

Regulation (EC) No 864/2007 of the European Parliament and of the Council  
of 11 July 2007 on the law applicable to non-contractual obligations (Rome II)

CHAPTER I

**SCOPE**

*Article 1*

**Scope**

- 1 This Regulation shall apply, in situations involving a conflict of laws, to non-contractual obligations in civil and commercial matters. It shall not apply, in particular, to revenue, customs or administrative matters or to the liability of the State for acts and omissions in the exercise of State authority (*acta iure imperii*).
- 2 The following shall be excluded from the scope of this Regulation:
  - a non-contractual obligations arising out of family relationships and relationships deemed by the law applicable to such relationships to have comparable effects including maintenance obligations;
  - b non-contractual obligations arising out of matrimonial property regimes, property regimes of relationships deemed by the law applicable to such relationships to have comparable effects to marriage, and wills and succession;
  - c non-contractual 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 non-contractual obligations arising out of the law of companies and other bodies corporate or unincorporated regarding matters such as the creation, by registration or otherwise, legal capacity, internal organisation or winding-up of companies and other bodies corporate or unincorporated, the personal liability of officers and members as such for the obligations of the company or body and the personal liability of auditors to a company or to its members in the statutory audits of accounting documents;
  - e non-contractual obligations arising out of the relations between the settlors, trustees and beneficiaries of a trust created voluntarily;
  - f non-contractual obligations arising out of nuclear damage;
  - g non-contractual obligations arising out of violations of privacy and rights relating to personality, including defamation.
- 3 This Regulation shall not apply to evidence and procedure, without prejudice to Articles 21 and 22.
- 4 For the purposes of this Regulation, ‘Member State’ shall mean any Member State other than Denmark.

## Article 2

### **Non-contractual obligations**

1 For the purposes of this Regulation, damage shall cover any consequence arising out of tort/delict, unjust enrichment, *negotiorum gestio* or *culpa in contrahendo*.

2 This Regulation shall apply also to non-contractual obligations that are likely to arise.

3 Any reference in this Regulation to:

- a an event giving rise to damage shall include events giving rise to damage that are likely to occur; and
- b damage shall include damage that is likely to occur.

## Article 3

### **Universal application**

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