



Uimhir 8 de 1991

An tAcht um Oibleagáidí Conarthacha (Dlí Infheidhme), 1991
[An tiontú oifigiúil]



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**AN tACHT UM OIBLEAGÁIDÍ CONARTHACHA
(DLÍ INFHEIDHME), 1991**

[An tiontú oifigiúil]

RIAR NA NALT

Alt

1. Míniú.
2. Feidhm dlí le bheith ag na Coinbhinsiúin.
3. Léiriú ar na Coinbhinsiúin.
4. Gearrtheideal agus tosach feidhme.

AN CHÉAD SCEIDEAL

TÉACS BÉARLA CHOINBHINSIÚN 1980

AN DARA SCEIDEAL

TÉACS BÉARLA CHOINBHINSIÚN AONTACHAIS 1984

AN TRÍÚ SCEIDEAL

TÉACS GAELGE CHOINBHINSIÚN 1980

AN CEATHRÚ SCEIDEAL

TÉACS GAELGE CHOINBHINSIÚN AONTACHAIS 1984

AN tACHT DÁ DTAGRAÍTEAR

Acht na gComhphobal Eorpach, 1972

1972, Uimh. 27



Uimhir 8 de 1991

**AN tACHT UM OIBLEAGÁIDÍ CONARTHACHA
(DLÍ INFHEIDHME), 1991**

[An tiontú oifigiúil]

ACHT DO THABHAIRT FEIDHM DLÍ DON CHOINBHINSIÚN AR AN DLÍ IS INFHEIDHME MAIDIR LE HOIBLEAGÁIDÍ CONARTHACHA A SÍNÍODH SA RÓIMH THAR CEANN AN STÁIT AR AN 19ú LÁ DE MHEITHEAMH, 1980, AGUS DON CHOINBHINSIÚN AR AONTÚ NA POBLACHTA HEILLÉANAÍ DON CHOINBHINSIÚN RÉAMHRÁITE A SÍNÍODH I LUCSAMBURG AR AN 10ú LÁ d'AIBREÁN, 1984, AGUS DO DHÉANAMH SOCRÚ I dTAOBH NITHE COMHGHAOLMHARA.

[8 Bealtaine, 1991]

ACHTAÍTEAR AG AN OIREACHTAS MAR A LEANAS:

1.—San Acht seo—

Mínithe.

ciallaíonn “Coinbhinsiún 1980” an Coinbhinsiún ar an dlí is infheidhme maidir le hoibleagáidí conarthacha a síníodh sa Róimh thar ceann an Stáit ar an 19ú lá de Mheitheamh, 1980;

ciallaíonn “Coinbhinsiún Aontachais 1984” an Coinbhinsiún ar aontú na Poblachta Heilléanaí do Choinbhinsiún 1980 a síníodh i Lucsamburg ar an 10ú lá d’Aibreán, 1984;

ciallaíonn “na Coinbhinsiúin” Coinbhinsiún 1980 agus Coinbhinsiún Aontachais 1984;

tá le “na Comhphobail Eorpacha” an bhrí chéanna atá leis in alt 1 d’Acht na gComhphobal Eorpach, 1972;

ciallaíonn “an Chúirt Eorpach” Cúirt Bhreithiúnais na gComhphobal Eorpach;

ciallaíonn “an tAire” an tAire Dlí agus Cirt.

Feidhm dlí le bheith ag na Coinbhinsiúin.

2.—(1) Faoi réir fho-alt (2) den alt seo, beidh feidhm dlí sa Stát ag na Coinbhinsiúin agus tabharfar aird bhreithiúnach orthu.

(2) Ní bheidh feidhm dlí sa Stát ag Airteagal 7(1) de Choinbhinsiún 1980.

(3) Mar áis thagartha leagtar amach sa Chéad, sa Dara, sa Tríú agus sa Cheathrú Sceideal, faoi seach, a ghabhann leis an Acht seo—

(a) téacs Béarla Choinbhinsiún 1980,

(b) téacs Béarla Choinbhinsiún Aontachais 1984,

(c) téacs Gaeilge Choinbhinsiún 1980, agus

(d) téacs Gaeilge Choinbhinsiún Aontachais 1984.

Léiriú ar na Coinbhinsiúin.

3.—(1) Tabharfar aird bhreithiúnach—

(a) ar aon rialú nó breith nó ar aon léiriú tuairime de chuid na Cúirte Eorpaí ar aon cheist maidir le brí nó éifeacht aon fhorála de na Coinbhinsiúin, agus

(b) ar an tuarascáil dá dtagraítear i bhfo-alt (2) den alt seo.

(2) Féadfaidh aon chúirt, nuair a bheidh sí ag léiriú aon fhorála de Choinbhinsiún 1980, breithniú a dhéanamh ar thuarascáil an Ollaimh Mario Giuliano agus an Ollaimh Paul Lagarde ar an gCoinbhinsiún sin (is tuarascáil atá atáirgthe in Iris Oifigiúil na gComhphobal Eorpach¹) agus tabharfar don tuarascáil cibé creidiúnacht is cúí sna himthosca.

¹ I.O. Uimh. C282 an 31.10.1980, lch. 1.

4.—(1) Féadfar an tAcht um Oibleagáidí Conarthacha (Dlí Infheidhme), 1991, a ghairm den Acht seo. Gearrtheideal agus tosach feidhme.

(2) (a) Tiocfaidh an tAcht seo, seachas alt 2 a mhéid a bhaineann sé le Coinbhinsiún Aontachais 1984, i ngníomh ar cibé lá nó laethanta a shocróidh an tAire le hordú nó le horduithe go ginearálta nó faoi threoir aon chríche nó forála áirithe, agus féadfar laethanta éagsúla a shocrú amhlaidh chun críocha éagsúla agus forálacha éagsúla.

(b) Tiocfaidh alt 2 den Acht seo, a mhéid a bhaineann sé le Coinbhinsiún Aontachais 1984, i ngníomh ar cibé lá nó laethanta a shocróidh an tAire le hordú nó le horduithe go ginearálta nó faoi threoir aon chríche nó forála áirithe, agus féadfar laethanta éagsúla a shocrú amhlaidh chun críocha éagsúla agus forálacha éagsúla agus aon lá a shocrófar amhlaidh féadfaidh sé gurb é an lá céanna é agus lá a shocrófar faoi mhír (a) den fho-alt seo nó gur lá éagsúil é.

Alt 2.

AN CHÉAD SCEIDEAL

TÉACS BÉARLA CHOINBHINSIÚN 1980

CONVENTION ON THE LAW APPLICABLE TO CONTRACTUAL OBLIGATIONS

PREAMBLE

THE HIGH CONTRACTING PARTIES to the Treaty establishing the European Economic Community,

ANXIOUS to continue in the field of private international law the work of unification of law which has already been done within the Community, in particular in the field of jurisdiction and enforcement of judgments,

WISHING to establish uniform rules concerning the law applicable to contractual obligations,

HAVE AGREED AS FOLLOWS:

TITLE I

SCOPE OF THE CONVENTION

Article 1

Scope of the Convention

1. The rules of this Convention shall apply to contractual obligations in any situation involving a choice between the laws of different countries.
2. They shall not apply to:
 - (a) questions involving the status or legal capacity of natural persons, without prejudice to Article 11;
 - (b) contractual obligations relating to:
 - wills and succession,
 - rights in property arising out of a matrimonial relationship,
 - rights and duties arising out of a family relationship, parentage, marriage or affinity, including maintenance obligations in respect of children who are not legitimate;
 - (c) obligations arising under bills of exchange, cheques and promissory notes and other negotiable instruments to the extent that the obligations under such other negotiable instruments arise out of their negotiable character;
 - (d) arbitration agreements and agreements on the choice of court;
 - (e) questions governed by the law of companies and other bodies corporate or unincorporate such as the creation, by registration or otherwise, legal capacity, internal organization or winding up of companies and other bodies corporate or unincorporate and the personal liability of officers and members as such for the obligations of the company or body;
 - (f) the question whether an agent is able to bind a principal, or an organ to bind a company or body corporate or unincorporate, to a third party;

(g) the constitution of trusts and the relationship between settlors, trustees and beneficiaries;

(h) evidence and procedure, without prejudice to Article 14.

