Revocation of Wills in South African Private International Law

The July 2007 ICLQ contains an article by Prof Jan Neels on the revocation of wills in South African private international law with reference to other Commonwealth jurisdictions and the provisions of the Hague Convention on the Conflict of Laws Relating to the Form of Testamentary Dispositions (1961). Specific reference is made to section 3bis (1) (d) of the South African Wills Act 7 of 1953, which is partially based on article 2 of the Convention, and to revocation of wills by marriage and divorce.

Those with online access to the ICLQ can download the article.

Hague Conference on PIL signs agreement with UJ

A cooperation agreement between the Hague Conference on Private International Law and the Institute for Private International Law in Africa, Faculty of Law, University of Johannesburg, came into effect on 28 August 2007. In terms of the agreement the Johannesburg Institute will act as information centre for the Hague Conference and promote the work of the Conference on the African continent. The Conference will provide all their forthcoming publications, as well as all past publications since 1955, to UJ's law library in order to assist the Institute with the task.

ROME I & ROME II Conference

The conference website informs: This conference to be held in Lisbon, 12-13 November 2007, is organised by the Portuguese Presidency of the EU, in conjunction with the preceding German and the subsequent Slovenian Presidencies, and ERA. The conference will provide participants with an in-depth analysis of the future Rome I Regulation and the Rome II Regulation. The objective of the seminar is to promote a far-reaching and thorough debate concerning the most important or complex issues inherent to the regulations regarding law applicable to contractual and non-contractual obligations.

Concerning Rome I, the seminar will highlight in particular: (a) scope of application, (b) choice of law and applicable law in the absence of choice, (c) consumer contracts, (d) employment contracts, and (e) assignment. In case the legislation process in view of the Rome I Regulation will not be completed by 2007, the following Slovenian Presidency will be able to use the conclusions of this conference in the further adoption procedure.

Furthermore, the Rome II Regulation (OJ L 199/40 of 31 July 2007) will be presented. It shall apply from 11 January 2009. The discussion will concentrate on the following topics: (a) general rules, (b) product liability, (c) the violation of the environment, (d) unfair competition, and (e) infringement of intellectual property rights.

The seminar will provide a forum for debate between legal practitioners, namely judges and lawyers, experts in member states' ministries and EU legislators on the practical implementation of these two instruments of European private international law.

The conference programme can be downloaded from the conference website.

Conflict of Laws in a Globalized World

Cambridge University Press have published a new book on **Conflict of Laws in a Globalized World**, edited by Eckart Gottschalk (Harvard), Ralf Michaels (Duke), Giesela Ruhl (Max Planck, Hamburg) and Jan von Hein (Max Planck, Hamburg). The book is a tribute to the late Arthur von Mehren; the contributors (see below for a full list) are all former Joseph Story Fellows, who worked with von Mehren during their year at Harvard. Here is the publisher's blurb:

> *This book contains ten contributions that examine current topics in the evolving transatlantic dialogue on the conflict of laws. The first five contributions deal with the design of judgments conventions in general, the recently adopted Hague Convention on Choice of Court Agreements, problems involving negative declaratory actions in international disputes, and recent transatlantic developments relating to service of process and collective proceedings. The remaining five contributions focus on comparative and economic dimensions of party autonomy, choice of law relating to intellectual property rights, the applicable law in antitrust law litigation, international arbitration, and actions for punitive damages.*

The contents:

Editor's preface; Bibliographical note; Part I. ***Remembering Arthur T. von Mehren***: 1. *The last Euro-American legal scholar? Arthur Taylor von Mehren* (1922 – 2006) Jürgen Basedow; 2. *Arthur Taylor von Mehren and the Joseph Story Research Fellowship* Peter L. Murray; 3. *Building bridges between legal systems – the life and work of Arthur T. von Mehren* Michael von Hinden; Part II. ***Transatlantic Litigation and Judicial Cooperation in Civil and Commercial Matters***: 4. *Some fundamental jurisdictional conceptions as applied in judgement conventions* Ralf Michaels; 5. *The Hague Convention on Choice-of-Court Agreements – was it worth the effort?* Christian Thiele; 6. *Lis Pendens, negative declaratory-judgement actions and the first-in-time principle* Martin Gebauer; 7. *Recent German jurisprudence on cooperation with the US in civil and commercial*

