendment of the
European Union
Act, Cap. 460.

7. The European Union Act shall be amended as follows:—

(a) in article 2 thereof, immediately before the definition “the Communities”, there shall be added the following definition:

“acts adopted by the European Union” include regulations, directives, and other acts which Malta is bound to accede to as a Member State of the European Union, treaties and international conventions which Malta may accede to by virtue of its membership within the European Union, and treaties and international conventions which Malta is bound to ratify in its own name or on behalf of the European Community by virtue of its membership within the European Union;” and

(b) in sub-article (2) of article 4 thereof, for the words “or rights as aforesaid.” there shall be substituted the words “or rights as aforesaid:

Provided that with regard to treaties and international conventions which Malta may accede to as Member State of the European Union, and treaties and international conventions which Malta is bound to ratify in its own name or on behalf of the European Community by virtue of its membership within the European Union, these shall come into force one month following their being submitted in order to be discussed by the Standing Committee on Foreign and European Affairs.”.

PART II

8. This Part amends and shall be read and construed as one with the Land Acquisition (Public Purposes) Ordinance, hereinafter in this Part referred to as “the principal Ordinance”. Amendment to the Land Acquisition (Public Purposes) Ordinance, Cap. 88.

9. Immediately following the proviso to sub-article (3) of article 12 of the principal Ordinance, there shall be added the following new proviso: Amendment of article 12 of the principal Ordinance.

“Provided also that when a Notice to Treat has been issued and the person entitled to compensation elected not to accept the price offered therein, simple interest at the rate of five *per centum per annum* shall accrue on the value of the land in accordance with Schedule 3, and for the period indicated in that Schedule, in favour of any person having a right of compensation in respect of any land acquired by absolute purchase thereof under this Ordinance.”.

Amendment of article 22 of the principal Ordinance.

10. In the Maltese text, in the second proviso of sub-article (3) of article 22 of the principal Ordinance, the word “qliegħ” wherever it appears in this proviso shall be deleted and substituted by the word “dhul”.

Amendment of Schedule 2 of the principal Ordinance.

11. In Schedule 2 of the principal Ordinance, for the formula

$$\left(\frac{A-B}{2} \right) \times \left(\frac{5}{100} \right) \times \left(\frac{C}{365} \right)$$

there shall be substituted the formula

$$\left(\frac{A+B}{2} \right) \times \left(\frac{5}{100} \right) \times \left(\frac{C}{365} \right)$$

Addition of new Schedule to the principal Ordinance.

12. Immediately after Schedule 2 to the principal Ordinance, there shall be added the following new Schedule:

“SCHEDULE 3

**Article 12 (3)
second proviso**

$$\left(\frac{P+Q}{2} \right) \times \left(\frac{5}{100} \right) \times \left(\frac{R}{365} \right)$$

where “P” is the value of land determined in the Notice to Treat;

“Q” is the value of the land determined by the Land Arbitration Board;

“R” is the number of days between the date of taking of possession of the land by the competent authority, and the date of transfer by title of absolute purchase in favour of the Government of Malta.”.

PART III

13. This Part amends and shall be read and construed as one with the Judicial Actions (Various Measures) Act, 2005, hereinafter in this Part referred to as “the principal Act”, and it shall be considered to have come into force on the 16th January, 2006.

Amendment to the Judicial Actions (Various Measures) Act, 2006.

14. Immediately after article 76 of the principal Act, there shall be added the following new article:

Addition of new article to the principal Act.

“Interpretation of Laws, etc.

76A. (1) Where, according to the provision of any law, any judicial proceeding is to be commenced by writ of summons it shall, notwithstanding the provisions of the said law or of any other law, be permissible to commence the said judicial proceeding by means of a sworn application and the said sworn application shall, as from the 16th January, 2006, be deemed to fully satisfy the requirements of any law whereby a procedure by writ of summons is stipulated.

(2) The Minister responsible for justice may, by regulations, amend the provisions of any law for the purpose of providing that any judicial procedure to be commenced by writ of summons shall be commenced by sworn application.”.

PART IV

15. This Part amends and shall be read and construed as one with the Commissioners for Oaths Ordinance, hereinafter in this Part referred to as “the principal Ordinance”.

Amendment to the Commissioners for Oaths Ordinance, Cap. 79.

16. In the proviso to article 4 of the principal Ordinance, the words “or legal procurators” shall be deleted.”.

Amendment of article 4 of the principal Ordinance.

PART V

17. This Part amends and shall be read and construed as one with the Legal Procedures (Ratification of Conventions) Act, hereinafter in this Part referred to as “the principal Act”.

Amendment to the Legal Procedures (Ratification of Conventions) Act, Cap. 443.

18. Article 2 of the principal Act shall be amended as follows:

Amendment of article 2 of the principal Act.

(a) the definition of “the Lugano Convention of 1988” shall be deleted; and

(b) in the definition of “Conventions”, the words “and the Lugano Convention of 1988,” shall be deleted.

Amendment of article 4 of the principal Act.

19. In subarticle (1) of article 4 of the principal Act, the words “other than the Lugano Convention of 1988,” shall be deleted.

Deletion of Part and articles of the principal Act.

20. Part V, together with articles 29 to 40 (both inclusive) which occur immediately after article 28 of the principal Act, shall be deleted.

Amendment of the First Schedule to the principal Act.

21. Part D of the First Schedule to the principal Act shall be deleted.

Amendment of the Fifth Schedule to the principal Act.

