

No. 30241

MULTILATERAL

Convention on the accession of the Kingdom of Spain and the Portuguese Republic to the Convention on the law applicable to contractual obligations (with annexed convention, protocol and joint declaration). Concluded at Funchal, Portugal, on 18 May 1992

Authentic texts: Spanish, Danish, German, Greek, English, French, Irish, Italian, Dutch and Portuguese.

Authentic texts of the annexed convention, protocol and joint declaration: Spanish and Portuguese.

Registered by the Secretary-General of the Council of the European Communities, acting on behalf of the Parties, on 1 September 1993.

MULTILATÉRAL

Convention relative à l'adhésion du Royaume d'Espagne et de la République portugaise à la Convention sur la loi applicable aux obligations contractuelles (avec convention, protocole et déclaration commune annexés). Conclue à Funchal (Portugal) le 18 mai 1992

Textes authentiques : espagnol, danois, allemand, grec, anglais, français, irlandais, italien, néerlandais et portugais.

Textes authentiques de la convention, du protocole et de la déclaration commune annexés : espagnol et portugais.

Enregistrée par le Secrétaire général du Conseil des Communautés européennes, agissant au nom des Parties, le 1^{er} septembre 1993.

CONVENTION¹ ON THE ACCESSION OF THE KINGDOM OF SPAIN
AND THE PORTUGUESE REPUBLIC TO THE CONVENTION
ON THE LAW APPLICABLE TO CONTRACTUAL OBLIGA-
TIONS, OPENED FOR SIGNATURE IN ROME ON 19 JUNE 1980²

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

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

¹ Came into force on 1 September 1993, i.e., the first day of the third month following the date of deposit of the last instrument of ratification by the Kingdom of Spain or the Portuguese Republic and by one State which had ratified the Convention on the law applicable to contractual obligations, in accordance with article 5:

<i>Participant</i>	<i>Date of deposit of the instrument of ratification</i>
Netherlands	11 February 1993
Spain	2 June 1993

² United Nations, *Treaty Series*, vol. 1605, No. I-28023.

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

THE PRESIDENT OF THE PORTUGUESE REPUBLIC:

Álvaro José BRILHANTE 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.

[For the testimonium and signatures, see p. 99 of this volume.]

EN FE DE LO CUAL, los plenipotenciarios abajo firmantes suscriben el presente Convenio.

TIL BEKRÆFTELSE HERAF har undertegnede befuldmægtigede underskrevet denne konvention.

ZU URKUND DESSEN haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter dieses Uebereinkommen gesetzt.

ΕΙΣ ΠΙΣΤΩΣΗ ΤΩΝ ΑΝΩΤΕΡΩ, οι υπογεγραμμένοι πληρεξούσιοι έθεσαν τις υπογραφές τους στο παρόν πρωτόκολλο.

IN WITNESS WHEREOF the undersigned Plenipotentiaries have signed this Convention.

EN FOI DE QUOI, les plénipotentiaires soussignés ont apposé leurs signatures au bas de la présente convention.

DÁ FHIANÚ SIN, chuir na Lánchumhachtaigh thíos-síniú a lámh leis an gCoinbhinsiún seo.

IN FEDE DI CHE, i plenipotenziari sottoscritti hanno apposto le loro firme in calce alla presente Convenzione.

TEN BLIJKE WAARVAN de ondergetekende gevolmachtigden hun handtekening onder dit Verdrag hebben gesteld.

EM FÉ DO QUE, os plenipotenciários abaixo assinados apuseram as suas assinaturas no final da presente Convenção.

Hecho en Funchal, el dieciocho de mayo de mil novecientos noventa y dos.

Udfærdiget i Funchal, den attende maj nitten hundrede og tooghalvfems.

Geschehen zu Funchal am achtzehnten Mai neunzehnhundertzweiundneunzig.

Έγινε στο Φούνσαλ, στις δέκα οκτώ Μαΐου χίλια εννιακόσια εννενήντα δύο.

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

Fait à Funchal, le dix-huit mai mil neuf cent quatre-vingt-douze.

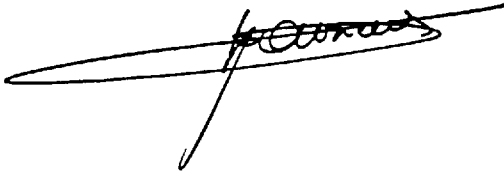
Arna dhéanamh i Funchal, an t-ochtú lá déag de Bhealtaine, míle naoi gcéad nócha dó i Funchal.

Fatto a Funchal, addi' diciotto maggio millenovecentonovantadue.

Gedaan te Funchal, de achttiende mei negentienhonderd twee-en-negentig.