3. The rules of this Convention do not apply to contracts of insurance which cover risks situated in the territories of the Member States of the European Economic Community. In order to determine whether a risk is situated in these territories the court shall apply its internal law.

4. The preceding paragraph does not apply to contracts of reinsurance.

Article 2

Application of law of non-contracting States

Any law specified by this Convention shall be applied whether or not it is the law of a Contracting State.

TITLE II

UNIFORM RULES

Article 3

Freedom of choice

1. A contract shall be governed by the law chosen by the parties. The choice must be expressed or demonstrated with reasonable certainty by the terms of the contract or the circumstances of the case. By their choice the parties can select the law applicable to the whole or a part only of the contract.

2. The parties may at any time agree to subject the contract to a law other than that which previously governed it, whether as a result of an earlier choice under this Article or of other provisions of this Convention. Any variation by the parties of the law to be applied made after the conclusion of the contract shall not prejudice its formal validity under Article 9 or adversely affect the rights of third parties.

3. The fact that the parties have chosen a foreign law, whether or not accompanied by the choice of a foreign tribunal, shall not, where

all the other elements relevant to the situation at the time of the choice are connected with one country only, prejudice the application of rules of the law of that country which cannot be derogated from by contract, hereinafter called “mandatory rules”.

4. The existence and validity of the consent of the parties as to the choice of the applicable law shall be determined in accordance with the provisions of Articles 8, 9 and 11.

Article 4

Applicable law in the absence of choice

1. To the extent that the law applicable to the contract has not been chosen in accordance with Article 3, the contract shall be governed by the law of the country with which it is most closely connected. Nevertheless, a severable part of the contract which has a closer connection with another country may by way of exception be governed by the law of that other country.

2. Subject to the provisions of paragraph 5 of this Article, it shall be presumed that the contract is most closely connected with the country where the party who is to effect the performance which is characteristic of the contract has, at the time of conclusion of the contract, his habitual residence, or, in the case of a body corporate or unincorporate, its central administration. However, if the contract is entered into in the course of that party’s trade or profession, that country shall be the country in which the principal place of business is situated or, where under the terms of the contract the performance is to be effected through a place of business other than the principal place of business, the country in which that other place of business is situated.

3. Notwithstanding the provisions of paragraph 2 of this Article, to the extent that the subject matter of the contract is a right in immovable property or a right to use immovable property it shall be presumed that the contract is most closely connected with the country where the immovable property is situated.

4. A contract for the carriage of goods shall not be subject to the presumption in paragraph 2. In such a contract if the country in which, at the time the contract is concluded, the carrier has his principal place of business is also the country in which the place of loading or the place of discharge or the principal place of business of the consignor is situated, it shall be presumed that the contract is most closely connected with that country. In applying this paragraph single voyage charter-parties and

other contracts the main purpose of which is the carriage of goods shall be treated as contracts for the carriage of goods.

5. Paragraph 2 shall not apply if the characteristic performance cannot be determined, and the presumptions in paragraphs 2, 3, and 4 shall be disregarded if it appears from the circumstances as a whole that the contract is more closely connected with another country.

Article 5

Certain consumer contracts

1. This Article applies to a contract the object of which is the supply of goods or services to a person (“the consumer”) for a purpose which can be regarded as being outside his trade or profession, or a contract for the provision of credit for that object.

2. Notwithstanding the provisions of Article 3, a choice of law made by the parties shall not have the result of depriving the consumer of the protection afforded to him by the mandatory rules of the law of the country in which he has his habitual residence:

- if in that country the conclusion of the contract was preceded by a specific invitation addressed to him or by advertising, and he had taken in that country all the steps necessary on his part for the conclusion of the contract, or
- if the other party or his agent received the consumer’s order in that country, or
- if the contract is for the sale of goods and the consumer travelled from that country to another country and there gave his order, provided that the consumer’s journey was arranged by the seller for the purpose of inducing the consumer to buy

3. Notwithstanding the provisions of Article 4, a contract to which this Article applies shall, in the absence of choice in accordance with Article 3, be governed by the law of the country in which the consumer has his habitual residence if it is entered into in the circumstances described in paragraph 2 of this Article.

4. This Article shall not apply to:

- (a) a contract of carriage;

[*Uimh. 8.*] *An tAcht um Oibleagáidí Conarthacha* [1991.]
(*Dlí Infheidhme*), 1991.

(b) a contract for the supply of services where the services are to be supplied to the consumer exclusively in a country other than that in which he has his habitual residence.

5. Notwithstanding the provisions of paragraph 4, this Article shall apply to a contract which, for an inclusive price, provides for a combination of travel and accommodation.

Article 6

Individual employment contracts

1. Notwithstanding the provisions of Article 3, in a contract of employment a choice of law made by the parties shall not have the result of depriving the employee of the protection afforded to him by the mandatory rules of the law which would be applicable under paragraph 2 in the absence of choice.

2. Notwithstanding the provisions of Article 4, a contract of employment shall, in the absence of choice in accordance with Article 3, be governed:

(a) by the law of the country in which the employee habitually carries out his work in performance of the contract, even if he is temporarily employed in another country; or

(b) if the employee does not habitually carry out his work in any one country, by the law of the country in which the place of business through which he was engaged is situated;

unless it appears from the circumstances as a whole that the contract is more closely connected with another country, in which case the contract shall be governed by the law of that country.

Article 7

Mandatory rules

1. When applying under this Convention the law of a country, effect may be given to the mandatory rules of the law of another country with which the situation has a close connection, if and in so far as, under the law of the latter country, those rules must be applied whatever the law applicable to the contract. In considering whether to give effect to these

mandatory rules, regard shall be had to their nature and purpose and to the consequences of their application or non-application.

2. Nothing in this Convention shall restrict the application of the rules of the law of the forum in a situation where they are mandatory irrespective of the law otherwise applicable to the contract.

Article 8

Material validity

1. The existence and validity of a contract, or of any term of a contract, shall be determined by the law which would govern it under this Convention if the contract or term were valid.

2. Nevertheless a party may rely upon the law of the country in which he has his habitual residence to establish that he did not consent if it appears from the circumstances that it would not be reasonable to determine the effect of his conduct in accordance with the law specified in the preceding paragraph.

Article 9

Formal validity

1. A contract concluded between persons who are in the same country is formally valid if it satisfies the formal requirements of the law which governs it under this Convention or of the law of the country where it is concluded.

2. A contract concluded between persons who are in different countries is formally valid if it satisfies the formal requirements of the law of one of those countries.

3. Where a contract is concluded by an agent, the country in which the agent acts is the relevant country for the purposes of paragraphs 1 and 2.

4. An act intended to have legal effect relating to an existing or contemplated contract is formally valid if it satisfies the formal requirements of the law which under this Convention governs or would govern the contract or of the law of the country where the act was done.

5. The provisions of the preceding paragraphs shall not apply to a contract to which Article 5 applies, concluded in the circumstances

described in paragraph 2 of Article 5. The formal validity of such a contract is governed by the law of the country in which the consumer has his habitual residence.

6. Notwithstanding paragraphs 1 to 4 of this Article, a contract the subject matter of which is a right in immovable property or a right to use immovable property shall be subject to the mandatory requirements of form of the law of the country where the property is situated if by that law those requirements are imposed irrespective of the country where the contract is concluded and irrespective of the law governing the contract.

Article 10

Scope of the applicable law

1. The laws applicable to a contract by virtue of Articles 3 to 6 and 12 of this Convention shall govern in particular:

- (a) interpretation;
- (b) performance;
- (c) within the limits of the powers conferred on the court by its procedural law, the consequences of breach, including the assessment of damages in so far as it is governed by rules of law;
- (d) the various ways of extinguishing obligations, and prescription and limitation of actions;
- (e) the consequences of nullity of the contract.