22. Paragraphs 3 and 4 of the Fifth Schedule to the principal Act shall be deleted.

FIRST SCHEDULE

CONVENTION

ON THE ACCESSION OF THE CZECH REPUBLIC, THE REPUBLIC OF ESTONIA, THE REPUBLIC OF CYPRUS, THE REPUBLIC OF LATVIA, THE REPUBLIC OF LITHUANIA, THE REPUBLIC OF HUNGARY, THE REPUBLIC OF MALTA, THE REPUBLIC OF POLAND, THE REPUBLIC OF SLOVENIA AND THE SLOVAK REPUBLIC TO THE CONVENTION ON THE LAW APPLICABLE TO CONTRACTUAL OBLIGATIONS OPENED FOR SIGNATURE IN ROME ON 19 JUNE 1980, AND TO THE FIRST AND SECOND PROTOCOLS ON ITS INTERPRETATION BY THE COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES

THE HIGH CONTRACTING PARTIES TO THE TREATY ESTABLISHING THE EUROPEAN COMMUNITY,

BEARING IN MIND the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic, and the adjustments to the Treaties on which the European Union is founded, and in particular Article 5(2) thereof,

RECALLING that by becoming Members of the European Union, the new Member States undertook to accede to the Convention on the Law applicable to Contractual Obligations, opened for signature in Rome on 19 June 1980, and to the First and Second Protocols on its interpretation by the Court of Justice as modified by the Convention signed in Luxembourg on 10 April 1984, on the accession of the Hellenic Republic, the Convention signed in Funchal on 18 May 1992 on the accession of the Kingdom of Spain and the Portuguese Republic, and the Convention signed in Brussels on 29 November 1996 on the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden,

HAVE AGREED AS FOLLOWS:

TITLE I

GENERAL PROVISIONS

Article 1

The Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic hereby accede to:

- (a) the Convention on the Law applicable to Contractual Obligations, opened for signature in Rome on 19 June 1980, hereinafter referred to as 'the Convention of

1980', as it stands following incorporation of the adjustments and amendments made thereto by:

- the Convention signed in Luxembourg on 10 April 1984, hereinafter referred to as “the Convention of 1984”, on the accession of the Hellenic Republic to the Convention on the Law applicable to Contractual Obligations,
 - the Convention signed in Funchal on 18 May 1992, hereinafter referred to as “the Convention of 1992”, on the accession of the Kingdom of Spain and the Portuguese Republic to the Convention on the Law applicable to Contractual Obligations,
 - “the Convention of 1996”, on the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the Convention on the Law applicable to Contractual Obligations;
- (b) the First Protocol, signed on 19 December 1988, hereinafter referred to as ‘the First Protocol of 1988’ on the interpretation by the Court of Justice of the European Communities of the Convention on the Law applicable to Contractual Obligations, as it stands following incorporation of the adjustments and amendments made thereto by the Convention of 1992 and the Convention of 1996;
- (c) the Second Protocol, signed on 19 December 1988, hereinafter referred to as ‘the Second Protocol of 1988’, conferring on the Court of Justice of the European Communities certain powers to interpret the Convention on the Law applicable to Contractual Obligations.

TITLE II

ADJUSTMENTS TO THE FIRST PROTOCOL OF 1988

Article 2

The following indents shall be inserted in Article 2(a):

- (a) between the first and the second indents:

“ - in the Czech Republic:
Nejvyšší soud České republiky
Nejvyšší správní soud’

- (b) between the third and the fourth indents:

“ - in Estonia:
Riigikohus”

(c) between the eighth and the ninth indents:

“ - in Cyprus:

Ανώτατο Δικαστήριο

- in Latvia:

Augstākās Tiesas Senāts

- in Lithuania:

Lietuvos Aukščiausiasis Teismas

Lietuvos vyriausiasis administracinis teismas”

(d) between the ninth and the tenth indents:

“ - in Hungary:

Legfelsőbb Bíróság

- in Malta:

Qorti ta' l-Appell”

(e) between the eleventh and the twelfth indents:

“ - in Poland:

Sąd Najwyższy

Naczelny Sąd Administracyjny”

(f) between the twelfth and the thirteenth indents:

“ - in Slovenia:

Ustavno sodišče Republike Slovenije

Vrhovno sodišče Republike Slovenije

- in Slovakia:

Najvyšší súd Slovenskej republiky”.

TITLE III

FINAL PROVISIONS

Article 3

1. The Secretary-General of the Council of the European Union shall transmit a certified copy of the Convention of 1980, the Convention of 1984, the First Protocol of 1988, the Second Protocol of 1988, the Convention of 1992 and the Convention of 1996 in the Danish, Dutch, English, Finnish, French, German, Greek, Irish, Italian, Portuguese, Spanish and Swedish languages to the Governments of the Czech Republic, the Republic

of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic.

2. The texts of the Convention of 1980, the Convention of 1984, the First Protocol of 1988, the Second Protocol of 1988, the Convention of 1992 and the Convention of 1996 in the Czech, Estonian, Hungarian, Latvian, Lithuanian, Maltese, Polish, Slovakian and Slovenian languages shall be authentic under the same conditions as the other texts of the Convention of 1980, the Convention of 1984, the First Protocol of 1988, the Second Protocol of 1988, the Convention of 1992 and the Convention of 1996.

Article 4

This Convention shall be ratified by the signatory States. The instruments of ratification shall be deposited with the Secretary-General of the Council of the European Union.

Article 5

1. This Convention shall enter into force between the States which have ratified it, on the first day of the third month following the deposit of the second instrument of ratification.

2. Thereafter, this Convention shall enter into force, for each signatory State which subsequently ratifies it, on the first day of the third month following the deposit of its instrument of ratification.

Article 6

The Secretary-General of the Council of the European Union shall notify the signatory States of:

- (a) the deposit of each instrument of ratification;
- (b) the dates of entry into force of this Convention for the Contracting States.