Feito em Funchal, em dezoito de Maio de mil novecentos e noventa e dois.

Pour Sa Majesté le Roi des Belges
Voor Zijne Majesteit de Koning der Belgen



For Hendes Majestæt Danmarks Dronning

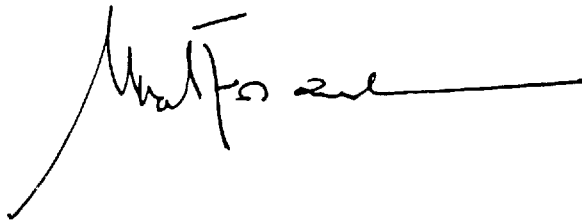
Med forbehold for konventionens
anvendelse på Færøerne og i
Grønland¹



Für den Präsidenten der Bundesrepublik Deutschland

Wolfgang Ibert.

Για τον Πρόεδρο της Ελληνικής Δημοκρατίας



¹ [DANISH TEXT — TEXTE DANOIS] Med forbehold for konventionens anvendelse på Færøerne og i Grønland.
[TRANSLATION] With reservation with respect to Convention's application in the Faroe Islands and Greenland.
[TRADUCTION] Sauf en ce qui concerne l'application de la Convention aux Iles Féroé et au Groenland.

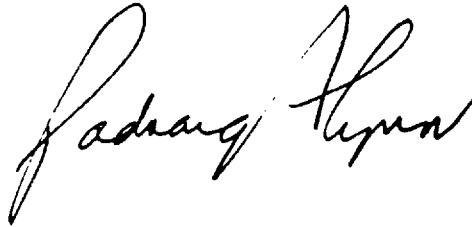
Por Su Majestad el Rey de España

A handwritten signature in black ink, consisting of several large, overlapping loops and a long horizontal stroke at the bottom.

Pour le Président de la République française

A handwritten signature in black ink, featuring a large, sweeping curve that starts high on the left and ends with a horizontal line on the right.

Thar ceann Uachtarán na hÉireann
For the President of Ireland

A handwritten signature in black ink, written in a cursive style with large, flowing letters.

Per il Presidente della Repubblica italiana

A handwritten signature in black ink, starting with a long horizontal stroke followed by the letters 'B' and 'M' in a stylized, cursive font.

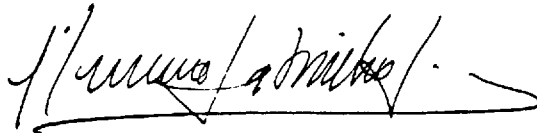
Pour Son Altesse Royale le Grand-Duc de Luxembourg



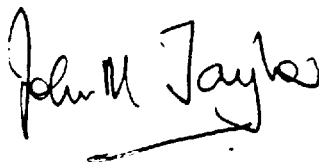
Voor Hare Majesteit de Koningin der Nederlanden



Pelo Presidente da República Portuguesa



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



Til bekræftigelse heraf har undertegnede behørigt befuldmægtigede underskrevet denne konvention.

Zu Urkund dessen haben die hierzu gehörig befugten Unterzeichneten ihre Unterschriften unter dieses Übereinkommen gesetzt.

In witness whereof the undersigned, being duly authorized thereto, have signed this Convention.

En foi de quoi, les soussignés, dûment autorisés à cet effet, ont signé la présente convention.

Dá fhianú sin, shínigh na daoine seo thíos, arna n-údarú go cui chuige sin, an Coinbhinsiún seo.

In fede di che, i sottoscritti, debitamente autorizzati a tal fine, hanno firmato la presente convenzione.

Ten blijke waarvan, de ondergetekenden, daartoe behoorlijk gemachtigd, hun handtekening onder dit Verdrag hebben geplaatst.

Undfærdiget i Rom, den nittende juni nitten hundrede og firs.

Geschehen zu Rom am neunzehnten Juni neunzehnhundertachtzig.

Done at Rome on the nineteenth day of June in the year one thousand nine hundred and eighty.

Fait à Rome, le dix-neuf juin mil neuf cent quatre-vingt.

Arna dhéanamh sa Róimh, an naoú lá déag de Mheitheamh sa bhliain míle naoi gcéad ochtó.

Fatto a Roma, addì diciannove giugno millenovecentoottanta.

Gedaan te Rome, de negentiende juni negentienhonderdtachtig.

Pour le royaume de Belgique

Voor het Koninkrijk België

Pà kongeriget Danmarks vegne

Für die Bundesrepublik Deutschland

Pour la République française

Thar ceann na hEireann

Per la Repubblica italiana

Pour le Grand-Duché de Luxembourg

Voor het Koninkrijk der Nederlanden

For the United Kingdom of Great Britain and Northern Ireland

Til bekræftigelse heraf har undertegnede behørigt befuldmægtigede underskrevet denne protokol.