2. In relation to the manner of performance and the steps to be taken in the event of defective performance regard shall be had to the law of the country in which performance takes place.

Article 11

Incapacity

In a contract concluded between persons who are in the same country, a natural person who would have capacity under the law of that country may invoke his incapacity resulting from another law only if the other party to the contract was aware of this incapacity at the time

of the conclusion of the contract or was not aware thereof as a result of negligence.

Article 12

Voluntary assignment

1. The mutual obligations of assignor and assignee under a voluntary assignment of a right against another person (“the debtor”) shall be governed by the law which under this Convention applies to the contract between the assignor and assignee.

2. The law governing the right to which the assignment relates shall determine its assignability, the relationship between the assignee and the debtor, the conditions under which the assignment can be invoked against the debtor and any question whether the debtor’s obligations have been discharged.

Article 13

Subrogation

1. Where a person (“the creditor”) has a contractual claim upon another (“the debtor”), and a third person has a duty to satisfy the creditor, or has in fact satisfied the creditor in discharge of that duty, the law which governs the third person’s duty to satisfy the creditor shall determine whether the third person is entitled to exercise against the debtor the rights which the creditor had against the debtor under the law governing their relationship and, if so, whether he may do so in full or only to a limited extent.

2. The same rule applies where several persons are subject to the same contractual claim and one of them has satisfied the creditor.

Article 14

Burden of proof, etc.

1. The law governing the contract under this Convention applies to the extent that it contains, in the law of contract, rules which raise presumptions of law or determine the burden of proof.

2. A contract or an act intended to have legal effect may be proved by any mode of proof recognized by the law of the forum or by any of the laws referred to in Article 9 under which that contract or act is formally valid, provided that such mode of proof can be administered by the forum.

Article 15

Exclusion of renvoi

The application of the law of any country specified by this Convention means the application of the rules of law in force in that country other than its rules of private international law.

Article 16

“Ordre public”

The application of a rule of the law of any country specified by this Convention may be refused only if such application is manifestly incompatible with the public policy (“ordre public”) of the forum.

Article 17

No retrospective effect

This Convention shall apply in a Contracting State to contracts made after the date on which this Convention has entered into force with respect to that State.

Article 18

Uniform interpretation

In the interpretation and application of the preceding uniform rules, regard shall be had to their international character and to the desirability of achieving uniformity in their interpretation and application.

Article 19

States with more than one legal system

1. Where a State comprises several territorial units each of which has its own rules of law in respect of contractual obligations, each territorial unit shall be considered as a country for the purposes of identifying the law applicable under this Convention.

2. A State within which different territorial units have their own rules of law in respect of contractual obligations shall not be bound to apply this Convention to conflicts solely between the laws of such units.

Article 20

Precedence of Community law

This Convention shall not affect the application of provisions which, in relation to particular matters, lay down choice of law rules relating to contractual obligations and which are or will be contained in acts of the institutions of the European Communities or in national laws harmonized in implementation of such acts.

Article 21

Relationship with other conventions

This Convention shall not prejudice the application of international conventions to which a Contracting State is, or becomes, a party.

Article 22

Reservations

1. Any Contracting State may, at the time of signature, ratification, acceptance or approval, reserve the right not to apply:

(a) the provisions of Article 7(1);

(b) the provisions of Article 10(1)(e).

2. Any Contracting State may also, when notifying an extension of the Convention in accordance with Article 27(2), make one or more of these reservations, with its effect limited to all or some of the territories mentioned in the extension.

3. Any Contracting State may at any time withdraw a reservation which it has made; the reservation shall cease to have effect on the first day of the third calendar month after notification of the withdrawal.

TITLE III

FINAL PROVISIONS

Article 23

1. If, after the date on which this Convention has entered into force for a Contracting State, that State wishes to adopt any new choice of law rule in regard to any particular category of contract within the scope of this Convention, it shall communicate its intention to the other signatory States through the Secretary-General of the Council of the European Communities.

2. Any signatory State may, within six months from the date of the communication made to the Secretary-General, request him to arrange consultations between signatory States in order to reach agreement.

3. If no signatory State has requested consultations within this period or if within two years following the communication made to the Secretary-General no agreement is reached in the course of consultations, the Contracting State concerned may amend its law in the manner indicated. The measures taken by that State shall be brought to the knowledge of the other signatory States through the Secretary-General of the Council of the European Communities.

Article 24

1. If, after the date on which this Convention has entered into force with respect to a Contracting State, that State wishes to become a party to a multilateral convention whose principal aim or one of whose principal aims is to lay down rules of private international law concerning any of the matters governed by this Convention, the procedure set out in Article 23 shall apply. However, the period of two years, referred to in paragraph 3 of that Article, shall be reduced to one year.

2. The procedure referred to in the preceding paragraph need not be followed if a Contracting State or one of the European Communities is already a party to the multilateral convention, or if its object is to revise a convention to which the State concerned is already a party, or if it is a convention concluded within the framework of the Treaties establishing the European Communities.

Article 25

If a Contracting State considers that the unification achieved by this Convention is prejudiced by the conclusion of agreements not covered by Article 24(1), that State may request the Secretary-General of the Council of the European Communities to arrange consultations between the signatory States of this Convention.

Article 26

Any Contracting State may request the revision of this Convention. In this event a revision conference shall be convened by the President of the Council of the European Communities.

Article 27

1. This Convention shall apply to the European territories of the Contracting States, including Greenland, and to the entire territory of the French Republic.

2. Notwithstanding paragraph 1:

(a) this Convention shall not apply to the Faroe Islands, unless the Kingdom of Denmark makes a declaration to the contrary;

(b) this Convention shall not apply to any European territory situated outside the United Kingdom for the international relations of which the United Kingdom is responsible, unless the United Kingdom makes a declaration to the contrary in respect of any such territory;

(c) this Convention shall apply to the Netherlands Antilles, if the Kingdom of the Netherlands makes a declaration to that effect.

3. Such declarations may be made at any time by notifying the Secretary-General of the Council of the European Communities.

4. Proceedings brought in the United Kingdom on appeal from courts in one of the territories referred to in paragraph 2(b) shall be deemed to be proceedings taking place in those courts.

Article 28

1. This Convention shall be open from 19 June 1980 for signature by the States party to the Treaty establishing the European Economic Community.

[*Uimh. 8.*] *An tAcht um Oibleagáidí Conarthacha* [1991.]
(*Dlí Infheidhme*), 1991.

2. This Convention shall be subject to ratification, acceptance or approval by the signatory States. The instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the Council of the European Communities.

Article 29

1. This Convention shall enter into force on the first day of the third month following the deposit of the seventh instrument of ratification, acceptance or approval.

2. This Convention shall enter into force for each signatory State ratifying, accepting or approving at a later date on the first day of the third month following the deposit of its instrument of ratification, acceptance or approval.

Article 30

1. This Convention shall remain in force for 10 years from the date of its entry into force in accordance with Article 29(1), even for States for which it enters into force at a later date.

2. If there has been no denunciation it shall be renewed tacitly every five years.

3. A Contracting State which wishes to denounce shall, not less than six months before the expiration of the period of 10 or five years, as the case may be, give notice to the Secretary-General of the Council of the European Communities. Denunciation may be limited to any territory to which the Convention has been extended by a declaration under Article 27(2).

4. The denunciation shall have effect only in relation to the State which has notified it. The Convention will remain in force as between all other Contracting States.

Article 31

The Secretary-General of the Council of the European Communities shall notify the States party to the Treaty establishing the European Economic Community of:

(a) the signatures;

- (b) the deposit of each instrument of ratification, acceptance or approval;
- (c) the date of entry into force of this Convention;
- (d) communications made in pursuance of Articles 23, 24, 25, 26, 27 and 30;
- (e) the reservations and withdrawals of reservations referred to in Article 22.

Article 32

The Protocol annexed to this Convention shall form an integral part thereof.

