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# 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,  
opened for signature in Rome on 19 June 1980

Brussels, 19 December 1988

[The United Kingdom's instrument of ratification was deposited on 29 January 1991  
and the Protocol entered into force for the United Kingdom on 1 August 2004]

*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty  
August 2004*

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**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, OPENED FOR SIGNATURE IN ROME ON 19 JUNE 1980**

**THE HIGH CONTRACTING PARTIES TO THE TREATY ESTABLISHING THE EUROPEAN ECONOMIC COMMUNITY;<sup>1</sup>**

WHEREAS the Convention on the law applicable to contractual obligations, opened for signature in Rome on 19 June 1980<sup>2</sup>, 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 ORDÓÑEZ  
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

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<sup>1</sup>Treaty Series No. 47 (1988) Cm 455.

<sup>2</sup>Treaty Series No. 2 (1992) Cm 1794.

HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG:

Jacques POOS

Vice-President of the Government, Minister for Foreign Affairs, External Trade and Co-operation, 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:

Joao 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<sup>1</sup>. 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 ten 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.

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<sup>1</sup>Miscellaneous No. 7 (1989) Cm 682.

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.

[Here follow the signatures]

## RATIFICATIONS, ACCESSIONS, EFFECTIVE DATES AND DECLARATIONS

<i>State</i>	<i>Action</i>	<i>Date</i>	<i>Effective Date</i>
Belgium	Signature	19 Dec 1988	
	Ratification	05 May 2004	01 Aug 2004
Denmark	Signature	19 Dec 1988	
	Ratification	07 Mar 2001	01 Aug 2004
France	Signature	19 Dec 1988	
	Ratification	01 Dec 1995	01 Aug 2004
Germany	Signature	19 Dec 1988	
	Ratification	26 Mar 1996	01 Aug 2004
Greece	Signature	19 Dec 1988	
	Ratification	08 May 1992	01 Aug 2004
Ireland	Signature	19 Dec 1988	
	Ratification	29 Oct 1991	01 Jan 1992
Italy	Signature	19 Dec 1988	
	Ratification	09 Dec 1992	01 Aug 2004
Luxembourg	Signature	19 Dec 1988	
	Ratification	13 Aug 1992	01 Aug 2004
Netherlands	Signature	19 Dec 1988	
	Ratification	21 Jun 1991	01 Sep 1991
Antilles	Ratification	24 May 1993	01 Aug 1993
Aruba	Ratification	24 May 1993	01 Aug 1993
Portugal	Signature	19 Dec 1988	
	Ratification	30 Jun 1994	01 Aug 2004
Spain	Signature	19 Dec 1988	
	Ratification	14 Sep 1994	01 Aug 2004
United Kingdom	Signature	19 Dec 1988	
	Ratification	29 Jan 1991	01 Aug 2004

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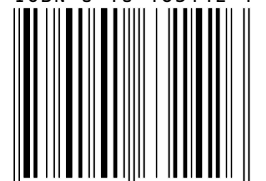
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