Article 7

This Convention, drawn up in a single original in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovakian, Slovene, Spanish and Swedish languages, all 21 texts being equally authentic, shall be deposited in the archives of the General Secretariat of the Council of the European Union. The Secretary-General shall transmit a certified copy to the Government of each signatory state.

Done at Luxembourg on the fourteenth day of April in the year two thousand and five.

(Signatories)

Joint declaration by the High Contracting Parties concerning the deadlines set for ratification of the Accession Convention

“The High Contracting Parties, meeting in the Council at the time of the signature of the Convention on the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the 1980 Rome Convention on the law applicable to contractual obligations, declare that they will take the necessary steps to ratify this Convention within a reasonable time and, if possible, before December 2005.”

Declaration by the Member States concerning the timing of the submission of a proposal for a Regulation on the law applicable to contractual obligations

“The Member States request that the Commission submit, as soon as possible and at the latest by the end of 2005, a proposal for a Regulation on the law applicable to contractual obligations.”

Joint Declaration by the Member States on the exchange of information

The Governments of the Kingdom of Belgium, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, 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, 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,

on signing the 2005 Convention on accession to the Convention on the law applicable to contractual obligations, opened for signature in Rome on 19 June 1980, and to the First and Second Protocols on interpretation by the Court of Justice of the European Communities, as amended,

desiring to ensure that the provisions of the First Protocol are applied as effectively and as uniformly as possible,

declare themselves ready to organise, in cooperation with the Court of Justice of the European Communities, an exchange of information on judgments which have become *res judicata* and have been handed down pursuant to the Convention on the law applicable to contractual obligations by the courts referred to in Article 2 of the said Protocol. The exchange of information will comprise:

- the forwarding to the Court of Justice by the competent national authorities of judgments handed down by the courts referred to in Article 2(a) of the First Protocol and significant judgments handed down by the courts referred to in Article 2(b) of that Protocol,
- the classification and the documentary exploitation of these judgments by the Court of Justice including, as far as necessary, the drawing up of abstracts and translations, and the publication of judgments of particular importance,
- the communication by the Court of Justice of the documentary material to the competent national authorities of the States parties to the Protocol and to the Commission and the Council of the European Communities.

SECOND SCHEDULE

Convention on the law applicable to contractual obligations (consolidated version)

First Protocol on the interpretation of the 1980 Convention by the Court of Justice (consolidated version)

Second Protocol conferring on the Court of Justice powers to interpret the 1980 Convention (consolidated version)

CONVENTION on the law applicable to contractual obligations opened for signature in Rome on 19 June 1980

PREAMBLE

THE HIGH CONTRACTING PARTIES to the Treaty establishing the European Economic Community,

ANXIOUS to continue in the field of private international law the work of unification of law which has already been done within the Community, in particular in the field of jurisdiction and enforcement of judgments,

WISHING to establish uniform rules concerning the law applicable to contractual obligations,

HAVE AGREED AS FOLLOWS:

TITLE I

SCOPE OF THE CONVENTION

Article 1

Scope of the Convention

1. The rules of this Convention shall apply to contractual obligations in any situation involving a choice between the laws of different countries.
2. They shall not apply to:
 - (a) questions involving the status or legal capacity of natural persons, without prejudice to Article 11;
 - (b) contractual obligations relating to:

- wills and succession,
 - rights in property arising out of a matrimonial relationship,
 - rights and duties arising out of a family relationship, parentage, marriage or affinity, including maintenance obligations in respect of children who are not legitimate;
- (c) obligations arising under bills of exchange, cheques and promissory notes and other negotiable instruments to the extent that the obligations under such other negotiable instruments arise out of their negotiable character;
- (d) arbitration agreements and agreements on the choice of court;
- (e) questions governed by the law of companies and other bodies corporate or unincorporate such as the creation, by registration or otherwise, legal capacity, internal organization or winding up of companies and other bodies corporate or unincorporate and the personal liability of officers and members as such for the obligations of the company or body;
- (f) the question whether an agent is able to bind a principal, or an organ to bind a company or body corporate or unincorporate, to a third party;
- (g) the constitution of trusts and the relationship between settlors, trustees and beneficiaries;
- (h) evidence and procedure, without prejudice to Article 14.
3. The rules of this Convention do not apply to contracts of insurance which cover risks situated in the territories of the Member States of the European Economic Community. In order to determine whether a risk is situated in those territories the court shall apply its internal law.
4. The preceding paragraph does not apply to contracts of re-insurance.

Article 2

Application of law of non-contracting States

Any law specified by this Convention shall be applied whether or not it is the law of a Contracting State.

TITLE II

UNIFORM RULES

*Article 3***Freedom of choice**

1. A contract shall be governed by the law chosen by the parties. The choice must be expressed or demonstrated with reasonable certainty by the terms of the contract or the circumstances of the case. By their choice the parties can select the law applicable to the whole or a part only of the contract.
2. The parties may at any time agree to subject the contract to a law other than that which previously governed it, whether as a result of an earlier choice under this Article or of other provisions of this Convention. Any variation by the parties of the law to be applied made after the conclusion of the contract shall not prejudice its formal validity under Article 9 or adversely affect the rights of third parties.
3. The fact that the parties have chosen a foreign law, whether or not accompanied by the choice of a foreign tribunal, shall not, where all the other elements relevant to the situation at the time of the choice are connected with one country only, prejudice the application of rules of the law at the country which cannot be derogated from by contract, hereinafter called 'mandatory rules'.
4. The existence and validity of the consent of the parties as to the choice of the applicable law shall be determined in accordance with the provisions of Articles 8, 9 and 11.

