
STATUTORY INSTRUMENTS

2019 No. 834

**The Law Applicable to Contractual
Obligations and Non-Contractual Obligations
(Amendment etc.) (EU Exit) Regulations 2019**

PART 4

Amendment of retained EU law

Amendment of the Rome II Regulation

11.—(1) 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) is amended as follows.

(2) In Article 1(4) (scope), for “Member State” shall mean”, substitute ““relevant state” means the United Kingdom or”.

(3) In Article 3 (universal application), for “a Member State”, substitute “the United Kingdom or a part of the United Kingdom”.

(4) In Article 6(3)(b) (unfair competition and acts restricting free competition: claimant may choose court seised under certain circumstances)—

- (a) for “the court of the domicile of the defendant” substitute “a court in a part of the United Kingdom”;
- (b) for “that Member State”, substitute “the United Kingdom”;
- (c) for “Member State of that court”, substitute “United Kingdom”.

(5) In Article 8 (infringement of intellectual property rights)—

- (a) in paragraph 2—
 - (i) after “infringement” in the first place it appears, insert “which occurred before exit day”;
 - (ii) after “law applicable” insert “in any proceedings of which a court was seised before exit day and which are not concluded before exit day”;
 - (iii) for “the relevant Community instrument” substitute “retained EU law”;
- (b) after paragraph 2 insert—

“**2A.** In paragraph 2, “unitary Community intellectual property right” refers to that right as it had effect immediately before exit day.”.

(6) In Article 14(3) (parties’ choice of applicable law shall not prejudice application of Community law under certain circumstances)—

- (a) for “the Member States” substitute “relevant states”;
- (b) for “Member State”, in the first place it appears, substitute “relevant state”;

- (c) for “provisions of Community law, where appropriate as implemented in the Member State of the forum,”, substitute “retained EU law”.
- (7) Omit Article 25(2) (Member States containing territorial units with different rules of law not required to apply the Regulation).
- (8) In Article 27 (relationship with other provisions of Community law), and in the heading to that Article, for “Community law”, substitute “retained EU law”.
- (9) In Article 28 (relationship with existing international conventions)—
 - (a) in paragraph 1—
 - (i) for “one or more Member States are parties”, substitute “the United Kingdom was a party”;
 - (ii) for “is adopted” substitute “was adopted”;
 - (b) in paragraph 2, for “Member States” substitute “relevant states”.
- (10) Omit Articles 29 and 30 (list of conventions and review clause).
- (11) In Article 31 (application in time) for “its entry into force” substitute “on or after 11 January 2009”.
- (12) Omit from Article 32 (date of application) to the end.