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

(97/C 15/02)

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 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;

(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;

(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 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 “Solov” (maritime law),

— in Sweden, Chapter 13, Article 2 (1) and (2), and Chapter 14, Article 1 (3), of “sjomagen” (maritime law),

— in Finland, Chapter 13, Article 2 (1) and (2), and Chapter 14, Article 1 (3), of “merilaki”/”sjolagen” (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 10th and 11th indents:

"— in Austria:

the Ooberste Gerichtshof, the Verwaltungsgerichtshof and the Verfassungsgerichtshof;"

(b) between the 11th and 12th indents:

"— in Finland:

korkein oikeus/högsta domstolen, korkein hallinto-oikeus/högsta förvaltningsdomstolen, markkinatuomioistuin/marknadsdomstolen and työuoimistuomitarbetsdomstolen,

— in Sweden:

Högsta domstolen, Regeringsräten, 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.


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, Portuguese, Spanish and Swedish languages, all 12 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.
Hecho en Bruselas, el veintinueve de noviembre de mil novecientos noventa y seis.

Udfærdiget i Bruxelles, den niogtyvende november nitten hundrede og seksoghalvfem.

Geschehen zu Brüssel am neunundzwanzigsten November neunzehnhundertsechsundneunzig.

Έγινε στις Βρυξέλλες, στις είκοσι εννέα Νοεμβρίου χίλια ενενήντα είς.

Done at Brussels on the twenty-ninth day of November in the year one thousand nine hundred and ninety-six.

Fait à Bruxelles, le vingt-neuf novembre mil neuf cent quatre-vingt-seize.

Arna dhéanamh sa Bhruiséal, an naoí lá is fiche de Shamhain, mile naoi gcéad nócha a sé.

Fatto a Bruxelles, addì ventinove novembre millenovecentonovantasei.

Gedaan te Brussel, de negentwentigste november negentienhonderd zesennegentig.

Feito em Bruxelas, em vinte e nove de Novembro de mil novecentos e noventa e seis.

Tehty Brysselissä kahdentoakymenentenäyhdeksäntenä päivänä marraskuuta vuonna tuhatyhdeksäsataayahdeksänkymmentäkuusi.

Som skedde i Bryssel den tjugonionde november nittonhundranittiosex.
Pour le gouvernement du royaume de Belgique
Voor de Regering van het Koninkrijk Belgie
Für die Regierung des Königreichs Belgien

For regeringen for Kongeriget Danmark

Für die Regierung der Bundesrepublik Deutschland

Για την κυβέρνηση της Ελληνικής Δημοκρατίας

Por el Gobierno del Reino de España
Pour le gouvernement de la République française

Thar ceann Rialtas na hÉireann
For the Government of Ireland

Per il governo della Repubblica italiana

Pour le gouvernement du Grand-Duché de Luxembourg

Voor de Regering van het Koninkrijk der Nederlanden
Für die Regierung der Republik Österreich

Pelo Governo da República Portuguesa

Suomen hallituksen puolesta
På finska regeringens vägnar

På svenska regeringens vägnar

For the Government of the United Kingdom of Great Britain and Northern Ireland
Joint Declaration

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.