matters: a defense of sovereignty or judicial protectionism? Jan von Hein; 8. *Collective litigation German style – the act on model proceedings in capital market disputes* Moritz Balz and Feliz Blobel; Part III. ***Choice of Law in Transatlantic Relationships***: 9. P*arty autonomy in the private international law of contracts: transatlantic convergence and economic efficiency* Gisela Ruhl; 10. *The law applicable to intellectual property rights: is the Lex Loci Protectionis a pertinent choice of law approach?* Eckart Gottschalk; 11. *The extraterritorial reach of antitrust law between legal imperialism and harmonious co-existence: the empagram judgement of the US Supreme Court from a European perpective* Dietmar Baetge; 12. *Mandatory elements of the Choice-of-Law Process in international arbitration – some reflections on Teubnerian and Kelsenian legal theory* Matthias Weller; 13. *Application of foreign law to determine punitive damages- a recent US Court contribution to Choice-of-Law evolution* Oliver Furtak.

The contributors:

- Jürgen Basedow
- Peter L. Murray
- Micahel von Hinden
- Ralf Michaels
- Christian Thiele
- Martin Gebauer
- Jan von Hein
- Moritz Bälz
- Feliz Blobel
- Gisela Rühl
- Eckart Gottschalk
- Dietmar Baetge
- Matthias Weller
- Oliver Furtak

The book can be purchased from CUP (on either their main site, or the US variant.) It is priced at £45.00 (or $85.00) and will be available from October 2007. ISBN: 9780521871303.

Many thanks to Ralf Michaels for the tip-off.

European and International Uniform Law Conference

European and International Uniform Law: How to Achieve a Uniform Legal Practice of the Rules of Uniform Law

26/27 October 2007 at the European University Institute, Florence. The programme:

The State of Development of Uniform Law in the Fields of

1. European and international civil and commercial law (Mattias Lehmann, University of Bayreuth)
2. European and intellectual property law (Annette Kur, University of Stockholm/Max Planck Institute for IP, Munich
3. European and international family and child law (Andrea Schulz, Federal Office of Justice, Bonn)
4. From international conventions to the treaty of Amsterdam and beyond: what has changed in judicial cooperation in civil matters? (Ansgar Staudinger, University of Bielefeld)

How Uniform is Uniform Law?

1. The practitioners' view: the "arts of forum shopping" in a changing world of uniform law (Thomas Simons, Simons Rechtsanwalte)
2. English law and the continental concepts in European law (Jonathan Harris, University of Birmingham)
3. Tearing down barriers – the development of the public policy barrier in Europe (Peter Hay, Emory University Atlanta)

Techniques of international legal information

1. Pleading and proof of foreign law in domestic proceedings (Rainer Hausmann, University of Konstanz)
2. Dynamic legal research: the PIL e-project of the Swiss Institute of

Comparative Law (Eva Lein, Swiss Institute, Lausanne)
3. Developing international legal information: Aspects of information technique (Daniela Tiscornia, Istituto di Teoria e Tecniche dell'Informazione Giuridica, Florence)

There's also a discussion of the Unalex and European Commentary project, a talk by Peter Schlosser, University of Munich on *How to apply the uniform legal rules*, and finally a panel discussion on just *How uniform is the European jurisprudence in the field of uniform law*, with Gunter Hirsch, President of the German Federal Court, chairing.

There doesn't seem to be a website for the conference, but interested parties can contact Sibylle Calabresi-Scholz (email) for further information and booking.

Specific Jurisdiction on Appeal: Does a Recent Decision from the Third Circuit Beg Further Review?

A recent decision by the United States Court of Appeals for the Third Circuit raises a very simple, but still very fragmented, issue regarding U.S. jurisdictional doctrine: When does a claim "arise out of" a foreign defendant's contacts with the forum so as to justify the assertion of specific jurisdiction over him. In *O'Connor v. Sandy Lane Hotel, Inc.*, a Pennsylvania resident sued a Barbados resort in federal district court in Philadelphia, Pennsylvania, for a slip-and-fall accident that occurred in its spa. Plaintiff sought to pin personal jurisdiction over the defendant based on the advertisements and promotional mailings that defendant sent, and plaintiff received, in that state. The District Court found no specific jurisdiction and dismissed the case.