*Article 4***Applicable law in the absence of choice**

1. To the extent that the law applicable to the contract has not been chosen in accordance with Article 3, the contract shall be governed by the law of the country with which it is most closely connected. Nevertheless, a separable part of the contract which has a closer connection with another country may by way of exception be governed by the law of that other country.
2. Subject to the provisions of paragraph 5 of this Article, it shall be presumed that the contract is most closely connected with the country where the party who is to effect the performance which is characteristic of the contract has, at the time of conclusion of the contract, his habitual residence, or, in the case of a body corporate or unincorporate, its central administration. However, if the contract is entered into in the course of that party's trade or profession, that country shall be the country in which the principal place of business is situated or, where under the terms of the contract the performance is to be

effected through a place of business other than the principal place of business, the country in which that other place of business is situated.

3. Notwithstanding the provisions of paragraph 2 of this Article, to the extent that the subject matter of the contract is a right in immovable property or a right to use immovable property it shall be presumed that the contract is most closely connected with the country where the immovable property is situated.

4. A contract for the carriage of goods shall not be subject to the presumption in paragraph 2. In such a contract if the country in which, at the time the contract is concluded, the carrier has his principal place of business is also the country in which the place of loading or the place of discharge or the principal place of business of the consignor is situated, it shall be presumed that the contract is most closely connected with that country. In applying this paragraph single voyage charter-parties and other contracts the main purpose of which is the carriage of goods shall be treated as contracts for the carriage of goods.

5. Paragraph 2 shall not apply if the characteristic performance cannot be determined, and the presumptions in paragraphs 2, 3 and 4 shall be disregarded if it appears from the circumstances as a whole that the contract is more closely connected with another country.

Article 5

Certain consumer contracts

1. This Article applies to a contract the object of which is the supply of goods or services to a person ('the consumer') for a purpose which can be regarded as being outside his trade or profession, or a contract for the provision of credit for that object.

2. Notwithstanding the provisions of Article 3, a choice of law made by the parties shall not have the result of depriving the consumer of the protection afforded to him by the mandatory rules of the law of the country in which he has his habitual residence:

- if in that country the conclusion of the contract was preceded by a specific invitation addressed to him or by advertising, and he had taken in that country all the steps necessary on his part for the conclusion of the contract, or
- if the other party or his agent received the consumer's order in that country, or
- if the contract is for the sale of goods and the consumer travelled from that country to another country and there gave his order, provided that the consumer's journey was arranged by the seller for the purpose of inducing the consumer to buy.

3. Notwithstanding the provisions of Article 4, a contract to which this Article applies shall, in the absence of choice in accordance with Article 3, be governed by the law of the country in which the consumer has his habitual residence if it is entered into in the circumstances described in paragraph 2 of this Article.

4. This Article shall not apply to:

- (a) a contract of carriage;
- (b) a contract for the supply of services where the services are to be supplied to the consumer exclusively in a country other than that in which he has his habitual residence.

5. Notwithstanding the provisions of paragraph 4, this Article shall apply to a contract which, for an inclusive price, provides for a combination of travel and accommodation.

Article 6

Individual employment contracts

1. Notwithstanding the provisions of Article 3, in a contract of employment a choice of law made by the parties shall not have the result of depriving the employee of the protection afforded to him by the mandatory rules of the law which would be applicable under paragraph 2 in the absence of choice.

2. Notwithstanding the provisions of Article 4, a contract of employment shall, in the absence of choice in accordance with Article 3, be governed:

- (a) by the law of the country in which the employee habitually carries out his work in performance of the contract, even if he is temporarily employed in another country; or
- (b) if the employee does not habitually carry out his work in any one country, by the law of the country in which the place of business through which he was engaged is situated;

unless it appears from the circumstances as a whole that the contract is more closely connected with another country, in which case the contract shall be governed by the law of that country.

Article 7

Mandatory rules

1. When applying under this Convention the law of a country, effect may be given to the mandatory rules of the law of another country with which the situation has a close connection, if and in so far as, under the law of the latter country, those rules must be applied whatever the law applicable to the contract. In considering whether to give effect to these mandatory rules, regard shall be had to their nature and purpose and to the consequences of their application or non-application.
2. Nothing in this Convention shall restrict the application of the rules of the law of the forum in a situation where they are mandatory irrespective of the law otherwise applicable to the contract.

Article 8

Material validity

1. The existence and validity of a contract, or of any term of a contract, shall be determined by the law which would govern it under this Convention if the contract or term were valid.
2. Nevertheless a party may rely upon the law of the country in which he has his habitual residence to establish that he did not consent if it appears from the circumstances that it would not be reasonable to determine the effect of his conduct in accordance with the law specified in the preceding paragraph.

Article 9

Formal validity

1. A contract concluded between persons who are in the same country is formally valid if it satisfies the formal requirements of the law which governs it under this Convention or of the law of the country where it is concluded.
2. A contract concluded between persons who are in different countries is formally valid if it satisfies the formal requirements of the law which governs it under this Convention or of the law of one of those countries.
3. Where a contract is concluded by an agent, the country in which the agent acts is the relevant country for the purposes of paragraphs 1 and 2.
4. An act intended to have legal effect relating to an existing or contemplated contract is formally valid if it satisfies the formal requirements of the law which under

this Convention governs or would govern the contract or of the law of the country where the act was done.

5. The provisions of the preceding paragraphs shall not apply to a contract to which Article 5 applies, concluded in the circumstances described in paragraph 2 of Article 5. The formal validity of such a contract is governed by the law of the country in which the consumer has his habitual residence.

