



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 30 March 2006

**Interinstitutional File:
2003/0168 (COD)**

**7928/06
ADD 1**

LIMITE

**JUSTCIV 84
CODEC 295**

PUBLIC

NOTE

from : United Kingdom delegation
to : Committee on Civil Law Matters (Rome II)

No prev. doc.: 7432/06 JUSTCIV 62 CODEC 247
No Cion prop.: 6622/06 JUSTCIV 32 CODEC 171

Subject : Proposal for a Regulation of the European Parliament and the Council on the law applicable to non-contractual obligations ("ROME II")¹

Article 1(2), new paragraph d bis

"Non-contractual obligations arising out of transactions, such as issuing, admission to trading, offering or marketing, relating to financial instruments, including transferable securities, money-market instruments, units in collective investment undertakings, options, futures and other derivatives instruments"

¹ This note was circulated as a meeting document at the meeting of the Committee on Civil Law Matters (Rome II) on 27 and 28 March 2006.

Article 5, new paragraphs 3 and 4

"3 In cases where a restriction of competition affects or is likely to affect trade between Member States within the meaning of Articles 81 or 82 of the EC Treaty, the law applicable to a non-contractual obligation arising out of such a restriction shall be the law of the forum.

4. In cases where a restriction of competition does not affect trade between Member States within the meaning of Articles 81 or 82 of the EC Treaty, the law applicable to a non-contractual obligation arising out of such a restriction shall be the law of the country on whose market the restriction has or is likely to have effect."
