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Convention

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

Brussels, 29 November 1996

[The United Kingdom instrument of ratification was deposited on 26 October 2000 and the
Convention entered into force for the United Kingdom on 1 January 2001]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
October 2002*

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**CONVENTION 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 1980¹, AND
TO THE FIRST AND SECOND PROTOCOLS, ON ITS INTERPRETATION BY
THE COURT OF JUSTICE**

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

CONSIDERING that the Republic of Austria, the Republic of Finland and the
Kingdom of Sweden, in becoming Members of the European Union, 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,

HAVE AGREED AS FOLLOWS:

TITLE I

General provisions

ARTICLE 1

The Republic of Austria, the Republic of Finland and the Kingdom of Sweden 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 all the adjustments and amendments
made thereto by:
 - the Convention signed in Luxembourg on 10 April 1984², 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 1992³, 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;
- (b) the First Protocol, signed on 19 December 1988⁴, 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;
- (c) the Second Protocol, signed on 19 December 1988⁵, 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.

¹ Treaty Series No. 2 (1992) Cm 1794

² Treaty Series No. 4 (1992) Cm 1834

³ Treaty Series No. 31 (1998) Cm 4035

⁴ Miscellaneous No. 7 (1989) Cm 682

⁵ Miscellaneous No. 8 (1989) Cm 681

TITLE II

Adjustments to the Protocol annexed to the Convention of 1980

ARTICLE 2

The Protocol annexed to the Convention of 1980 is hereby replaced by the following:

“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 “Sølov” (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).”

TITLE III

Adjustments to the First Protocol of 1988

ARTICLE 3

The following indents shall be inserted in Article 2(a) of the First Protocol of 1988:

(a) between the tenth and eleventh indents:

“— in Austria:

the *Oberste Gerichtshof*, the *Verwaltungsgerichtshof* and the *Verfassungsgerichtshof*,”

(b) between the eleventh and twelfth indents:

“— in Finland:

korkein oikeus/högsta domstolen, *korkein hallinto-oikeus/högsta förvaltningsdomstolen*, *markkinatuomioistuin/marknadsdomstolen* and *työtuomioistuin/arbetsdomstolen*,

— in Sweden:

Högsta domstolen, *Regeringsrätten*, *Arbetsdomstolen* and *Marknadsdomstolen*.”

TITLE IV

Final provisions

ARTICLE 4

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 and the Convention of 1992 in the Danish, Dutch, English, French, German, Greek, Irish, Italian, Spanish and Portuguese languages to the Governments of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden.

2. The text of the Convention of 1980, the Convention of 1984, the First Protocol of 1988, the Second Protocol of 1988 and the Convention of 1992 in the Finnish and Swedish 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 and the Convention of 1992.

ARTICLE 5

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 6

1. This Convention shall enter into force, as between the States which have ratified it, on the first day of the third month following the deposit of the last instrument of ratification by the Republic of Austria, the Republic of Finland or the Kingdom of Sweden and by one Contracting State which has ratified the Convention on the Law applicable to Contractual Obligations.

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

ARTICLE 7

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 8

This Convention, drawn up in a single original in the Danish, Dutch, English, Finnish, French, German, Greek, Irish, Italian, Portugese, Spanish and Swedish languages, all twelve 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 Brussels on the twenty-ninth day of November in the year one thousand nine hundred and ninety-six.

[Here follow the Signatures]

JOINT DECLARATION

TO BE ANNEXED TO THE CONVENTION, CONCERNING THE PROTOCOL
ANNEXED TO THE CONVENTION OF ROME

The High Contracting Parties

having examined the terms of the Protocol annexed to the Convention of Rome of 1980, as amended by the Convention of Accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the Convention of 1980, and to the First and Second Protocols of 1988,

take note that Denmark, Sweden and Finland state their readiness to examine the extent to which they will be able to ensure that any future amendment concerning their national law applicable to questions relating to the carriage of goods by sea complies with the procedure provided for in Article 23 of the Convention of Rome of 1980.

RATIFICATIONS, ACCESSIONS, EFFECTIVE DATES AND DECLARATIONS

<i>State</i>	<i>Action</i>	<i>Date</i>	<i>Effective Date</i>
Austria ¹	Signature	29 Nov 1996	
	Ratification	17 Sep 1998	01 Dec 1998
Belgium	Signature	29 Nov 1996	01 Oct 1998
Finland	Signature	29 Nov 1996	
	Ratification	22 Jan 1999	01 Apr 1999
France	Signature	29 Nov 1996	
	Ratification	30 May 2000	01 Aug 2000
Germany	Signature	29 Nov 1996	
	Ratification	8 Oct 1998	01 Jan 1999
Greece	Signature	29 Nov 1996	
	Ratification	19 Apr 1999	01 Jul 1999
Italy	Signature	29 Nov 1996	
	Ratification	08 Mar 2002	01 Jun 2002
Luxembourg	Signature	29 Nov 1996	
	Ratification	14 Feb 2000	01 May 2000
Netherlands ²	Signature	29 Nov 1996	
	Ratification	04 Jul 1997	01 Oct 1998
Portugal	Signature	29 Nov 1996	
	Ratification	05 Nov 1999	01 Feb 2000
Spain	Signature	29 Nov 1996	
	Ratification	22 Jan 1999	01 Apr 1999
Sweden	Signature	29 Nov 1996	
	Ratification	07 Jul 1998	01 Oct 1998
United Kingdom	Signature	29 Nov 1996	
	Ratification	26 Oct 2000	01 Jan 2001

NOTES:

¹ Declared 31 May 2000 that Judicial and Extra-Judicial documents drawn up in a Contracting State other than Austria which have to be served on persons in the territory of the Republic of Austria may not be served directly to the public officer in the Republic of Austria by the public officer of the State in which they were drawn up.

² Extended to Aruba with effect from 5 May 1999.



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