Article 33

This Convention, drawn up in a single original in the Danish, Dutch, English, French, German, Irish and Italian languages, these texts being equally authentic, shall be deposited in the archives of the Secretariat of the Council of the European Communities. The Secretary-General shall transmit a certified copy thereof to the Government of each signatory State.

PROTOCOL

The High Contracting Parties have agreed upon the following provision which shall be annexed to the Convention:

Notwithstanding the provisions of the Convention, Denmark may retain the rules contained in Søloven (Statute on Maritime Law) paragraph 169 concerning the applicable law in matters relating to carriage of goods by sea and may revise these rules without following the procedure prescribed in Article 23 of the Convention.

Alt 2.

AN DARA SCEIDEAL

TÉACS BÉARLA CHOINBHINSIÚN AONTACHAIS 1984

CONVENTION

on the accession of the Hellenic Republic to the Convention on the law applicable to contractual obligations, opened for signature in Rome on 19 June 1980.

[*Uimh. 8.*] *An tAcht um Oibleagáidí Conarthacha* [1991.]
(*Dlí Infheidhme*), 1991.

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

CONSIDERING that the Hellenic Republic, in becoming a Member
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:

(Designations of Plenipotentiaries)

WHO, meeting within the Council, having exchanged their full powers,
found in good and due form,

HAVE AGREED AS FOLLOWS:

Article 1

The Hellenic Republic hereby accedes to the Convention on the law
applicable to contractual obligations, opened for signature in Rome on 19
June 1980.

Article 2

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,
Irish and Italian languages to the Government of the Hellenic Republic.

The text of the Convention on the law applicable to contractual
obligations in the Greek language is annexed hereto. The text in the Greek
language shall be authentic under the same conditions as the other texts of
the Convention on the law applicable to contractual obligations.

Article 3

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 4

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 Hellenic Republic and seven States which have 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 5

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 6

This Convention, drawn up in a single original in the Danish, Dutch, English, French, German, Greek, Irish and Italian languages, all eight 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.

Alt 2.

AN TRÍÚ SCEIDEAL

TÉACS GAEILGE CHOINBHINSIÚN 1980

COINBHINSIÚN AR AN DLÍ IS INFHEIDHME MAIDIR LE
hOIBLEAGÁIDÍ CONARTHACHA

BROLLACH

TÁ NA hARD-PHÁIRTITHE CONARTHACHA sa Chonradh ag bunú
Chomhphobal Eacnamaíochta na hEorpa,

ÓS É A MIANGAS leanúint ar aghaidh sa réim dlí idirnáisiúnta phríobháidigh le hobair aontúcháin an dlí atá déanta cheana féin sa Chomhphobal, go háirithe maidir le dlínse agus le breithiúnais a fhorghníomhú,

ÓS É A dTOILMHIAN rialacha comhionanna a bhunú i dtaobh an dlí is infheidhme maidir le hoibleagáidí conarthacha,

TAR ÉIS COMHAONTÚ MAR A LEANAS:

TEIDEAL I

RÉIM AN CHOINBHINSIÚIN

Airteagal 1

Réim an Choinbhinsiúin

1. Bainfidh rialacha an Choinbhinsiúin seo le hoibleagáidí conarthacha i ndálaí ina dtarlaíonn neamhréireacht dlíthe.

2. Ní bhainfidh siad:

- (a) le stádas ná le hinniúlacht dhlíthiúil daoine nádúrtha, gan dochar d’Airteagal 11;
- (b) le hoibleagáidí conarthacha a bhaineann:
 - le huachtanna agus comharbas;
 - le cearta maoine de dhroim gaoil phósta;
 - le cearta agus dualgais de dhroim gaoil teaghlaigh, tuisteachta, pósta nó cleamhnais, agus oibleagáidí cothabhála maidir le leanaí nach bhfuil dlisteanach á gcur san áireamh;
- (c) le hoibleagáidí de dhroim billí malairte, seiceanna, nótaí gealltanais agus ionstraimí soshannta eile sa mhéid gurb ó shoshanntacht na n-ionstraimí eile sin a eascraíonn na hoibleagáidí a thagann díobh;
- (d) le comhaontuithe eadrána ná le comhaontuithe maidir le rogha cúirte;

- (e) le ceisteanna a bhaineann le dlí cuideachtaí agus comhlachtaí corpraithe nó neamhchorpraithe eile, ar nós bunú, trí chláru nó eile, inniúlacht dhlíthiúil, eagraíocht inmheánach nó foirceannadh cuideachtaí agus comhlachtaí corpraithe nó neamhchorpraithe eile agus dlíteanas pearsanta oifigeach agus comhaltaí, sa cháil sin dóibh, i leith oibleagáidí na cuideachta nó an chomhlachta;
- (f) leis an gceist an bhféadann gníomhaire ceangal a shnadhmadh idir príomhaí, nó an bhféadann orgán ceangal a shnadhmadh idir cuideachta nó comhlacht corpraithe nó neamhchorpraithe agus tríú páirtí;
- (g) le comhdhéanamh iontaobhas agus leis an ngaol idir socraitheoirí, iontaobhaithe agus tairbhíthe;
- (h) le fianaise agus nós imeachta, gan dochar d'Airteagal 14.

3. Ní bhaineann rialacha an Choinbhinsiúin seo le conarthaí árachais a chumhdaíonn fiontair atá suite i gcríocha Bhallstáit Chomhphobal Eacnamaíochta na hEorpa. D'fhonn a chinneadh an bhfuil fiontar suite sna críocha sin cuirfidh an chúirt a dlí inmheánach i bhfeidhm.

4. Ní bhaineann an mhír sin roimhe seo le conarthaí atharachais.

Airteagal 2

Feidhmiú dlí Stát neamhchonarthach

Cuirfear aon dlí a shonraítear leis an gCoinbhinsiún seo chun feidhme cibé acu is dlí nó nach dlí de chuid Stáit Chonarthaigh é.

TEIDEAL II

RIALACHA COMHIONANNA

Airteagal 3

Saoirse rogha

1. Beidh conradh á rialú ag an dlí a roghnóidh na páirtithe. Ní foláir an rogha a bheith sainráite nó léirithe le cinnteacht réasúnach ag téarmaí

an chonartha nó imthosca an cháis. Dá rogha féin, féadfaidh na páirtithe an dlí a roghnú is infheidhme i leith iomlán an chonartha nó aon chuid de.

2. Féadfaidh na páirtithe aontú am ar bith an conradh a chur faoi dhlí seachas an dlí a rialaigh é roimhe sin, cibé acu de thoradh rogha níos luaithe faoin Airteagal seo nó de thoradh forálacha eile de chuid an Choinbhinsiúin seo. Aon athrú a dhéanfaidh na páirtithe ar an dlí is infheidhme agus a rinneadh tar éis an conradh a dhéanamh beidh sé gan dochar do bhailíocht fhoirmiúil an chonartha de réir bhrí Airteagal 9 agus ní dhéanfaidh sé díobháil do chearta tríú páirtithe.

3. I gcás dlí eachtrach a bheith roghnaithe ag na páirtithe, bíodh nó ná bíodh binse eachtrach ag gabháil leis mar rogha, ní dhéanfaidh sin dochar do fheidhmiú rialacha dhlí na tíre sin nach ceadmhach a mhaolú le conradh, dá ngairtear “rialacha sainordaitheacha” anseo feasta, nuair nach mbeidh baint ach le tír amháin ag eilimintí eile go léir na staide áirithe tráth déanta na rogha.

4. Déanfar marthain agus bailíocht thoiliú na bpáirtithe i leith roghnú an dlí is infheidhme a chinneadh de réir fhorálacha Airteagal 8, 9 agus 11.

Airteagal 4

An dlí is infheidhme cheal rogha

1. Sa mhéid nach mbeidh an dlí is infheidhme maidir leis an gconradh roghnaithe de réir Airteagal 3, beidh an conradh á rialú ag dlí na tíre sin a bhfuil an ceangal is dlúithe aige léi. Mar sin féin féadfaidh cuid inscartha den chonradh a bhfuil baint níos dlúithe aici le tír eile a bheith, i ndálaí eisceachtúla, á rialú ag dlí na tíre eile sin.

