



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 7 April 2008 (08.04)
(OR. fr)**

7689/08

**Interinstitutional file:
2005/0261 (COD)**

**CODEC 388
JUSTCIV 55**

"I/A" ITEM NOTE

from: General Secretariat of the Council
to: COREPER/COUNCIL

No. Cion prop.: 5203/06 JUSTIV 3 CODEC 18

Subject: Proposal for a Regulation of the European Parliament and of the Council on the law applicable to contractual obligations (Rome I) **[first reading]**
– Adoption of the legislative act **(LA + S)**

1. On 15 December 2005 the Commission sent the Council the above proposal ¹, based on Article 61(c) and the second indent in Article 67(5) of the EC Treaty ^{2 3}.
2. The European Economic and Social Committee delivered its opinion on 13 September 2006 ⁴.
3. In accordance with the joint declaration on practical arrangements for the codecision procedure ¹, informal talks were held between the Council, the European Parliament and the Commission, with a view to reaching agreement at first reading.

¹ 5203/06.

² In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty establishing the European Community, the United Kingdom and Ireland have given notice of their wish to take part in the adoption and application of this Regulation.

³ In accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.

⁴ OJ C 318, 23.12.2006, p. 56.

4. The European Parliament delivered its first-reading opinion on 29 November 2007, passing 70 amendments to the Commission proposal. The outcome of voting in the European Parliament ² reflects the compromise agreed between the institutions and should thus be acceptable to the Council.

5. The Permanent Representatives Committee is therefore asked to confirm agreement and advise the Council to:
 - adopt the Regulation, as set out in PE-CONS 3691/07 JUSTCIV 334 CODEC 1401, as an "A" item at a forthcoming meeting;

 - decide to enter in the minutes of that meeting the statements set out in the addendum to this note.

After being signed by the President of the European Parliament, the President of the Council and the Secretaries-General of the two institutions, the legislative act will be published in the Official Journal of the European Union.

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¹ OJ C 145, 30.6.2007, p. 5.

² 15832/07.