

Law applicable to contractual obligations: accession of Bulgaria and Romania to the Convention

2007/0077(CNS) - 25/04/2007 - Legislative proposal

PURPOSE: to enable Bulgaria and Romania to accede to the Convention on the Law applicable to Contractual Obligations, opened for signature in Rome on 19 June 1980.

PROPOSED ACT: Council Decision.

CONTENT: the 2005 Act of accession of Bulgaria and Romania has introduced a simplified system for the accession of Bulgaria and Romania to the conventions (and protocols) concluded by the Member States on the basis of Art. 34 TEU (previously Art. K.3 TEU) or Art. 293 EC. It is no longer necessary, as in the past, to negotiate and conclude specific accession protocols to these conventions (which would have implied ratification by 27 States): Article 3(3) of the Act provides simply that Bulgaria and Romania accede to these conventions and protocols by virtue of the Act of Accession.

Article 3(3) and 3(4) of the Act of Accession provide that, to that effect, the Council shall adopt a decision in order to determine the date on which these conventions shall enter into force for Bulgaria and Romania and to make all the necessary adjustments to these conventions required by reason of the accession of the two new Member States (which would include, in any event, the adoption of the conventions in the Bulgarian and Romanian languages, so that these versions can be "equally authentic"). The Council shall act on a recommendation of the Commission, after consulting the European Parliament.

Annex I to the Act of Accession gives the list of the 7 conventions and protocols concerned in the Justice and Home Affairs area.

The list includes in particular:

- the Convention of 19 June 1980 on the law applicable to contractual obligations opened for signature in Rome on 19 June 1980,
- the Convention of 10 April 1984 on the accession of the Hellenic Republic to the Convention on the law applicable to contractual obligations, opened for signature in Rome on 19 June 1980,
- the first Protocol of 19 December 1988 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 second Protocol of 19 December 1988 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 Convention of 18 May 1992 on the accession of the Kingdom of Spain and the Portuguese Republic to the Convention on the Law applicable to Contractual Obligations, opened for signature in Rome on 19 June 1980,

- the Convention of 29 November 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, opened for signature in Rome on 19 June 1980, and to the First and Second Protocols on its interpretation by the Court of Justice.

In line with Article 3(6) the Commission has prepared a proposal to add to the list 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 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 present draft Commission Recommendation is intended to make the adjustments required by reason of the accession of Bulgaria and Romania to the aforementioned Conventions and Protocols, in accordance with Article 3(4) of the Act of Accession.