Zu Urkund dessen haben die hierzu gehörig befugten Unterzeichneten ihre Unterschriften unter dieses Protokoll gesetzt.

In witness whereof the undersigned, being duly authorized thereto, have signed this Protocol.

En foi de quoi, les soussignés, dûment autorisés à cet effet, ont signé le présent protocole.

Dá fhianú sin, shínigh na daoine seo thíos, arna n-údarú go cuí chuige sin, an Protocal seo.

In fede di che, i sottoscritti, debitamente autorizzati a tal fine, hanno firmato il presente protocollo.

Ten blijke waarvan, de ondergetekenden, daartoe behoorlijk gemachtigd, hun handtekening onder dit Protocol hebben geplaatst.

Undfærdiget i Rom, den nittende juni nitten hundrede og firs.

Geschehen zu Rom am neunzehnten Juni neunzehnhundertachtzig.

Done at Rome on the nineteenth day of June in the year one thousand nine hundred and eighty.

Fait à Rome, le dix-neuf juin mil neuf cent quatre-vingt.

Arna dhéanamh sa Róimh, an naoú lá déag de Mheitheamh sa bhliain míle naoi gcéad ochtó.

Fatto a Roma, addì diciannove giugno millenovecentoottanta.

Gedaan te Rome, de negentiende juni negentienhonderdtachtig.

Pour le royaume de Belgique

Voor het Koninkrijk België

På kongeriget Danmarks vegne

Für die Bundesrepublik Deutschland

Pour la République française

Thar ceann na hEireann

Per la Repubblica italiana

Pour le grand-duché de Luxembourg

Voor het Koninkrijk der Nederlanden

For the United Kingdom of Great Britain and Northern Ireland

Til bekræftelse heraf har undertegnede behørigt befuldmægtigede underskrevet denne fælleserklæring.

Zu Urkund dessen haben die hierzu gehörig befugten Unterzeichneten ihre Unterschriften unter diese gemeinsame Erklärung gesetzt.

In witness whereof the undersigned, being duly authorized thereto, have signed this Joint Declaration.

En foi de quoi, les soussignés, dûment autorisés à cet effet, ont signé la présente déclaration commune.

Dá fhianú sin, shínigh na daoine seo thíos, arna n-údarú go cui chuige sin, an Dearbhu Comhphairteach seo.

In fede di che, i sottoscritti, debitamente autorizzati a tal fine, hanno firmato la presente dichiarazione comune.

Ten blijke waarvan, de ondergetekenden, daartoe behoorlijk gemachtigd, hun handtekening onder deze Verklaring hebben geplaatst.

Undfærdiget i Rom, den nittende juni nitten hundrede og firs.

Geschehen zu Rom am neunzehnten Juni neunzehnhundertachtzig.

Done at Rome on the nineteenth day of June in the year one thousand nine hundred and eighty.

Fait à Rome, le dix-neuf juin mil neuf cent quatre-vingt.

Arna dhéanamh sa Róimh, an naoú lá déag de Mheitheamh sa bhliain míle naoi gcéad ochtó.

Fatto a Roma, addì diciannove giugno millenovecentootanta.

Gedaan te Rome, de negentiende juni negentienhonderdtachtig.

Pour le gouvernement du royaume de Belgique
Voor de Regering van het Koninkrijk België

På kongeriget Danmarks vegne

Für die Regierung der Bundesrepublik Deutschland

Pour le gouvernement de la République française

Thar ceann Rialtas na hEireann

Per il governo della Repubblica italiana

Pour le gouvernement du grand-duché de Luxembourg

Voor de Regering van het Koninkrijk der Nederlanden

For the Government of the United Kingdom of Great Britain and Northern Ireland

Til bekræftigelse heraf har undertegnede behørigt befuldmægtigede underskrevet denne konvention.

Zu Urkund dessen haben die hierzu gehörig befugten Unterzeichneten ihre Unterschriften unter dieses Übereinkommen gesetzt.

In witness whereof the undersigned, being duly authorized thereto, have signed this Convention.

En foi de quoi, les soussignés, dûment autorisés à cet effet, ont signé la présente convention.

Dá fhianú sin, shínigh na daoine seo thíos, arna n-údarú go cuí chuige sin, an Coinbhinsiún seo.

In fede di che, i sottoscritti, debitamente autorizzati a tal fine, hanno firmato la presente convenzione.

Ten blijke waarvan, de ondergetekenden, daartoe behoorlijk gemachtigd, hun handtekening onder dit Verdrag hebben geplaatst.

Undfærdiget i Rom, den nittende juni nitten hundrede og firs.