2. Faoi réir fhorálacha mhír 5 den Airteagal seo, toimhdeofar an bhaint is dlúithe a bheith ag an gconradh leis an tír ina bhfuil, tráth déanta an chonartha, gnáthchónaí ar an bpáirtí a dhlíonn an comhlíonadh is saineúil don chonradh a dhéanamh nó, i gcás comhlacht corpraithe nó neamhchorpraithe, a bhfuil a lárionad riaracháin aige inti. Ach má dhéantar an conradh i gcúrsa gnó nó gairme an pháirtí sin, is í an tír sin an tír ina bhfuil an príomh-ionad gnó nó, más rud é, faoi théarmaí an chonartha, go mbeidh an conradh le comhlíonadh trí ionad gnó seachas an príomh-ionad gnó, is í an tír í ina bhfuil an t-ionad gnó eile sin.

3. D’ainneoin fhorálacha mhír 2 den Airteagal seo, sa mhéid gur ceart ar mhaoin dhochorraithe nó ceart maoin dhochorraithe a úsáid is ábhar

don chonradh, toimhdeofar an bhaint is dlúithe a bheith ag an gconradh leis an tír ina bhfuil an mhaoin dhochorraithe.

4. Ní bheidh conradh chun earraí a iompar faoi réir na toimhdean i mír 2. I gconradh den sórt sin toimhdeofar an bhaint is dlúithe a bheith ag an gconradh leis an tír ina bhfuil, tráth déanta an chonartha, a príomh-ionad gnó ag an iompróir más í an tír sin freisin an tír ina bhfuil an t-ionad lastála nó an t-ionad dílastála nó príomh-ionad gnó an choinsíneora. I bhfeidhmiú na míre seo áireofar páirtithe cairte aonaistir agus conarthaí eile arb é is príomhaidhm dóibh earraí a iompar mar chonarthaí chun earraí a iompar.

5. Ní bheidh feidhm ag mír 2 mura féidir an comhlíonadh is saineiúil don chonradh a chinneadh agus ní thabharfar aird ar thiomhdeana mhíreanna 2, 3 agus 4 má dhealraíonn sé as na dálaí go huile go bhfuil baint níos dlúithe ag an gconradh le tír eile.

Airteagal 5

Conarthaí áirithe maidir le tomhaltóirí

1. Baineann an tAirteagal seo le conarthaí arb é is cuspóir dóibh earraí nó seirbhísí a sholáthar do dhuine (“an tomhaltóir”) chun úsáide a fhéadfar a mheas a bheith lasmuigh dá ghnó nó dá ghairm, nó le conarthaí chun creidmheas a chur ar fáil le haghaidh an chuspóra sin.

2. D’ainneoin fhorálacha Airteagal 3, ní thiocfaidh de thoradh as rogha dlí arna déanamh ag páirtithe go gceilfear ar an tomhaltóir an chosaint a thugtar dó le rialacha sainordaitheacha dhlí na tíre ina bhfuil a ghnáthchónaí aige:

—má rinneadh, sa tír sin, roimh dhéanamh an chonartha, sainchuireadh a dhíriú chuige nó fógraíocht, agus má rinne sé sa tír sin gach beart ba ghá dó chun an conradh a dhéanamh, nó

—má fuair an páirtí eile nó a ghníomhaire ordú an tomhaltóra sa tír sin, nó

—má bhaineann an conradh le díol earraí agus más amhlaidh gur thaistil an tomhaltóir ón tír sin go dtí tír eile agus gur ordaigh sé na hearraí inti, ar chuntar gur eagraigh an díoltóir turas an tomhaltóra d’fhonn é a spreagadh chun na hearraí a cheannach

3. D’ainneoin fhorálacha Airteagal 4, beidh conradh a mbaineann an tAirteagal seo leis á rialú, cheal rogha de réir Airteagal 3, ag dlí na tíre

ina bhfuil a ghnáthchónaí ag an tomhaltóir, má théitear faoi sna dálaí a thuairiscítear i mír 2 den Airteagal seo.

4. Ní bhainfidh an tAirteagal seo:

(a) le Conradh iompair;

(b) le Conradh maidir le seirbhísí a sholáthar nuair nach bhfuil na seirbhísí le soláthar don tomhaltóir ach amháin i dtír seachas an tír ina bhfuil a ghnáthchónaí aige.

5. D'ainneoin fhorálacha mhír 4, bainfidh an tAirteagal seo le Conradh a sholáthraíonn taisteal agus lóistín le chéile ar tháille uile-ghabhálach.

Airteagal 6

Conarthaí leithleacha fostaíochta

1. D'ainneoin fhorálacha Airteagal 3, i gconradh fostaíochta ní thiocfaidh de thoradh as rogha dlí arna déanamh ag páirtithe go gceilfear ar an bhfostaí an chosaint a thugtar dó le rialacha sainordaitheacha an dlí ab infheidhme faoi mhír 2 cheal rogha.

2. D'ainneoin fhorálacha Airteagal 4 agus cheal rogha de réir Airteagal 3, beidh Conradh fostaíochta á rialú:

(a) ag dlí na tíre ina ndéanann an fostaí a chuid oibre de ghnáth ag comhlíonadh an chonartha, fiú má aistrítear go sealadach chuig tír eile é; nó

(b) mura ndéanann an fostaí a chuid oibre de ghnáth in aon tír áirithe, ag dlí na tíre ina bhfuil a ionad ag an ngnó a d'fhostaigh é;

mura ndealraíonn sé as na dálaí go huile go bhfuil baint níos dlúithe ag an gconradh le tír eile, agus, sa chás sin, beidh an Conradh á rialú ag dlí na tíre sin.

Airteagal 7

Rialacha sainordaitheacha

1. Nuair a bheidh feidhm á tabhairt do dhlí thír áirithe faoin gCoinbhinsiún seo, féadfar éifeacht a thabhairt do rialacha

sainordaitheacha dhlí tíre eile a bhfuil dlúthbhaint ag an staid léi, más éigean, agus a mhéid is éigean, faoi dhlí na tíre deireanaí sin, na rialacha sin a chur chun feidhme gan féachaint don dlí is infheidhme maidir leis an gconradh. Nuair a bheidh breithniú á dhéanamh i dtaobh éifeacht a thabhairt do na rialacha sainordaitheacha sin, caithfear aird a thabhairt ar a gcineál agus ar a n-aidhm agus fós ar an toradh a thiocthadh as a bhfeidhmiú nó a neamhfeidhmiú.

2. Ní chuirfidh aon ní sa Choinbhinsiún seo srian le feidhmiú rialacha dhlí an fhóraitim i dtoisc inar rialacha sainordaitheacha iad is cuma cén dlí is infheidhme maidir leis an gconradh.

Airteagal 8

Bailíocht ábhartha

1. Déanfar marthain agus bailíocht conartha, nó aon téarma de chuid conartha, a chinneadh de réir an dlí ab infheidhme faoin gCoinbhinsiún seo dá mba rud é gur bhailí don chonradh nó don téarma.

2. Mar sin féin, féadfaidh páirtí dul i muinín dhlí na tíre ina bhfuil a ghnáthchónaí aige chun a shuíomh nár thug sé a thoiliú má dhealraíonn sé as na dálaí nár réasúnach éifeacht iompar an pháirtí sin a chinneadh de réir an dlí a sonraíodh sa mhír sin roimhe seo.

Airteagal 9

Bailíocht fhoirmiúil

1. Tá bailíocht fhoirmiúil ag conradh arna dhéanamh ag daoine sa tír chéanna má shásaíonn sé ceanglais fhoirmiúla an dlí lena rialaítear é faoin gCoinbhinsiún seo nó dhlí na tíre ina ndéantar é.