The Third Circuit reversed. In a studious opinion by Judge Chagares, the panel began by recognizing the yet-unsettled nature of the specific jurisdiction doctrine. It noted that the Supreme Court granted certiorari over this very question in

1991, but decided that case – *Carnival Cruise Lines, Inc. v. Shute*, 499 U.S. 585 (1991) — on other grounds. It then went on to discuss the three-way split among at least five circuits on the required degree of connectedness between purposeful forum contacts and the plaintiff's claims to justify specific jurisdiction. On the one end of the continuum, the First Circuit uses a narrow "proximate causation" test, and asserts specific jurisdiction only when the forum contact is the proximate cause of the harm and the claim. On the other end, the Ninth Circuit uses an expansive "but-for" test, and asserts specific jurisdiction simply if the harm would not have occurred without the forum contact. The Second and D.C. Circuits apply a fluid "substantial connection" test that falls somewhere in the middle, and pins specific jurisdiciton on the "totality of the circumstances." Judge Chagares purported to take the middle road – requiring more than a 'but-for' link and shy of proximate causation. The Third Circuit now seems comitted to specific jurisdiction so long as the defendant's forum contacts were "meaningfully link[ed]" to the "substance of plaintiff's claims." Apparently, soliciting a "contract for spa services" via out-of-forum mailings is "meaningfully link[ed]" to a later action sounding in tort.

Beyond the uncertainty of the national rule, there is an immediate practical concern as well. For the time being, in at least the Third and Ninth Circuits, there seems to be emerging a categorical rule that any out-of-jurisdiction services solicited by mail or other communication into the forum will give rise to potential tort suits for negligence if the service would not have been provided without the forum contact. That seems to extend the specific juriusdiciton doctrine from its original moorings substantially.

Some other reports on this decision are located here. A link to the decision is provided here.

Magnus/Mankowski's European

Commentary on Brussels I Regulation

A new commentary on Brussels I Regulation has been recently published by Sellier – European Law Publishers, as the first volume of a new series "European Commentaries on Private International Law". It is edited by *Prof. Peter Mankowski* and *Prof. Ulrich Magnus* (both Hamburg) and has been written by a team of scholars from all over Europe. As the editors write in the preface:

> *Legal writing on the Brussels system is thorough and virtually uncountable throughout Europe. Yet no-one has so far taken the effort of completing a truly pan-European commentary mirroring the pan-European nature of its fascinating object. The existing commentaries clearly each stem from certain national perspectives and more or less deliberately reflect certain national traditions. The co-operation across and bridging borders had not truly reached European jurisprudence in this regard. This is why the idea of this commentary was conceived. This commentary for the first time assembles a team of very prominent and renowned authors from total Europe.*

Here's an excerpt of the blurb from the publisher's website:

> *This commentary is the first full scale article-by-article commentary in English ever to address the Brussels I Regulation. It is truly European in nature and style. It provides thorough and succinct indepth analysis of every single article and offers most valuable guidance for lawyers, judges and academics throughout Europe. It is an indispensable working tool for all practitioners involved in this field of law. […]*
>
> *A true first:*
> *– The first truly European commentary on the Brussels I Regulation, the fundamental Act for jurisdiction, recognition and enforcement throughout Europe*
> *– The first commentary on the Brussels I Regulation written by a team from all over Europe*
> *– The first article-by-article commentary on the Brussels I Regulation in English*

This new series will comment on the Brussels I Regulation and the Brussels IIbis Regulation and as soon as they are enacted on the Rome I and the Rome II Regulation. For the first time this will be done by a team of leading experts from almost all EU member states. The close cooperation among them will initiate a new specific European style of commenting on European enactments merging the various and thus far nationwide differing methods of Interpretation of legislative acts. It goes without saying that the new commentaries will pay particular tribute to the practice of the European Court of Justice but to relevant judgments of national courts as well. Moreover, the needs of practitioners and the requirements of the practice will receive particular attention.

The series is intended to be continued by further volumes on existing and future European enactments in the field of private and procedural law.