Geschehen zu Rom am neunzehnten Juni neunzehnhundertachtzig.

Done at Rome on the nineteenth day of June in the year one thousand nine hundred and eighty.

Fait à Rome, le dix-neuf juin mil neuf cent quatre-vingt.

Arna dhéanamh sa Róimh, an naoú lá déag de Mheitheamh sa bhliain míle naoi gcéad ochtó.

Fatto a Roma, addì diciannove giugno millenovecentoottanta.

Gedaan te Rome, de negentiende juni negentienhonderdtachtig.

Pour le royaume de Belgique

Voor het Koninkrijk België

På kongeriget Danmarks vegne

Für die Bundesrepublik Deutschland

Pour la République française

Thar ceann na hEireann

Per la Repubblica italiana

Pour le Grand-Duché de Luxembourg

Voor het Koninkrijk der Nederlanden

For the United Kingdom of Great Britain and Northern Ireland

Til bekræftigelse heraf har undertegnede behørigt befuldmægtigede underskrevet denne protokol.

Zu Urkund dessen haben die hierzu gehörig befugten Unterzeichneten ihre Unterschriften unter dieses Protokoll gesetzt.

In witness whereof the undersigned, being duly authorized thereto, have signed this Protocol.

En foi de quoi, les soussignés, dûment autorisés à cet effet, ont signé le présent protocole.

Dá fhianú sin, shínigh na daoine seo thíos, arna n-údarú go cuí chuige sin, an Protocal seo.

In fede di che, i sottoscritti, debitamente autorizzati a tal fine, hanno firmato il presente protocollo.

Ten blijke waarvan, de ondergetekenden, daartoe behoorlijk gemachtigd, hun handtekening onder dit Protocol hebben geplaatst.

Undfærdiget i Rom, den nittende juni nitten hundrede og firs.

Geschehen zu Rom am neunzehnten Juni neunzehnhundertachtzig.

Done at Rome on the nineteenth day of June in the year one thousand nine hundred and eighty.

Fait à Rome, le dix-neuf juin mil neuf cent quatre-vingt.

Arna dhéanamh sa Róimh, an naoú lá déag de Mheitheamh sa bhliain míle naoi gcéad ochtó.

Fatto a Roma, addì diciannove giugno millenovecentootanta.

Gedaan te Rome, de negentiende juni negentienhonderdtachtig.

Pour le royaume de Belgique

Voor het Koninkrijk België

På kongeriget Danmarks vegne

Für die Bundesrepublik Deutschland

Pour la République française

Thar ceann na hEireann

Per la Repubblica italiana

Pour le grand-duché de Luxembourg

Voor het Koninkrijk der Nederlanden

For the United Kingdom of Great Britain and Northern Ireland

Til bekræftelse heraf har undertegnede behørigt befuldmægtigede underskrevet denne fælleserklæring.

Zu Urkund dessen haben die hierzu gehörig befugten Unterzeichneten ihre Unterschriften unter diese gemeinsame Erklärung gesetzt.

In witness whereof the undersigned, being duly authorized thereto, have signed this Joint Declaration.

En foi de quoi, les soussignés, dûment autorisés à cet effet, ont signé la présente déclaration commune.

Dá fhianú sin, shínigh na daoine seo thíos, arna n-údarú go cuí chuige sin, an Dearbhu Comhphairteach seo.

In fede di che, i sottoscritti, debitamente autorizzati a tal fine, hanno firmato la presente dichiarazione comune.

Ten blijke waarvan, de ondergetekenden, daartoe behoorlijk gemachtigd, hun handtekening onder deze Verklaring hebben geplaatst.

Undfærdiget i Rom, den nittende juni nitten hundrede og firs.

Geschehen zu Rom am neunzehnten Juni neunzehnhundertachtzig.

Done at Rome on the nineteenth day of June in the year one thousand nine hundred and eighty.

Fait à Rome, le dix-neuf juin mil neuf cent quatre-vingt.

Arna dhéanamh sa Róimh, an naoú lá déag de Mheitheamh sa bhliain míle naoi gcéad ochtó.

Fatto a Roma, addì diciannove giugno millenovecentoottanta.

Gedaan te Rome, de negentiende juni negentienhonderdtachtig.

Pour le gouvernement du royaume de Belgique
Voor de Regering van het Koninkrijk België

Pà kongeriget Danmarks vegne

Für die Regierung der Bundesrepublik Deutschland

Pour le gouvernement de la République française

Thar ceann Rialtas na hÉireann

Per il governo della Repubblica italiana

Pour le gouvernement du grand-duché de Luxembourg

Voor de Regering van het Koninkrijk der Nederlanden

For the Government of the United Kingdom of Great Britain and Northern Ireland