2. Tá bailíocht fhoirmiúil ag conradh arna dhéanamh ag daoine i dtíortha éagsúla má shásaíonn sé ceanglais fhoirmiúla an dlí lena rialaítear é faoin gCoinbhinsiún seo nó dhlí cheann de na tíortha sin.

3. Nuair is gníomhaire a dhéanann an conradh, is í an tír ina ngníomhaíonn an gníomhaire an tír nach foláir féachaint di i bhfeidhmiú mhíreanna 1 agus 2.

4. Tá bailíocht fhoirmiúil ag gníomh a mbeartaítear éifeacht dhlíthiúil a bheith aige i ndáil le conradh atá marthanach nó ionchasach má shásaíonn sé ceanglais fhoirmiúla an dlí lena rialaítear nó lena rialófaí

[*Uimh. 8.*] *An tAcht um Oibleagáidí Conarthacha* [1991.]
(*Dlí Infheidhme*), 1991.

an Conradh sin faoin gCoinbhinsiún seo nó dhlí na tíre ina ndearnadh an gníomh.

5. Ní bhainfidh forálacha na míreanna sin roimhe seo le Conradh lena mbaineann Airteagal 5, arna dhéanamh sna dálaí a thuairiscítear i mír 2 d'Airteagal 5. Is é dlí na tíre ina bhfuil a ghnáthchónaí ag an tomhaltóir a rialaíonn bailíocht fhoirmiúil chonradh den sórt sin.

6. D'ainneoin mhíreanna 1 go 4 den Airteagal seo, beidh Conradh a bhaineann le ceart ar mhaoín dhochorraithe nó ceart maoín dhochorraithe a úsáid faoi réir cheanglas sainordaitheach foirme dhlí na tíre ina bhfuil an mhaoín sin más rud é, de réir an dlí sin, go bhforchuirtear na ceanglais sin cibé ar bith tír ina ndéantar an Conradh agus cibé ar bith dlí lena rialaítear an Conradh.

Airteagal 10

Réim an dlí is infheidhme

1. An dlí is infheidhme maidir le Conradh de bhua Airteagail 3 go 6 agus 12 den Choinbhinsiún seo, rialóidh sé go háirithe:

- (a) forléiriú an chonartha;
- (b) comhlíonadh na n-oibleagáidí a bhaineann leis;
- (c) faoi réim theorainneacha na gcumhachtaí a thugtar don chúirt lena dlí nós imeachta, iarmhairtí de dhroim sárú na n-oibleagáidí sin, lena n-áirítear measúnú damáistí sa mhéid go bhfuil sin á rialú ag rialacha dlí;
- (d) na modhanna éagsúla chun oibleagáidí a mhúchadh, maille le rúradh agus teorannú caingne;
- (e) a dtiocfaidh de neamhníocht an chonartha.

2. Sa mhéid a bhaineann le modh comhlíonta an chonartha, lena n-áirítear na bearta a bheidh le glacadh i gcás é a chomhlíonadh go huireasach, féachfar do dhlí na tíre ina ndéantar an comhlíonadh.

Airteagal 11

Neamhinniúlacht

Maidir le Conradh a rinneadh idir daoine sa tír chéanna, ní fhéadfaidh aon duine nádúrtha a bheadh inniúil faoi dhlí na tíre sin

a neamhinniúlacht de dhroim dlí eile a agairt ach amháin más rud é, tráth déanta an chonartha, gurbh eol don pháirtí eile sa chonradh an neamhinniúlacht sin nó gur de dheasca faillí nárbh eol dó í.

Airteagal 12

Sannadh saorálach

1. Beidh comhoibleagáidí sannóra agus sannaí faoi shannadh saorálach cirt in aghaidh duine eile (“an féichiúnaí”) á rialú ag an dlí a bhaineann, faoin gCoinbhinsiún seo, leis an gconradh idir an sannóir agus an sannaí.

2. An dlí a rialaíonn an ceart lena mbaineann an sannadh, cinnfidh sé a insanntacht, an gaol idir an sannaí agus an féichiúnaí, na coinníollacha faoinar féidir an sannadh a agairt in aghaidh an fhéichiúnaí agus aon cheist i dtaobh oibleagáidí an fhéichiúnaí a bheith urscaoilte.

Airteagal 13

Seachaíocht

1. I gcás éileamh conarthach a bheith ag duine (“an creidiúnaí”) ar dhuine eile (“an féichiúnaí”), agus go bhfuil de dhualgas ar thríú duine an creidiúnaí a shásamh, nó go bhfuil an creidiúnaí sásaithe aige iarbhir i gcomhlíonadh an dualgais sin, is é an dlí lena rialaítear dualgas an tríú duine chun an creidiúnaí a shásamh a chinnfidh cé acu atá an tríú duine i dteideal na cearta sin a fheidhmiú in aghaidh an fhéichiúnaí a bhí ag an gcreidiúnaí in aghaidh an fhéichiúnaí faoin dlí lena rialaítear a gcomhbhaint agus, má tá, cé acu an go hiomlán nó go páirteach a fhéadfaidh sé é sin a dhéanamh.

2. Tá feidhm ag an riail chéanna i gcás daoine éagsúla a bheith faoi réir an éilimh chonarthaigh chéanna agus an creidiúnaí a bheith sásaithe ag duine acu.

Airteagal 14

Dualgas cruthúnais, etc.

1. Beidh feidhm ag an dlí lena rialaítear an conradh faoin gCoinbhinsiún seo sa mhéid go mbeidh, faoi dhlí conarthaí, rialacha ann a bhunaíonn toimhdeana dlí nó a chinneann an dualgas cruthúnais.

2. Féadfar conradh nó gníomh a mbeartaítear éifeacht dlíthiúil a bheith aige a chruthú le haon mhodh cruthúnais a aithnítear le dlí an

[Uimh. 8.] *An tAcht um Oibleagáidí Conarthacha* [1991.]
(*Dlí Infheidhme*), 1991.

fhóiraim nó le haon cheann de na dlíthe dá dtagraítear in Airteagal 9 faoina bhfuil bailíocht fhoirmiúil ag an gconradh nó ag an ngníomh sin, ar choinníoll gur féidir leis an bhfóram an modh cruthúnais sin a riaradh.

Airteagal 15

Renvoi a eisiamh

Ciallaíonn feidhmiú dlí aon tíre a fhorordaítear leis an gCoinbhinsiún seo feidhmiú rialacha an dlí ag a bhfuil feidhm sa tír sin seachas a rialacha dlí idirnáisiúnta phríobháidigh.

Airteagal 16

“Ordre public”

Ní féidir diúltú do riail dlí aon tíre a shonraítear leis an gCoinbhinsiún seo ach amháin nuair is follas nach bhfuil an feidhmiú sin ag luí le beartas poiblí (“ordre public”) an fhóiraim.

Airteagal 17

Gan éifeacht chúlghabhálach

I Stát Conarthach bainfidh an Coinbhinsiún seo le conarthaí a dhéanfar tar éis an dáta a tháinig an Coinbhinsiún seo i bhfeidhm maidir leis an Stát sin.

Airteagal 18

Forléiriú comhionann

Nuair a bheidh na rialacha comhionanna sin roimhe seo á bhforléiriú agus á bhfeidhmiú, féachfar dá ngné idirnáisiúnta agus dá mhéid is innhianaithe é comhionannas a bhaint amach maidir lena bhforléiriú agus lena bhfeidhmiú.

Airteagal 19

Stáit a bhfuil níos mó ná córas dlí amháin acu

1. Nuair a chuimsítear i Stát aonaid chríche leithleacha a bhfuil a rialacha dlí féin ag gach aonad díobh i dtaobh oibleagáidí conarthacha,

féachfar ar gach aonad críche mar thír chun go n-aithneofaí an dlí is infheidhme faoin gCoinbhinsiún seo.

2. Stát a bhfuil a rialacha dlí féin ag aonaid chríche éagsúla ann i dtaobh oibleagáidí conarthacha, ní bheidh de cheangal air an Coinbhinsiún seo a chur chun feidhme ar neamhréireachtaí idir dlíthe na n-aonad sin namá.

