

Rome I: EP Adopts Legislative Resolution at First Reading

As reported in our previous post, **the EP's plenary session adopted** today in Brussels, **at first reading, a legislative resolution on the Rome I Proposal**. While largely based, as regards the conflict rules, on the draft legislative resolution contained in the report voted by the JURI Committee on 21 November 2007, the EP's final text is the result of some further amendments filed jointly by all the EP political groups before the plenary's vote.

Three of these last-minute amendments are worth mentioning:

- a new Art. 7 provides a **conflict rule on insurance contracts** (the issue has been discussed at length in the Council's Committee on Civil Law Matters: see doc. n. 8935/1/07 of 4 May 2007);
- a third paragraph is added to Art. 9 on **overriding mandatory provisions**:

Effect may be given to the overriding mandatory provisions of the law of the country where the obligations arising out of the contract have to be or have been performed, in so far as those overriding mandatory provisions render the performance of the contract unlawful. In considering whether to give effect to those provisions, regard shall be had to their nature and purpose and to the consequences of their application or non-application.

- as a result of the introduction of the provision on insurance contracts, **Art. 20 on the exclusion of renvoi is redrafted** as follows:

*The application of the law of any country specified by this Regulation means the application of the rules of law in force in that country other than its rules of private international law, **unless provided otherwise in this Regulation**.*

A provisional edition of the Rome I legislative resolution is available in the collection of the texts adopted by the EP in the session (see p. 73 ff.). Further information will be provided, as soon as the minutes of the sitting are available.