6. Notwithstanding paragraphs 1 to 4 of this Article, a contract the subject matter of which is a right in immovable property or a right to use immovable property shall be subject to the mandatory requirements of form of the law of the country where the property is situated if by that law those requirements are imposed irrespective of the country where the contract is concluded and irrespective of the law governing the contract.

Article 10

Scope of applicable law

1. The law applicable to a contract by virtue of Articles 3 to 6 and 12 of this Convention shall govern in particular:

- (a) interpretation;
- (b) performance;
- (c) within the limits of the powers conferred on the court by its procedural law, the consequences of breach, including the assessment of damages in so far as it is governed by rules of law;
- (d) the various ways of extinguishing obligations, and prescription and limitation of actions;
- (e) the consequences of nullity of the contract.

2. In relation to the manner of performance and the steps to be taken in the event of defective performance regard shall be had to the law of the country in which performance takes place.

Article 11

Incapacity

In a contract concluded between persons who are in the same country, a natural person who would have capacity under the law of that country may invoke his incapacity resulting from another law only if the other party to the contract was aware of this

incapacity at the time of the conclusion of the contract or was not aware thereof as a result of negligence.

Article 12

Voluntary assignment

1. The mutual obligations of assignor and assignee under a voluntary assignment of a right against another person ('the debtor') shall be governed by the law which under this Convention applies to the contract between the assignor and assignee.
2. The law governing the right to which the assignment relates shall determine its assignability, the relationship between the assignee and the debtor, the conditions under which the assignment can be invoked against the debtor and any question whether the debtor's obligations have been discharged.

Article 13

Subrogation

1. Where a person ('the creditor') has a contractual claim upon another ('the debtor'), and a third person has a duty to satisfy the creditor, or has in fact satisfied the creditor in discharge of that duty, the law which governs the third person's duty to satisfy the creditor shall determine whether the third person is entitled to exercise against the debtor the rights which the creditor had against the debtor under the law governing their relationship and, if so, whether he may do so in full or only to a limited extent.
2. The same rule applies where several persons are subject to the same contractual claim and one of them has satisfied the creditor.

Article 14

Burden of proof, etc.

1. The law governing the contract under this Convention applies to the extent that it contains, in the law of contract, rules which raise presumptions of law or determine the burden of proof.
2. A contract or an act intended to have legal effect may be proved by any mode of proof recognized by the law of the forum or by any of the laws referred to in Article 9 under which that contract or act is formally valid, provided that such mode of proof can be administered by the forum.

*Article 15***Exclusion of *renvoi***

The application of the law of any country specified by this Convention means the application of the rules of law in force in that country other than its rules of private international law.

*Article 16***‘Ordre public’**

The application of a rule of the law of any country specified by this Convention may be refused only if such application is manifestly incompatible with the public policy (*ordre public*) of the forum.

*Article 17***No retrospective effect**

This Convention shall apply in a Contracting State to contracts made after the date on which this Convention has entered into force with respect to that State.

*Article 18***Uniform interpretation**

In the interpretation and application of the preceding uniform rules, regard shall be had to their international character and to the desirability of achieving uniformity in their interpretation and application.

*Article 19***States with more than one legal system**

1. Where a State comprises several territorial units each of which has its own rules of law in respect of contractual obligations, each territorial unit shall be considered as a country for the purposes of identifying the law applicable under this Convention.

2. A State within which different territorial units have their own rules of law in respect of contractual obligations shall not be bound to apply this Convention to conflicts solely between the laws of such units.

Article 20

Precedence of Community law

This Convention shall not affect the application of provisions which, in relation to particular matters, lay down choice of law rules relating to contractual obligations and which are or will be contained in acts of the institutions of the European Communities or in national laws harmonized in implementation of such acts.

Article 21

Relationship with other conventions

This Convention shall not prejudice the application of international conventions to which a Contracting State is, or becomes, a party.

Article 22

Reservations

1. Any Contracting State may, at the time of signature, ratification, acceptance or approval, reserve the right not to apply:
 - (a) the provisions of Article 7 (1);
 - (b) the provisions of Article 10 (1) (e).
2. *(Paragraph deleted by Article 2 (1) of the 1992 Accession Convention)*
3. Any Contracting State may at any time withdraw a reservation which it has made; the reservation shall cease to have effect on the first day of the third calendar month after notification of the withdrawal.

TITLE III

FINAL PROVISIONS

Article 23

1. If, after the date on which this Convention has entered into force for a Contracting State, that State wishes to adopt any new choice of law rule in regard to any particular category of contract within the scope of this Convention, it shall communicate its intention to the other signatory States through the Secretary-General of the Council of the European Communities.

2. Any signatory State may, within six months from the date of the communication made to the Secretary-General, request him to arrange consultations between signatory States in order to reach agreement.

3. If no signatory State has requested consultations within this period or if within two years following the communication made to the Secretary-General no agreement is reached in the course of consultations, the Contracting State concerned may amend its law in the manner indicated. The measures taken by that State shall be brought to the knowledge of the other signatory States through the Secretary-General of the Council of the European Communities.

Article 24

1. If, after the date on which this Convention has entered into force with respect to a Contracting State, that State wishes to become a party to a multilateral convention whose principal aim or one of whose principal aims is to lay down rules of private international law concerning any of the matters governed by this Convention, the procedure set out in Article 23 shall apply. However, the period of two years, referred to in paragraph 3 of that Article, shall be reduced to one year.

2. The procedure referred to in the preceding paragraph need not be followed if a Contracting State or one of the European Communities is already a party to the multilateral convention, or if its object is to revise a convention to which the State concerned is already a party, or if it is a convention concluded within the framework of the Treaties establishing the European Communities.

