

Regulation (EC) No 593/2008 of the European Parliament and of the Council  
of 17 June 2008 on the law applicable to contractual obligations (Rome I)

CHAPTER II

UNIFORM RULES

*Article 3*

**Freedom of choice**

1 A contract shall be governed by the law chosen by the parties. The choice shall be made expressly or clearly demonstrated 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 to 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 made under this Article or of other provisions of this Regulation. Any change in the law to be applied that is made after the conclusion of the contract shall not prejudice its formal validity under Article 11 or adversely affect the rights of third parties.

3 Where all other elements relevant to the situation at the time of the choice are located in a country other than the country whose law has been chosen, the choice of the parties shall not prejudice the application of provisions of the law of that other country which cannot be derogated from by agreement.

4 Where all other elements relevant to the situation at the time of the choice are located in one or more [<sup>F1</sup>relevant states], the parties' choice of applicable law other than that of a [<sup>F2</sup>relevant state] shall not prejudice the application of provisions of [<sup>F3</sup>retained EU law] which cannot be derogated from by agreement.

5 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 10, 11 and 13.

**Textual Amendments**

- F1** Words in Art. 3(4) substituted (31.12.2020) by The Law Applicable to Contractual Obligations and Non-Contractual Obligations (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/834), regs. 1, **10(4)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in Art. 3(4) substituted (31.12.2020) by The Law Applicable to Contractual Obligations and Non-Contractual Obligations (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/834), regs. 1, **10(4)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Art. 3(4) substituted (31.12.2020) by The Law Applicable to Contractual Obligations and Non-Contractual Obligations (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/834), regs. 1, **10(4)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

**Changes to legislation:**

There are currently no known outstanding effects for the Regulation (EC) No 593/2008 of the European Parliament and of the Council, Article 3.