Airteagal 20

Tosaíocht ag dlí Comhphobail

Ní dhéanfaidh an Coinbhinsiún seo difear d'fheidhmiú a leagann síos, i ndáil le hábhair áirithe, rialacha um neamhréireacht dlíthe maidir le hoibleagáidí conarthacha agus atá nó a bheidh ar áireamh i ngníomhartha Institiúidí na gComhphobal Eorpach nó i ndlíthe náisiúnta a comhchuíbhíodh ag cur na ngníomhartha sin chun feidhme.

Airteagal 21

An bhaint le coinbhinsiúin eile

Ní dhéanfaidh an Coinbhinsiún seo dochar d'fheidhmiú choinbhinsiúin idirnáisiúnta a bhfuil nó a mbeidh Stát Conarthach ina pháirtí iontu.

Airteagal 22

Forchoimeádais

1. Féadfaidh aon Stát Conarthach, tráth an Choinbhinsiúin seo a shíniú, a dhaingniú, a ghlacadh nó a fhormheas, an ceart a fhorchoimeád chun nach bhfeidhmeodh sé:

(a) forálacha mhír 1 d'Airteagal 7;

(b) forálacha mhír 1(e) d'Airteagal 10.

2. Fairis sin, féadfaidh aon Stát Conarthach, ag fógairt fairsingíú ar an gCoinbhinsiún dó de réir mhír 2 d'Airteagal 27, ceann amháin nó breis de na forchoimeádais sin a dhéanamh le héifeacht nach sroichfidh ach na críocha nó roinnt de na críocha dá dtagraítear san fhairsingíú.

3. Féadfaidh aon Stát Conarthach forchoimeádas a rinne sé a tharraingt siar am ar bith; ní bheidh tuilleadh feidhme ag an bhforchoimeádas sin ón gcéad lá den tríú mí féilire tar éis an tarraingt siar a chur in iúl.

TEIDEAL III

FORÁLACHA CRÍOCHNAITHEACHA

Airteagal 23

1. Más rud é, tar éis dáta an Choinbhinsiúin seo a theacht i bhfeidhm maidir le Stát Conarthach, gur mian leis an Stát sin aon riail nua um neamhréireacht dlíthe a ghlacadh maidir le haon earnáil áirithe conarthaí a thagann laistigh de raon feidhme an Choinbhinsiúin seo, cuirfidh sé scéala faoina bhfuil ar intinn aige, trí Ard-Rúnaí Chomhairle na gComhphobal Eorpach, chuig na Stáit eile a shínigh an Coinbhinsiún.

2. Féadfaidh aon Stát a shínigh an Coinbhinsiún, laistigh de shé mhí ó dháta an scéala a chur chuig an Ard-Rúnaí, a iarraidh air comhchomhairliúcháin a shocrú idir na Stáit a shínigh an Coinbhinsiún d'fhonn teacht ar chomhaontú.

3. Mura mbeidh, laistigh den tréimhse sin, comhchomhairliúcháin iarrtha ag aon Stát a shínigh an Coinbhinsiún nó más rud é, laistigh de dhá bhliain tar éis an scéala a chur chuig an Ard-Rúnaí, nach mbeidh aon chomhaontú déanta sna chomhchomhairliúcháin, féadfaidh an Stát Conarthach áirithe a dhlí a leasú amhail mar a bheidh curtha in iúl. Cuirfear na bearta a bheidh glactha ag an Stát sin i bhfios, trí Ard-Rúnaí Chomhairle na gComhphobal Eorpach, do na Stáit eile a shínigh an Coinbhinsiún.

Airteagal 24

1. Más rud é, tar éis dáta an Choinbhinsiúin seo a theacht i bhfeidhm maidir le Stát Conarthach, gur mian leis an Stát sin a bheith ina pháirtí i gcoinbhinsiún iltaobhach arb é is príomhaidhm dó, nó arb é ceann dá phríomhaidhmeanna, rialacha dlí idirnáisiúnta phríobháidigh a leagan síos maidir le haon cheann de na hábhair atá á rialú ag an gCoinbhinsiún seo, beidh feidhm ag an nós imeachta atá leagtha amach in Airteagal 23. Sa chás sin, áfach, laghdófar go dtí bliain amháin an tréimhse dhá bhliain dá dtagraítear sa tríú mír den Airteagal sin.

2. Ní gá cloí leis an nós imeachta dá dtagraítear sa mhír sin roimhe seo más páirtí cheana féin sa choinbhinsiún iltaobhach Stát Conarthach nó ceann de na Comhphobail Eorpacha, nó más é is cuspóir dó athchóiriú a dhéanamh ar choinbhinsiún ar páirtí ann cheana féin an Stát lena mbaineann, nó más coinbhinsiún é a tugadh chun críche faoi chuimsiú na gConarthaí ag bunú na gComhphobal Eorpach.

Airteagal 25

Má mheasann Stát Conarthach go dtéann comhaontuithe a tugadh i gcrích agus nach bhforáiltear dóibh i mír 1 d'Airteagal 24 chun dochair don aontacht atá bainte amach leis an gCoinbhinsiún seo, féadfaidh an Stát sin a iarraidh ar Ard-Rúnaí Chomhairle na gComhphobal Eorpach comhchomhairliúcháin a shocrú idir na Stáit a shínigh an Coinbhinsiún seo.

Airteagal 26

Féadfaidh aon Stát Conarthach athchóiriú ar an gCoinbhinsiún seo a iarraidh. Sa chás sin, tionólfaidh Uachtarán Chomhairle na gComhphobal Eorpach comhdháil athchóiriúcháin.

Airteagal 27

1. Bainfidh an Coinbhinsiún seo le críocha Eorpacha na Stát Conarthach, lena n-áirítear an Ghraonlainn, agus le críoch uile Phoblacht na Fraince.

2. D'ainneoin mhír 1:

- (a) ní bhainfidh an Coinbhinsiún seo le hOileáin Fharó, mura ndéanfaidh Ríocht na Danmhairge dearbhú dá mhalairt;
- (b) ní bhainfidh an Coinbhinsiún seo le haon chríoch Eorpach atá lasmuigh den Ríocht Aontaithe a bhfuil an Ríocht Aontaithe freagrach ina caidreamh eachtrach, mura ndéanfaidh an Ríocht Aontaithe dearbhú dá mhalairt i leith na críche áirithe sin;
- (c) bainfidh an Coinbhinsiún seo le hAintillí na hÍsiltíre, má dhéanann Ríocht na hÍsiltíre dearbhú chuige sin.

3. Féadfar na dearbhuithe sin a dhéanamh am ar bith trí fhógra a thabhairt d'Ard-Rúnaí Chomhairle na gComhphobal Eorpach.

4. Imeachtaí a thionscnófar sa Ríocht Aontaithe ar achomharc ó chúirteanna i gceann de na críocha dá dtagraítear i bhfómhír (b) de mhír 2, measfar gur imeachtaí iad atá ar siúl sna cúirteanna sin.

Airteagal 28

1. Beidh an Coinbhinsiún seo ar oscailt chun a shíniú ón 19 Meitheamh 1980 ag na Stáit is páirtithe sa Chonradh ag bunú Chomhphobal Eacnamaíochta na hEorpa.

2. Beidh an Coinbhinsiún seo faoi réir a dhaingnithe, a ghlactha nó a fhorghlactha ag Stáit a shíniú. Taiscfear na hionstraimí daingniúcháin, glactha nó formheasa le hArd-Rúnaí Chomhairle na gComhphobal Eorpach.

Airteagal 29

1. Tiocfaidh an Coinbhinsiún seo i bhfeidhm an chéad lá den tríú mí tar éis an seachtú hionstraim dhaingniúcháin, ghlactha nó fhorghlactha a thaisceadh.

2. Tiocfaidh an Coinbhinsiún seo i bhfeidhm, maidir le gach Stát sínitheach a dhaingneoidh, a ghlacfaidh nó a fhorghlactha é ar dháta is faide amach, an chéad lá den tríú mí tar éis a ionstraim dhaingniúcháin, ghlactha nó fhorghlactha a thaisceadh.