Article 25

If a Contracting State considers that the unification achieved by this Convention is prejudiced by the conclusion of agreements not covered by Article 24 (1), that State may request the Secretary-General of the Council of the European Communities to arrange consultations between the signatory States of this Convention.

Article 26

Any Contracting State may request the revision of this Convention. In this event a revision conference shall be convened by the President of the Council of the European Communities.

Article 27

(Paragraph deleted by Article 2 (1) of the 1992 Accession Convention)

Article 28

1. This Convention shall be open from 19 June 1980 for signature by the States party to the Treaty establishing the European Economic Community.
2. This Convention shall be subject to ratification, acceptance or approval by the signatory States. The instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the Council of the European Communities.

Article 29

1. This Convention shall enter into force on the first day of the third month following the deposit of the seventh instrument of ratification, acceptance or approval.
2. This Convention shall enter into force for each signatory State ratifying, accepting or approving at a later date on the first day of the third month following the deposit of its instrument of ratification, acceptance or approval.

Article 30

1. This Convention shall remain in force for 10 years from the date of its entry into force in accordance with Article 29 (1), even for States for which it enters into force at a later date.
2. If there has been no denunciation it shall be renewed tacitly every five years.
3. A Contracting State which wishes to denounce shall, not less than six months before the expiration of the period of 10 or five years, as the case may be, give notice to the Secretary-General of the Council of the European Communities. Denunciation may be limited to any territory to which the Convention has been extended by a declaration under Article 27 (2).
4. The denunciation shall have effect only in relation to the State which has notified it. The Convention will remain in force as between all other Contracting States.

Article 31

The Secretary-General of the Council of the European Communities shall notify the States party to the Treaty establishing the European Economic Community of:

- (a) the signatures;
- (b) deposit of each instrument of ratification, acceptance or approval;

- (c) the date of entry into force of this Convention;
- (d) communications made in pursuance of Articles 23, 24, 25, 26 and 30;
- (e) the reservations and withdrawals of reservations referred to in Article 22.

Article 32

The Protocol annexed to this Convention shall form an integral part thereof.

Article 33

This Convention, drawn up in a single original in the Danish, Dutch, English, French, German, Irish and Italian languages, these texts being equally authentic, shall be deposited in the archives of the Secretariat of the Council of the European Communities. The Secretary-General shall transmit a certified copy thereof to the Government of each signatory State.

In witness whereof the undersigned, being duly authorized thereto, having signed this Convention.

Done at Rome on the nineteenth day of June in the year one thousand nine hundred and eighty.

(Signatures of the plenipotentiaries)

PROTOCOL

The High Contracting Parties have agreed upon the following provision which shall be annexed to the Convention:

‘Notwithstanding the provisions of the Convention, Denmark, Sweden and Finland may retain national provisions concerning the law applicable to questions relating to the carriage of goods by sea and may amend such provisions without following the procedure provided for in Article 23 of the Convention of Rome. The national provisions applicable in this respect are the following:

- in Denmark, paragraphs 252 and 321 (3) and (4) of the “Solov” (maritime law),
- in Sweden, Chapter 13, Article 2 (1) and (2), and Chapter 14, Article 1 (3), of “sjölagen” (maritime law),
- in Finland, Chapter 13, Article 2 (1) and (2), and Chapter 14, Article 1 (3), of “merilaki”/“sjölagen” (maritime law).’

In witness whereof the undersigned, being duly authorized thereto, have signed this Protocol.

Done at Rome on the nineteenth day of June in the year one thousand nine hundred and eighty.

(Signatures of the Plenipotentiaries)

JOINT DECLARATION

At the time of the signature of the Convention on the law applicable to contractual obligations, the Governments of the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the French Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands and the United Kingdom of Great Britain and Northern Ireland,

- I. anxious to avoid, as far as possible, dispersion of choice of law rules among several instruments and differences between these rules, express the wish that the institutions of the European Communities, in the exercise of their powers under the Treaties by which they were established, will, where the need arises, endeavour to adopt choice of law rules which are as far as possible consistent with those of this Convention;
- II. declare their intention as from the date of signature of this Convention until becoming bound by Article 24, to consult with each other if any one of the signatory States wishes to become a party to any convention to which the procedure referred to in Article 24 would apply;
- III. having regard to the contribution of the Convention on the law applicable to contractual obligations to the unification of choice of law rules within the European Communities, express the view that any State which becomes a member of the European Communities should accede to this Convention.

In witness whereof the undersigned, being duly authorized thereto, have signed this Joint Declaration.

Done at Rome on the nineteenth day of June in the year one thousand nine hundred and eighty.

(Signatures of the Plenipotentiaries)

JOINT DECLARATION

The Governments of the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the French Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands and the United Kingdom of Great Britain and Northern Ireland,

On signing the Convention on the law applicable to contractual obligations;

Desiring to ensure that the Convention is applied as effectively as possible;

Anxious to prevent differences of interpretation of the Convention from impairing its unifying effect;

Declare themselves ready:

1. to examine the possibility of conferring jurisdiction in certain matters on the Court of Justice of the European Communities and, if necessary, to negotiate an agreement to this effect;
2. to arrange meetings at regular intervals between their representatives.

In witness whereof the undersigned, being duly authorized thereto, have signed this Joint Declaration.

Done at Rome on the nineteenth day of June in the year one thousand nine hundred and eighty.