And this is the authors' list:

Introduction: *Ulrich Magnus;* Art. 1: *Pippa Rogerson;* Arts. 2-4: *Paul Vlas;* Art. 5: *Peter Mankowski;* Arts. 6-7: *Horatia Muir Watt;* Arts. 8-14: *Helmut Heiss;* Arts. 15-17: *Peter Arnt Nielsen;* Arts. 18-21: *Carlos Esplugues Mota/Guillermo Palao Moreno;* Art. 22: *Luis de Lima Pinheiro;* Art. 23: *Ulrich Magnus;* Art. 24: *Alfonso Luis Calvo Caravaca/Javier Carrascosa González;* Arts. 25-26: *Ilaria Queirolo;* Arts. 27-30: *Richard Fentiman;* Art. 31: *Marta Pertegás Sender;* Arts. 32-33: *Patrick Wautelet;* Art. 34: *Stéphanie Francq;* Arts. 35-36: *Peter Mankowski;* Art. 37: *Patrick Wautelet;* Arts. 38-45: *Konstantinos Kerameus;* Arts. 46-52: *Lennart Pålsson;* Arts. 53-58: *Lajos Vékás;* Arts. 59-60: *Paul Vlas;* Arts. 61-76: *Peter Mankowski.*

A TOC can be downloaded from the publisher's website. It provides a useful list of the principal works on Brussels I Regulation and an additional bibliography. A short extract of the volume is also available for download.

Title: **Brussels I Regulation – European Commentaries on Private International Law –** Edited by *Peter Mankowski*, *Ulrich Magnus*. July 2007 (XXVIII, 852 pages).

ISBN: 978-3-935808-32-3. Price: EUR 250. Available from Sellier – European Law Publishers.

German Reference for a Preliminary Ruling – Delimitation between Brussels I Regulation and Insolvency Regulation

The German Federal Supreme Court (*Bundesgerichtshof*) has referred with decision of 21 June 2007 (IX ZR 39/06) the following questions to the European Court of Justice for a preliminary ruling:

> ***On interpreting Article 3(1) of Council Regulation (EC) No 1346/2000 of 29 May 2000 on insolvency proceedings and Article 1(2)(b) of Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, do the courts of the Member State within the territory of which insolvency proceedings regarding the debtor's assets have been opened have international jurisdiction under Regulation (EC) No 1346/2000 in respect of an action in the context of the insolvency to set a transaction aside that is brought against a person whose registered office is in another Member State?***
>
> ***If the first question is to be answered in the negative:***
>
> ***Does an action in the context of the insolvency to set a transaction aside fall within Article 1(2)(b) of Regulation (EC) No 44/2001?***

Jurisdiction with regard to proceedings which are closely connected with the insolvency proceedings themselves is highly contentious.

Since the Insolvency Regulation does not contain an explicit provision on this matter – even though referring to "judgments which are delivered directly on the

basis of the insolvency proceedings and are closely connected with such proceedings" in Recital No. 6 – there are, briefly summarised, three different approaches: According to the first opinion jurisdiction has to be based on the Brussels I Regulation, according to a second approach it has to be referred to national law, while a third position suggests an analogous application of Art. 3 (1) Insolvency Regulation.

In the present case the Court of Appeal (*Oberlandesgericht Frankfurt*) favoured the first approach and held that Art. 1 (2) lit. b Brussels I Regulation had to be – in view of the Regulation's goal to establish uniform rules in civil and commercial matters – interpreted narrowly and did therefore, as Art. 3 (1) Insolvency Regulation, only include collective insolvency proceedings, not however actions to set aside transactions in insolvency (*Insolvenzanfechtungsklagen*). Consequently the application of the Brussels I Regulation was not excluded, which led in the present case to the result that German courts lacked international jurisdiction.

This point of view is supported by some German legal writers who argue that Art. 1 (2) lit. b Brussels I Regulation had to be, at least since the entry into force of the Insolvency Regulation, construed more strictly. This, however, can be regarded as a departure from the previous case law of the ECJ (*Gourdain v. Nadler*) as well as the *Bundesgerichtshof.* In *Gourdain v. Nadler*, the ECJ held that Art. 1 (2) No. 2 Brussels *Convention* (which is identical with Art. 1 (2) lit. b Brussels *Regulation)* includes all proceedings which "derive directly from the bankruptcy or winding-up and [are] closely connected with the proceedings […]." The same view was taken by the *Bundesgerichtshof* in 1990 (judgment of 11 January 1990 – IX ZR 27/89, ZIP 1990, 246) by holding that avoidance proceedings by a trustee in bankruptcy are *in*cluded by Art. 1 (2) No. 2 Brussels Convention and therefore *ex*cluded from the scope of the Convention.