Airteagal 30

1. Fanfaidh an Coinbhinsiún seo i bhfeidhm go ceann deich mbliana ón dáta a thiocfaidh sé i bhfeidhm de réir mhír 1 d'Airteagal 29, fiú maidir le Stáit a dtiocfaidh sé i bhfeidhm níos déanaí ina leith.

2. Déanfar an Coinbhinsiún a athnuachan go tostach gach cúig bliana mura séanfar é.

3. Beidh ar Stát Conarthach ar mian leis séanadh a dhéanamh fógra a thabhairt d'Ardrúnaí Chomhairle na gComhphobal Eorpach sé mhí ar a laghad sula mbeidh an tréimhse deich mbliana nó cúig bliana, cibé acu é, caite. Féadfar an séanadh a theorannú ionas nach mbainfidh sé ach le críoch ar fairsingíodh an Coinbhinsiún chuici trí dhearbhu faoi mhír 2 d'Airteagal 27.

4. Ní bheidh éifeacht ag an séanadh ach amháin i ndáil leis an Stát a d'fhógair é. Fanfaidh an Coinbhinsiún i bhfeidhm amhail idir na Stáit Chonarthacha eile go léir.

Airteagal 31

Tabharfaidh Ard-Rúnaí Chomhairle na gComhphobal Eorpach fógra do na Stáit is páirtithe sa Chonradh ag bunú Chomhphobal Eacnamaíochta na hEorpa i dtaobh na nithe seo a leanas:

- (a) na sínithe;
- (b) taisceadh gach ionstraime daingniúcháin, glactha nó formheasa;
- (c) dáta an Choinbhinsiúin seo a theacht i bhfeidhm;
- (d) na cumarsáidí de bhun Airteagail 23, 24, 25, 26, 27 agus 30;
- (e) na forchoimeádais agus tarraingt siar na bhforchoimeádas dá dtagraítear in Airteagal 22.

Airteagal 32

Is cuid dhílis den Choinbhinsiún seo an Prótacal atá i gceangal leis.

Airteagal 33

Tarraingíodh an Coinbhinsiún seo suas i scríbhinn bhunaidh amháin sa Bhéarla, sa Danmhairgis, sa Fhraincis, sa Ghaeilge, sa Ghearmáinis, san Iodáilis agus san Ollainnis agus comhúdarás ag na téacsanna sin; taiscfear é i gcartlann Ardrúnaíocht Chomhairle na gComhphobal Eorpach. Cuirfidh an tArd-Rúnaí cóip dheimhnithe de chuig Rialtas gach ceann de Stáit a shínithe.

PRÓTACAL

TÁ NA hARDPHÁIRTITHE CONARTHACHA tar éis comhaontú ar an bhforáil seo a leanas, a chuirfear i gceangal leis an gCoinbhinsiún:

D'AINNEOIN fhorálacha an Choinbhinsiúin, féadfaidh an Danmhairg an fhoráil atá leagtha amach i mír 169 den “Søloven” (Reacht ar an Dlí Muiri) maidir leis an dlí is infheidhme i leith ceisteanna a bhaineann le hiompar earraí ar muir a choinneáil agus féadfaidh sí an fhoráil sin a athchóiriú gan cloí leis an nós imeachta dá bhforáiltear in Airteagal 23 den Choinbhinsiún.

[Uimh. 8.] *An tAcht um Oibleagáidí Conarthacha* [1991.]
(*Dlí Infheidhme*), 1991.

Alt 2.

AN CEATHRÚ SCEIDEAL

TÉACS GAELGE CHOINBHINSIÚN AONTACHAIS 1984

COINBHINSIÚN

ar aontú na Poblachta Heilléanaí don Choinbhinsiún ar an dlí is infheidhme maidir le hoibleagáidí conarthacha, a osclaíodh chun sínithe sa Róimh an 19 Meitheamh 1980.

TÁ NA hARDPHÁIRTITHE CONARTHACHA SA CHONRADH AG
BUNÚ CHOMHPHOBAL EACNAMAÍOCHTA NA hEORPA,

DE BHRÍ gur ghabh an Phoblacht Heilléanach uirthi féin, ar theacht di chun bheith ina comhalta den Chomhphobal, aontú don Choinbhinsiún ar an dlí is infheidhme maidir le hoibleagáidí conarthacha, a osclaíodh chun sínithe sa Róimh an 19 Meitheamh 1980,

TAR ÉIS CINNEADH ar an gCoinbhinsiún seo a chur i gcrích agus chuige sin tar éis na daoine seo a leanas a cheapadh mar Lánchumhachtaigh:

(Ainmniúcháin na Lánchumhachtach)

NOCH A RINNE, i dtionól na Comhairle, tar éis dóibh a Lánchumhachtaí, agus iad i bhfoirm cheart chuí, a thabhairt ar aird dá chéile,

COMHAONTÚ MAR A LEANAS:

Airteagal 1

Aontaíonn an Phoblacht Heilléanach tríd seo don Choinbhinsiún ar an dlí is infheidhme maidir le hoibleagáidí conarthacha, a osclaíodh chun sínithe sa Róimh an 19 Meitheamh 1980.

Airteagal 2

Déanfaidh Ard-Rúnaí Chomhairle na gComhphobal Eorpach cóip dheimhnithe den Choinbhinsiún ar an dlí is infheidhme maidir le hoibleagáidí conarthacha sa Bhéarla, sa Danmhairgis, sa Fhraincis, sa Ghaeilge, sa Ghearmáinis, san Iodáilis agus san Ollainnis a chur chuig Rialtas na Poblachta Heilléanaí.

Déanfar téacs Gréigise an Choinbhinsiúin ar an dlí is infheidhme maidir le hoibleagáidí conarthacha a chur i gceangal leis an gCoinbhinsiún seo. Beidh comhúdarás ag an téacs Gréigise, faoi na coinníollacha céanna, le téacsanna eile an Choinbhinsiúin ar an dlí is infheidhme maidir le hoibleagáidí conarthacha.

Airteagal 3

Déanfaidh Stáit a shínithe daingniú ar an gCoinbhinsiún seo. Taiscfear na hionstraimí daingniúcháin le hArd-Rúnaí Chomhairle na gComhphobal Eorpach.

Airteagal 4

Tiocfaidh an Coinbhinsiún seo i bhfeidhm, amhail idir na Stáit a mbeidh daingniú déanta acu air, an chéad lá den tríú mí i ndiaidh taisceadh na hionstraime daingniúcháin deiridh ag an bPoblacht Heilléanach agus ag seacht Stát a bhfuil daingniú déanta acu ar an gCoinbhinsiún ar an dlí is infheidhme maidir le hoibleagáidí conarthacha.

Tiocfaidh an Coinbhinsiún seo i bhfeidhm do gach Stát Conarthach a dhaingneoidh é dá éis sin an chéad lá den tríú mí i ndiaidh taisceadh a ionstraime daingniúcháin.

Airteagal 5

Cuirfidh Ard-Rúnaí Chomhairle na gComhphobal Eorpach in iúl do Stáit an Choinbhinsiúin seo a shíniú:

- (a) taisceadh gach ionstraime daingniúcháin;
- (b) dátaí an Choinbhinsiúin seo a theacht i bhfeidhm do na Stáit Chonarthacha.

Airteagal 6

Tarraingíodh an Coinbhinsiún seo suas i scríbhinn bhunaidh amháin sa Bhéarla, sa Danmhairgis, sa Fhraincis, sa Ghaeilge, sa Ghearmáinis, sa Ghréigis, san Iodáilis agus san Ollainnis, agus comhúdarás ag gach ceann de na hocht dtéacs; taiscfear é i gcartlann Ardrúnaíocht Chomhairle na gComhphobal Eorpach, agus cuirfidh an tArd-Rúnaí cóip dheimhnithe de chuig rialtas gach ceann de Stáit a shínithe.