(Signatures of the Plenipotentiaries)

FIRST PROTOCOL
on the interpretation by the Court of Justice of the European Communities of the
Convention on the law applicable to contractual obligations, opened for signature in
Rome on 19 June 1980

THE HIGH CONTRACTING PARTIES TO THE TREATY ESTABLISHING THE EUROPEAN ECONOMIC COMMUNITY,

HAVING REGARD to the Joint Declaration annexed to the Convention on the law applicable to contractual obligations, opened for signature in Rome on 19 June 1980,

HAVE DECIDED to conclude a Protocol conferring jurisdiction on the Court of Justice of the European Communities to interpret that Convention, and to this end have designated as their Plenipotentiaries:

(Plenipotentiaries designated by the Member States)

WHO, meeting within the Council of the European Communities, having exchanged their full powers, found in good and due form,

HAVE AGREED AS FOLLOWS:

Article 1

The Court of Justice of the European Communities shall have jurisdiction to give rulings on the interpretation of:

- (a) the Convention on the law applicable to contractual obligations, opened for signature in Rome on 19 June 1980, hereinafter referred to as 'the Rome Convention';
- (b) the Convention on accession to the Rome Convention by the States which have become Members of the European Communities since the date on which it was opened for signature;
- (c) this Protocol.

Article 2

Any of the courts referred to below may request the Court of Justice to give a preliminary ruling on a question raised in a case pending before it and concerning interpretation of the provisions contained in the instruments referred to in Article 1 if that court considers that a decision on the question is necessary to enable it to give judgment:

- (a) - in Belgium:
'la Cour de cassation' ('het Hof van Cassatie') and 'le Conseil d'État' ('de Raad van State'),
- in Denmark:
'Højesteret',
- in the Federal Republic of Germany:
'die obersten Gerichtshöfe des Bundes',
- in Greece:
'Τα ανώτατα Διχαστηρια',
- in Spain:
'el Tribunal Supremo',
- in France:
'la Cour de cassation' and 'le Conseil d'État',
- in Ireland:
the Supreme Court,
- in Italy:
'la Corte suprema di cassazione' and 'il Consiglio di Stato',
- in Luxembourg:
'la Cour Supérieure de Justice', when sitting as 'Cour de cassation',
- in Austria:
the 'Oberste Gerichtshof', the 'Verwaltungsgerichtshof'
and the 'Verfassungsgerichtshof',
- in the Netherlands:
'de Hoge Raad',
- in Portugal:
'o Supremo Tribunal de Justiça' and 'o Supremo Tribunal Administrativo',
- in Finland:
'korkein oikeus/högsta domstolen',
'korkein hallinto-oikeus/högsta förvaltningsdomstolen',
'markkinatuomioistuim/marknadsdomstolen' and 'työtuomioistuim/arbetsdomstolen',
- in Sweden:
'Högsta domstolen', 'Regeringsrätten', 'Arbetsdomstolen' and 'Marknadsdomstolen',

- in the United Kingdom:

the House of Lords and other courts from which no further appeal is possible;

(b) the courts of the Contracting States when acting as appeal courts.

Article 3

1. The competent authority of a Contracting State may request the Court of Justice to give a ruling on a question of interpretation of the provisions contained in the instruments referred to in Article 1 if judgments given by courts of that State conflict with the interpretation given either by the Court of Justice or in a judgment of one of the courts of another Contracting State referred to in Article 2. The provisions of this paragraph shall apply only to judgments which have become *res judicata*.

2. The interpretation given by the Court of Justice in response to such a request shall not affect the judgments which gave rise to the request for interpretation.

3. The Procurators-General of the Supreme Courts of Appeal of the Contracting States, or any other authority designated by a Contracting State, shall be entitled to request the Court of Justice for a ruling on interpretation in accordance with paragraph 1.

4. The Registrar of the Court of Justice shall give notice of the request to the Contracting States, to the Commission and to the Council of the European Communities; they shall then be entitled within two months of the notification to submit statements of case or written observations to the Court.

5. No fees shall be levied or any costs or expenses awarded in respect of the proceedings provided for in this Article.

Article 4

1. Except where this Protocol otherwise provides, the provisions of the Treaty establishing the European Economic Community and those of the Protocol on the Statute of the Court of Justice annexed thereto, which are applicable when the Court is requested to give a preliminary ruling, shall also apply to any proceedings for the interpretation of the instruments referred to in Article 1.

2. The Rules of Procedure of the Court of Justice shall, if necessary, be adjusted and supplemented in accordance with Article 188 of the Treaty establishing the European Economic Community.

Article 5

This Protocol shall be subject to ratification by the Signatory States. The instruments of ratification shall be deposited with the Secretary-General of the Council of the European Communities.

Article 6

1. To enter into force, this Protocol must be ratified by seven States in respect of which the Rome Convention is in force. This Protocol shall enter into force on the first day of the third month following the deposit of the instrument of ratification by the last such State to take this step. If, however, the Second Protocol conferring on the Court of Justice of the European Communities certain powers to interpret the Convention on the law applicable to contractual obligations, opened for signature in Rome on 19 June 1980, concluded in Brussels on 19 December 1988 enters into force on a later date, this Protocol shall enter into force on the date of entry into force of the Second Protocol.

2. Any ratification subsequent to the entry into force of this Protocol shall take effect on the first day of the third month following the deposit of the instrument of ratification, provided that the ratification, acceptance or approval of the Rome Convention by the State in question has become effective.

Article 7

The Secretary-General of the Council of the European Communities shall notify the Signatory States of:

- (a) the deposit of each instrument of ratification;
- (b) the date of entry into force of this Protocol;
- (c) any designation communicated pursuant to Article 3 (3);
- (d) any communication made pursuant to Article 8.

Article 8

The Contracting States shall communicate to the Secretary-General of the Council of the European Communities the texts of any provisions of their laws which necessitate an amendment to the list of courts in Article 2 (a).

Article 9

This Protocol shall have effect for as long as the Rome Convention remains in force under the conditions laid down in Article 30 of that Convention.

