



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 24.4.2007
COM(2007) 204 final

Proposal for a

COUNCIL DECISION

amending Annex I to the Act of Accession of Bulgaria and Romania

(presented by the Commission)

EXPLANATORY MEMORANDUM

Article 3 (3) of the Act of Accession provides that Bulgaria and Romania accede to the conventions and protocols concluded between the Member States, listed in its Annex I.

The list includes 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 the period preceding the accession of Bulgaria and Romania to the European Union, the Member States have signed on 14 April 2005 a Convention on the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, 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.

Therefore it is appropriate to provide for the accession of Bulgaria and Romania to the Convention of 19 June 1980 on the law applicable to contractual obligations as amended by the Convention of 14 April 2005 and to that effect, that Convention should be added to Annex I of the Act of Accession.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the European Union,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of accession of Bulgaria and Romania, and in particular Article 3(6) thereof,

Having regard to the proposal from the Commission¹,

Whereas:

- (1) Article 3(3) of the Act of Accession of 2005 provides that Bulgaria and Romania accede to the conventions and protocols concluded between the Member States, listed in its Annex I.
- (2) In the period preceding the accession of Bulgaria and Romania to the European Union, the Member States have signed on 14 April 2005 a Convention on the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, 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 Communities².
- (3) It is appropriate to provide for the accession of Bulgaria and Romania to the 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 as amended by the Convention of 14 April 2005. To that effect, that Convention should be added to Annex I of the Act of Accession of 2005,

HAS DECIDED AS FOLLOWS:

Article 1

Annex I to the Act of Accession of 2005 is amended as follows:

¹ OJ C [...], [...], p. [...].

² OJ C 169, 08.07.2005, p. 1.

In point 1, the following indent is added:

« - 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 (OJ C 169, 08.07.2005, p. 1). »

Article 2

This Decision shall take effect on the day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, [...]

For the Council
The President
[...]