Contrary to the Court of Appeal, the *Bundesgerichtshof* tends in the present case, in accordance with a widely held opinion in German literature, to apply Art. 3 (1) Insolvency Regulation and assumes therefore international jurisdiction of German courts in the present case. However, since the *Bundesgerichtshof* regards the question not to be unambiguous, it decided to refer the aforementioned questions to the ECJ.

The referring decision can be found at the website of the Bundesgerichtshof as well as in the following legal journals:

ZIP 2007, 1415 et seq.; DB 2007, 1693 et seq.; ZInsO 2007, 770 et seq.

An annotation by *Lars Klöhn* and *Olaf Berner* (both Göttingen) arguing in favour of an application of Regulation 44/2001 – and not 1346/2000 – can be found in ZIP 2007, 1418 et seq.

The case is pending at the ECJ as *Rechtsanwalt Christopher Seagon als Insolvenzverwalter über das Vermögen der Frick Teppichboden Supermärkte GmbH v. Deko Marty Belgium N.V.* (C-339/07).

Comity and the Recognition of Foreign Judgments in Long Beach v Global Witness

A very interesting judgment was handed down in the High Court on 15th August 2007 in the case of ***Long Beach & Nguesso v Global Witness*** [2007] EWHC 180 (QB). Professor Jeremy Phillips at the IPKat blog has posted an excellent summary of the case. I have reproduced sections of his post here, and supplemented them with a little more detail on the private international law issues.

Nguesso, son of the President of the Congo, was also President and Director General of the marketing arm of Cotrade, the Congolese state-owned oil company. He owned Long Beach, a company registered in Anguilla. This application was brought by Nguesso and Long Beach against Global Witness, a non-profit-making English company which campaigns against corruption and which was nominated for a Nobel Prize for its work back in 2003.

Kensington, a vulture fund that buys debts cheaply in the hope of getting something back, brought proceedings in Hong Kong in order to trace and seize assets belonging to the Congo. That court ordered a company in Hong Kong to disclose information and documents to Kensington. Those documents, which

disclosed information about the financial activities of Nguesso and Long Beach, were referred to at a hearing of the Hong Kong court that was open to the public. Kensington then passed copies of the documents to Global Witness, which posted them on its website.

On the application of Nguesso and Long Beach, the Hong Kong court – sitting in private and without Global Witness being a party to the proceedings – ordered Global Witness not to publish the documents or even to disclose the facts of the making of the application.

Nguesso and Long Beach then sued Global Witness in England and Wales, relying on

1. their rights to confidentiality and privacy under English law;
2. Nguesso's right of privacy under Article 8 of the European Convention on Human Rights, alleging misuse of the documents by both Global Witness and Kensington.

According to the applicants,

1. an English court was required, as a matter of comity between courts in friendly jurisdictions, not to question the correctness of the judgment of the Hong Kong court;
2. the documents remained private and confidential, even though they were referred to in court open to the public in Hong Kong;
3. Nguesso's rights under Article 8 were clearly engaged and the publication of the documents infringed those rights.

On the issue of the **recognition and enforcement of the Hong Kong judgment**, Burnton J. stated (at para. 23),

> *As appears from the terms of their application, the Claimants issued this application seeking relief under section 25 of the Civil Jurisdiction and Judgments Act 1982. At the beginning of the hearing, I pointed out that, under our rules for the recognition and enforcement of foreign judgments, it did not seem that GW was subject to the jurisdiction of the Hong Kong court [since it did not carry on business in Hong Kong], and therefore it would not be bound by any final order made by that court. It seemed to me that that consideration is most material to the grant of relief under section 25. Having been given time to*

consider the point, the Claimants decided not to pursue their claim under section 25.

It follows that for the purposes of this application the Claimants must rely on their substantive rights, i.e. their rights to confidentiality and privacy, on the Second Claimant's rights under Article 8, and on what they contend was a misuse of documents by Kensington and GW.

