



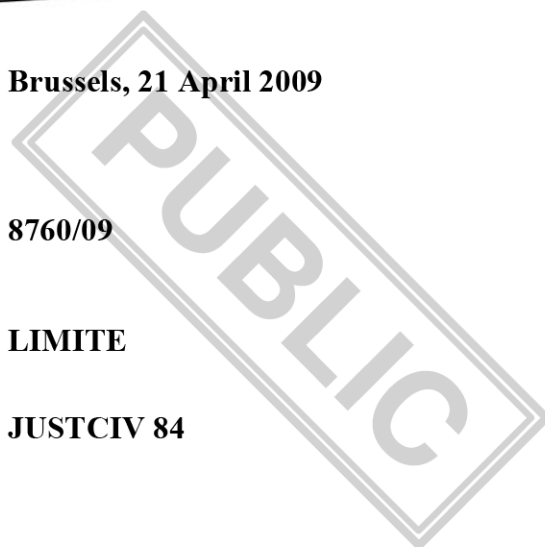
**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 21 April 2009

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LIMITE

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NOTE

from : German delegation
to : Committee on Civil Law Matters (General Questions)
Subject : The future application of the Rome I-Regulation¹

The following problem should be brought to the attention of the Committee and be discussed as matter of importance:

According to Article 29 of the Rom I-Regulation, the Regulation “shall apply **from** 17 December 2009...”. Article 28 of the Regulation stipulates on the other hand, that the Regulation “shall apply to contracts concluded **after** 17 December 2009”. This difference has been made in other language versions too (for example French: “à partir”/”après”; German: “ab”/”nach”).

Doubts have been raised how to treat contracts concluded on the date of 17 December 2009.

¹ This document corresponds to the working document by the German delegation which was distributed during the meeting of the Committee on Civil Law Matters (General Questions) on 14 April 2009.

The problem resulting from the unclear wording of Article 28 and 29 of the Regulation and affecting the subsequent national legislation of the Member States, needs to be solved on EU-level to prevent legal uncertainty and to realise the aim of the Regulation.
