



TREATY SERIES 2007
N° 161

**Second Protocol conferring on the Court of Justice of the
European Communities certain powers to interpret the
Convention on the law applicable to contractual obligations**

Done at Brussels on 19 December 1988

Notification of completion of requirements for entry into force on 29
October 1991

Entered into force on 1 August 2004

Presented to Dáil Éireann by the Minister for Foreign Affairs

**SECOND PROTOCOL CONFERRING ON THE COURT OF JUSTICE
OF THE EUROPEAN COMMUNITIES CERTAIN POWERS TO
INTERPRET THE CONVENTION ON THE LAW APPLICABLE TO
CONTRACTUAL OBLIGATIONS**

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

Whereas the Convention on the law applicable to contractual obligations, opened for signature in Rome on 19 June 1980, hereinafter referred to as 'the Rome Convention', will enter into force after the deposit of the seventh instrument of ratification, acceptance or approval;

Whereas the uniform application of the rules laid down in the Rome Convention requires that machinery to ensure uniform interpretation be set up and whereas to that end appropriate powers should be conferred upon the Court of Justice of the European Communities, even before the Rome Convention enters into force with respect to all the Member States of the European Economic Community,

HAVE DECIDED to conclude this Protocol and to this end have designated as their Plenipotentiaries:

HIS MAJESTY THE KING OF THE BELGIANS:

Paul DE KEERSMAEKER

State Secretary for European Affairs and Agriculture, Deputy to the Minister for External Relations

HER MAJESTY THE QUEEN OF DENMARK:

Knud Erik TYGESEN

State Secretary

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY:

Irmgard ADAM-SCHWAETZER

Deputy Minister for Foreign Affairs

THE PRESIDENT OF THE HELLENIC REPUBLIC:

Théodoros PANGALOS

Deputy Minister for Foreign Affairs

HIS MAJESTY THE KING OF SPAIN:

Francisco FERNANDEZ ORDOÑEZ

Minister for Foreign Affairs

THE PRESIDENT OF THE FRENCH REPUBLIC:

Philippe LOUËT

Ambassador Extraordinary and Plenipotentiary

THE PRESIDENT OF IRELAND:

Brian LENIHAN

Deputy Prime Minister and Minister for Foreign Affairs

THE PRESIDENT OF THE ITALIAN REPUBLIC:

Gianni MANZOLINI

State Secretary for Foreign Affairs

HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG:

Jacques POOS

Vice-President of the Government, Minister for Foreign Affairs, External Trade and Cooperation, Minister for the Economy and the Middle Classes, Minister for the Treasury

HER MAJESTY THE QUEEN OF THE NETHERLANDS:

H. van den BROEK

Minister for Foreign Affairs

THE PRESIDENT OF THE PORTUGUESE REPUBLIC:

João de Deus PINHEIRO

Minister for Foreign Affairs

HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT
BRITAIN AND NORTHERN IRELAND:

Lynda CHALKER

Minister of State for Foreign and Commonwealth Affairs

Who, meeting within the Council of the European Communities, having exchanged their full powers, found in good and due form,

Have agreed as follows:

Article 1

1. The Court of Justice of the European Communities shall, with respect to the Rome Convention, have the jurisdiction conferred upon it by the First Protocol 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, concluded in Brussels on 19 December 1988 (1). The Protocol on the Statute of the Court of Justice of the European Communities and the Rules of Procedure of the Court of Justice shall apply.

2. The Rules of Procedure of the Court of Justice shall be adapted and supplemented as necessary in accordance with Article 188 of the Treaty establishing the European Economic Community.

Article 2

This Protocol shall be subject to ratification by the Signatory States. The instruments of ratification shall be deposited with the Secretary-General of the Council of the European Communities.

Article 3

This Protocol shall enter into force on the first day of the third month following the deposit of the instrument of ratification of the last Signatory State to complete that formality.

Article 4

This Protocol, drawn up in a single original in the Danish, Dutch, English, French, German, Greek, Irish, Italian, Portuguese and Spanish languages, all 10 texts being equally authentic, shall be deposited in the archives of the General Secretariat of the Council of the European Communities. The Secretary-General shall transmit a certified copy to the Government of each signatory.

In witness whereof, the undersigned Plenipotentiaries have affixed their signatures below this Protocol.

Done at Brussels on the nineteenth day of December in the year one thousand nine hundred and eighty-eight.