The Claimants then turned to the principle of **comity**, arguing tht it required the English court to not question the correctness of the Hong Kong decision, and should not undermine or question its subsequent injunction against publication of the documents. Burnton J. held (at para. 26),

Comity requires this court to treat the judgments and orders of the courts of Hong Kong with due respect and even deference. However, in effect, the Claimants seek to treat those judgments and orders as binding on GW. GW was not a party to the Hong Kong proceedings when the judgment of 30 June 2007 was given, and they cannot be bound by it. Furthermore, since it does not carry on business in Hong Kong, it is not subject to that jurisdiction under our rules for the recognition of foreign judgments, and these courts do not regard it as having an obligation to comply with the judgments of that jurisdiction. The fact that the order of 6 July was made against them ex parte, in circumstances in which they had been informed of the Claimants' application on the previous day, and presumably, given the time difference, less than 24 hours before the hearing before Mr Justice A Cheung, reinforces this point. True it is that GW could apply in Hong Kong to set aside the order of 6 July, but that would require a non-profit-making organisation to expend considerable resources on legal representation there and may involve its submitting to that jurisdiction. In any event, the rights of free expression on which they rely are rights under our law, not under Hong Kong law.

Burnton J. went on to hold that,

- The significant public interest in the subject matter of the disclosed documents was such that Global Witness's right of communication under Article 10 of the European Convention on Human Rights would be violated if an English court considered itself bound by the restrictions on

reference to the procedures of the Hong Kong court;

- the specified documents were, when disclosed to Kensington, confidential by their very nature and content. That they were referred to in open court was clear, though the extent of that reference was not. This being so, court should proceed on the basis that there was sufficient reference to them as would have removed their confidential status if they had been disclosed on discovery and referred to in open court in England;
- neither Long Beach ot NGuesso had shown that they were likely to establish at trial that the documents were protected by confidentiality;
- while Nguesso's right of privacy under Article 8 was undoubtedly engaged, there was a clear and overwhelming case for refusing relief on the ground that there was an important public interest in the publication of the specified documents and the information derived from them;
- once there was good reason to doubt the propriety of the financial affairs of a public official, there was a public interest in those affairs being open to public scrutiny.

(Visit the IPKat blog for news and views in IP law.)

EU Draft Reform Treaty (Part 2): a Detailed Analysis of the New EC/EU Treaties

Following swiftly on from our previous post on the amendments provided by the Draft Reform Treaty to the provisions dealing with judicial cooperation in civil matters, we would like to point out **a very detailed analysis of the entire text of the Treaties, prepared by *Prof. Steve Peers*** (University of Essex) **and published on the statewatch.org website**. The analysis is divided in several parts, each consisting of an article by article comparison, with comments, of the

text resulting from the Draft Reform Treaty, the current version of the TEC/TEU and the 2004 Constitutional Treaty. The new Title IV of the future Treaty on the Functioning of the European Union, on the "Area of Freedom, Security and Justice", is the subject of the Analysis no. 1 (Justice and Home Affairs issues).

Here's a presentation by the author, including a list of the various parts of the analysis (the .pdf files can be downloaded from the home page of the project):

> *In order to further public understanding of and debate upon the draft Reform Treaty, the following Statewatch analyses make the text of the draft Treaty comprehensible, by setting out the entire texts of the existing TEU and TEC and showing precisely how those texts would be amended by the draft Treaty. There are explanatory notes on the impact of each substantive amendment to the Treaties, and each analysis includes general comments, giving an overview of the changes and pointing out exactly which provisions of the draft Reform Treaty were taken from the Constitutional Treaty, and which provisions are different from the Constitutional Treaty.*
>
> *There are 3 analyses, divided into ten parts.*
>
> ***Analysis no. 1***
>
> - *focusses on the issue of Justice and Home Affairs*
>
> ***Analysis no. 2 is the amended text of the TEU, and is divided into 2 parts:***
>
> - *the non-foreign policy part of the Treaty (basic principles and key institutional rules of the EU) and*
> - *the foreign policy part of that Treaty*
>
> ***Analysis no. 3 is the amended text of the TEC, and is divided into seven parts more or less following the structure of the Treaty:***
>
> - *Part One of the Treaty on general provisions*
> - *Part Two on non-discrimination and citizenship*
> - *half of Part Three on the internal market and competition (except for the JHA clauses, which are the subject of analysis no. 1)*
> - *the second half of Part Three, on other internal EU policies (such as social policy, monetary union and environment policy)*

- *Parts Four and Five, on the associated territories and external relations (including trade and development policy)*
- *Part Six, on the institutional rules (including the rules on the political institutions, the Court of Justice and the 'flexibility' rules)*
- *Part Seven, the final provisions*

(Thanks to Allard Knook, of the ECJBlog, for the tip off)