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EN

I

(Information)

COUNCIL

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

(2005/C 169/01)

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 signed in Brussels on 29 November 1996, hereinafter referred to as '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.

Hecho en Luxemburgo, el catorce de abril de dos mil cinco.

V Lucemburku dne čtrnáctého dubna dva tisíce pět.

Udfærdiget i Luxembourg den fjortende april to tusind og fem.

Geschehen zu Luxemburg am vierzehnten April zweitausendfünf.

Kahe tuhanda viienda aasta aprillikuu neljateistkümnendal päeval Luxembourgis.

Έγινε στο Λουξεμβούργο, στις δέκα τέσσερις Απριλίου δύο χιλιάδες πέντε.

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

Fait à Luxembourg, le quatorze avril deux mille cinq.

Arna déanamh i Lucsamburg, an ceathrú lá déag d'Aibreán sa bhliain dhá mhíle is a cúig.

Fatto a Lussemburgo, addì quattordici aprile duemilacinque.

Luksemburgā, divi tūkstoši piektā gada četrpadsmitajā aprīlī.

Priimta du tūkstančiai penktų metų balandžio keturioliktą dieną Liuksemburge.

Kelt Luxembourgban, a kettőezer-ötödik év április tizenegyedik napján.

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

Gedaan te Luxemburg, de veertiende april tweeduizend vijf.

Sporządzono w Luksemburgu dnia czternastego kwietnia roku dwa tysiące piątego.

Feito no Luxemburgo, em catorze de Abril de dois mil e cinco.

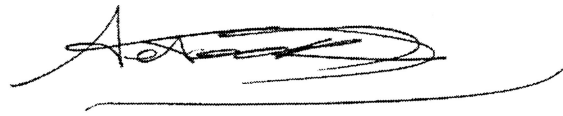
V Luxembourggu, štirinajstega aprila leta dva tisoč pet.

V Luxemburgu dňa štrnásteho apríla dvetisícpäť.

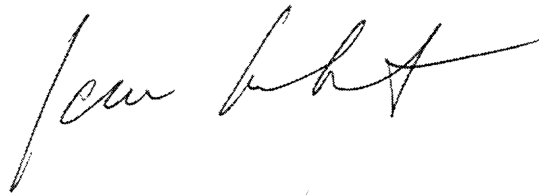
Tehty Luxemburgissa neljäntenätoista päivänä huhtikuuta vuonna kaksituhattaviisi.

Som skedde i Luxemburg den fjortonde april tjugohundra fem.

Pour le gouvernement du Royaume de Belgique
Voor de regering van het Koninkrijk België
Für die Regierung des Königreichs Belgien



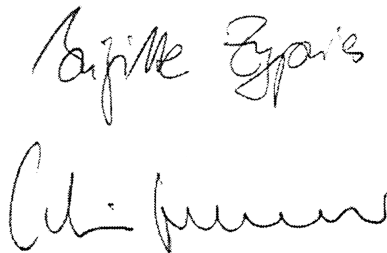
Za vládu České republiky



For regeringen for Kongeriget Danmark



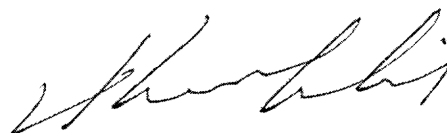
Für die Regierung der Bundesrepublik Deutschland



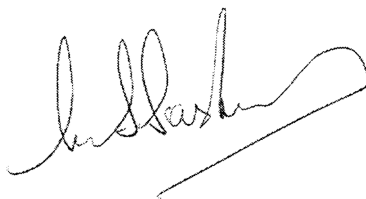
Eesti Vabariigi valitsuse nimel



Για την κυβέρνηση της Ελληνικής Δημοκρατίας



Por el Gobierno del Reino de España



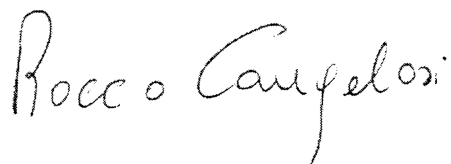
Pour le gouvernement de la République française



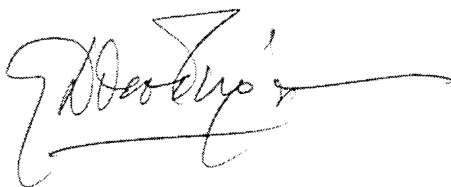
Thar ceann Rialtas na hÉireann
For the Government of Ireland



Per il governo della Repubblica italiana



Για την κυβέρνηση της Κυπριακής Δημοκρατίας



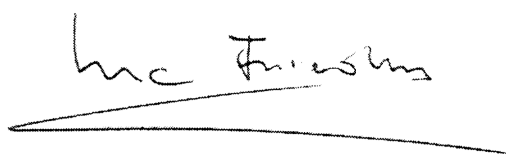
Latvijas Republikas valdības vārdā



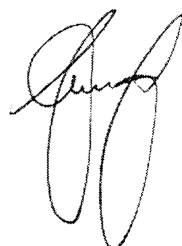
Lietuvos Respublikos Vyriausybės vardu



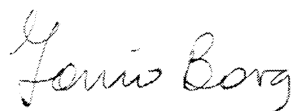
Pour le gouvernement du Grand-Duché de Luxembourg

A handwritten signature in black ink, appearing to read "Luc Frieden", with a long horizontal line underneath.

A Magyar Köztársaság kormánya részéről

A stylized handwritten signature in black ink, possibly reading "Gyurcsány".

Għall-Gvern tar-Repubblika ta' Malta

A handwritten signature in black ink, clearly legible as "Louis Berg".

Voor de regering van het Koninkrijk der Nederlanden

A stylized handwritten signature in black ink, possibly reading "J. P. H.", with a long horizontal line underneath.

Für die Regierung der Republik Österreich

A handwritten signature in black ink, appearing to read "Keria Blumauer".

W imieniu Rządu Rzeczypospolitej Polskiej

A stylized handwritten signature in black ink, possibly reading "Grodzki".

Pelo Governo da República Portuguesa

A stylized handwritten signature in black ink, possibly reading "A. M. Santos".

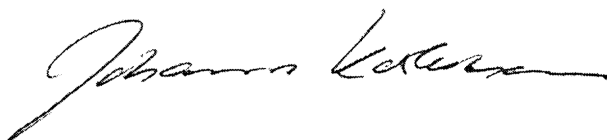
Za vlado Republike Slovenije



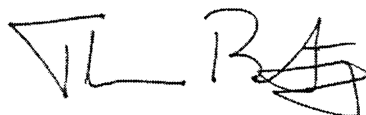
Za vládu Slovenskej republiky



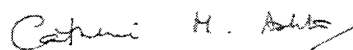
Suomen hallituksen puolesta
På finska regeringens vägnar



På svenska regeringens vägnar



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



Joint declaration 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.
-