



Treaty Series No. 31 (1998)

## Convention

# 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

Funchal, 18 May 1992

[The United Kingdom instrument of ratification was  
deposited on 30 September and the Convention entered into  
force for the United Kingdom on 1 December 1997]

*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty  
August 1998*

**CONVENTION  
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<sup>1</sup>**

The High Contracting Parties to the Treaty Establishing the European Economic Community<sup>2</sup>,

Considering that the Kingdom of Spain and the Portuguese Republic, in becoming Members of the Community, undertook to accede to the Convention on the Law applicable to Contractual Obligations, opened for signature in Rome on 19 June 1980,

Have decided to conclude this Convention, and to this end have designated as their plenipotentiaries:

His Majesty The King of the Belgians:

Melchior Wathelet,  
Deputy Prime Minister, Minister for Justice and Economic Affairs

Her Majesty The Queen of Denmark:

Michael Bendik,  
Minister for Justice

The President of the Federal Republic of Germany:

Wolfgang Heyde,  
Ministerial Director in the Federal Ministry for Justice

The President of the Hellenic Republic:

Michalis Papaconstantinou,  
Minister for Justice

His Majesty The King of Spain:

Tomás de la Quadra-Salcedo y Fernández del Castillo,  
Minister for Justice

The President of the French Republic:

Michel Vauzelle,  
Keeper of the Seals, Minister for Justice

The President of Ireland:

Pádraig Flynn,  
Minister for Justice

The President of the Italian Republic:

Giovanni Battistini,  
Ambassador in Lisbon

His Royal Highness The Grand Duke of Luxembourg:

Charles Elsen,  
First Councillor of the Government

Her Majesty The Queen of the Netherlands:

E. M. H. Hirsch Ballin,  
Minister for Justice

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<sup>1</sup> Treaty Series No. 2 (1992), Cm 1794.

<sup>2</sup> Treaty Series No. 47 (1988), Cm 455.

The President of the Portuguese Republic:  
Alvaro José Brillhante Laborinho Lúcio,  
Minister for Justice

Her Majesty The Queen of the United Kingdom of Great Britain and Northern Ireland:

John Mark Taylor,  
Parliamentary Under-Secretary of State for the Lord Chancellor's Department

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

Have agreed as follows:

#### ARTICLE 1

The Kingdom of Spain and the Portuguese Republic hereby accede to the Convention on the Law applicable to Contractual Obligations, opened for signature in Rome on 19 June 1980.

#### ARTICLE 2

The Convention on the Law applicable to Contractual Obligations is hereby amended as follows:

- (1) Article 22(2), Article 27 and the second sentence of Article 30(3) shall be deleted.
- (2) The following shall be substituted for Article 31(d):

“(d) communications made in pursuance of Articles 23, 24, 25, 26 and 30;”

#### ARTICLE 3

The Secretary-General of the Council of the European Communities shall transmit a certified copy of the Convention on the Law applicable to Contractual Obligations in the Danish, Dutch, English, French, German, Greek, Irish and Italian languages to the Governments of the Kingdom of Spain and the Portuguese Republic.

The text of the Convention on the Law applicable to Contractual Obligations in the Portuguese and Spanish languages is set out in Annexes I and II to this Convention. The texts drawn up in the Portuguese and Spanish languages shall be authentic under the same conditions as the other texts of the Convention on the Law applicable to Contractual Obligations.

#### 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 Communities.

#### ARTICLE 5

This Convention shall enter into force, as between the States which have ratified it, on the first day of the third month following the deposit of the last instrument of ratification by the Kingdom of Spain or the Portuguese Republic and by one State which has ratified the Convention on the Law applicable to Contractual Obligations.

This Convention shall enter into force for each Contracting 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 Communities 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 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 State.

In witness whereof the undersigned Plenipotentiaries have signed this Convention.

Done at Funchal on the eighteenth day of May in the year one thousand nine hundred and ninety-two.

[Here follow the signatures]

### *Ratifications*

<i>Contracting Parties</i>	<i>Date of Signature</i>	<i>Date of deposit for Instruments of Ratification</i>	<i>Date of Entry into force</i>
Belgium	18 May 1992	19 Mar 1998	1 Jun 1998
Denmark	18 May 1992	—	—
Germany	18 May 1992	23 Jun 1995	1 Sep 1995
Greece	18 May 1992	—	—
Spain	18 May 1992	2 Jun 1993	1 Sep 1993
France	18 May 1992	22 Sep 1995	1 Dec 1995
Ireland	18 May 1992	—	—
Italy	18 May 1992	15 Dec 1993	1 Mar 1994
Luxembourg	18 May 1992	21 Jan 1997	1 Apr 1997
Netherlands	18 May 1992	11 Feb 1993	1 Sep 1993
Portugal	18 May 1992	30 Jun 1994	1 Sep 1994
United Kingdom	18 May 1992	30 Sep 1997	1 Dec 1997



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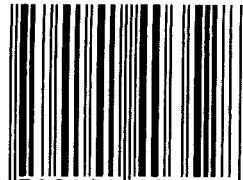
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