Article 10

Any Contracting State may request the revision of this Protocol. In this event, a revision conference shall be convened by the President of the Council of the European Communities.

Article 11

This Protocol, drawn up in a single original in the Danish, Dutch, English, French, German, Greek, Irish, Italian, Portuguese and Spanish languages, all 10 texts being equally authentic, shall be deposited in the archives of the General Secretariat of the Council of the European Communities. The Secretary-General shall transmit a certified copy to the Government of each Signatory State.

In witness whereof, the undersigned Plenipotentiaries have affixed their signatures below this Protocol.

Done at Brussels on the nineteenth day of December in the year one thousand nine hundred and eighty-eight.

(Signatures of the Plenipotentiaries)

JOINT DECLARATIONS

Joint Declaration

The Governments of 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 Portuguese Republic and the United Kingdom of Great Britain and Northern Ireland,

On signing the First Protocol on the interpretation by the Court of Justice of the European Communities of the Convention on the law applicable to contractual obligations, opened for signature in Rome on 19 June 1980,

Desiring to ensure that the Convention is applied as effectively and as uniformly as possible,

Declare themselves ready to organize, in cooperation with the Court of Justice of the European Communities, an exchange of information on judgments which have become *res judicata* and have been handed down pursuant to the Convention on the law applicable to contractual obligations by the courts referred to in Article 2 of the said Protocol. The exchange of information will comprise:

- the forwarding to the Court of Justice by the competent national authorities of judgments handed down by the courts referred to in Article 2 (a) and significant judgments handed down by the courts referred to in Article 2 (b),
- the classification and the documentary exploitation of these judgments by the Court of Justice including, as far as necessary, the drawing up of abstracts and translations, and the publication of judgments of particular importance,
- the communication by the Court of Justice of the documentary material to the competent national authorities of the States parties to the Protocol and to the Commission and the Council of the European Communities.

In witness whereof, the undersigned Plenipotentiaries have affixed their signature below this Joint Declaration.

Done at Brussels on the nineteenth day of December in the year one thousand nine hundred and eighty-eight.

(Signatures of the Plenipotentiaries)

Joint Declaration

The Governments of 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 Portuguese Republic and the United Kingdom of Great Britain and Northern Ireland,

On signing the First Protocol on the interpretation by the Court of Justice of the European Communities of the Convention on the law applicable to contractual obligations, opened for signature in Rome on 19 June 1980,

Having regard to the Joint Declaration annexed to the Convention on the law applicable to contractual obligations,

Desiring to ensure that the Convention is applied as effectively and as uniformly as possible,

Anxious to prevent differences of interpretation of the Convention from impairing its unifying effect,

Express the view that any State which becomes a member of the European Communities should accede to this Protocol.

In witness whereof, the undersigned Plenipotentiaries have affixed their signatures below this Joint Declaration.

Done at Brussels on the nineteenth day of December in the year one thousand nine hundred and eighty-eight.

(Signatures of the Plenipotentiaries)

SECOND PROTOCOL
conferring on the Court of Justice of the European Communities certain powers to
interpret the Convention on the law applicable to contractual obligations; opened
for signature in Rome on 19 June 1980

THE HIGH CONTRACTING PARTIES TO THE TREATY ESTABLISHING THE EUROPEAN ECONOMIC COMMUNITY,

WHEREAS the Convention on the law applicable to contractual obligations, opened for signature in Rome on 19 June 1980, hereinafter referred to as 'the Rome Convention', will enter into force after the deposit of the seventh instrument of ratification, acceptance or approval;

WHEREAS the uniform application of the rules laid down in the Rome Convention requires that machinery to ensure uniform interpretation be set up and whereas to that end appropriate powers should be conferred upon the Court of Justice of the European Communities, even before the Rome Convention enters into force with respect to all the Member States of the European Economic Community,

HAVE DECIDED to conclude this Protocol and to this end have designated as their Plenipotentiaries:

(Plenipotentiaries designated by the Member States)

WHO, meeting within the Council of the European Communities, having exchanged their full powers; found in good and due form,

HAVE AGREED AS FOLLOWS:

Article 1

1. The Court of Justice of the European Communities shall, with respect to the Rome Convention, have the jurisdiction conferred upon it by the First Protocol on the interpretation by the Court of Justice of the European Communities of the Convention on the law applicable to contractual obligations, opened for signature in Rome on 19 June 1980, concluded in Brussels on 19 December 1988. The Protocol on the Statute of the Court of Justice of the European Communities and the Rules of Procedure of the Court of Justice shall apply.

2. The Rules of Procedure of the Court of Justice shall be adapted and supplemented as necessary in accordance with Article 188 of the Treaty establishing the European Economic Community.

Article 2

This Protocol shall be subject to ratification by the Signatory States. The instruments of ratification shall be deposited with the Secretary-General of the Council of the European Communities.

Article 3

This Protocol shall enter into force on the first day of the third month following the deposit of the instrument of ratification of the last Signatory State to complete that formality.

Article 4

This Protocol, drawn up in a single original in the Danish, Dutch, English, French, German, Greek, Irish, Italian, Portuguese and Spanish languages, all 10 texts being equally authentic, shall be deposited in the archives of the General Secretariat of the Council of the European Communities. The Secretary-General shall transmit a certified copy to the Government of each signatory.

In witness whereof, the undersigned Plenipotentiaries have affixed their signature below this Protocol.

Done at Brussels on the nineteenth day of December in the year one thousand nine hundred and eighty-eight.

(Signatures of the Plenipotentiaries)

Passed by the House of Representatives at Sitting No. 371 of the 28th March,
2006.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives