

**Provisions for the implementation of Regulations (EC) No. 864/2007 (Rome II)
and No. 593/2008 (Rome I)**

Germany

Introductory Law to the Civil Code

(as amended by acts of 13 May 2008¹ and of 25 June 2009²)

Chapter 2: Private International Law

Section 1: Conflict rules

Art. 3

**Scope; Relationship with rules of the European Community and with
international conventions**

Unless

1. immediately applicable rules of the European Community in their relevant version, in particular
 - (a) 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) (OJ EU L 199 of 31.07.2007, p. 40), and
 - (b) 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) (OJ EU L 177 of 04.07.2008, p. 6), or
2. rules in international conventions, insofar as they have become directly applicable in national law,

are controlling, the applicable law is to be determined, in situations connected with a foreign State, by the provisions of this chapter (private international law).

(....)

¹ Effective 11 January 2009 (concerns Regulation Rome II)

² Effective 17 December 2009 (concerns Regulation Rome I)

Section 7

Special provisions implementing rules of the European Community as referred to in Article 3 (1)

Subsection 1

Implementation of Regulation (EC) No. 864/2007

Art. 46a

Damage to the environment

The person sustaining damage can invoke his or her right under Article 7 of the Regulation (EC) No. 864/2007 to base his or her claim on the law of the country in which the event giving rise to the damage occurred, only in the first instance court until the conclusion of the pretrial hearing or until the end of the written preliminary procedure.

Subsection 2

Implementation of Regulation (EC) No. 593/2008

Art. 46b

Consumer protection for particular areas

(1) If a contract, due to a choice of law, is not governed by the law of a member State of the European Union or another contracting State of the Agreement on the European Economic Area, but shows a close connection with the territory of one of these States, the provisions which have been adopted in this State for the implementation of the Consumer Protection Directives are nevertheless applicable.

(2) A close connection is to be assumed in particular where the professional

1. pursues his commercial or professional activities in the member State of the European Union or another contracting State of the Agreement on the European Economic Area where the consumer has his habitual residence, or
2. by any means, directs such activities to that member State of the European Union or another contracting State of the Agreement on the European Economic Area or to several States including that State,

and the contract falls within the scope of such activities.

(3) The provisions of the Civil Code concerning time sharing housing contracts are applicable to a contract which is not governed by the law of a member State of the European Union or another contracting State of the Agreement on the European Economic Area, if the property is located in one of these states.

(4) Consumer Protection Directives as referred to in this article are, in their relevant version:

1. Directive 93/13/EEC of the Council of 5 April 1993 concerning abusive clauses in consumer contracts (OJ EC L 95 p. 29);
2. Directive 94/47/EC of the European Parliament and of the Council of 26 October 1994 concerning the protection of the acquiring party as to certain aspects of contracts concerning time sharing housing contracts (OJ EC L 280 p. 83);
3. Directive 97/7/EC of the European Parliament and of the Council of 20 May 1997 concerning consumer protection as to the formation of contracts by telecommunication (OJ EC L 144 p. 19);
4. Directive 1999/44/EC of the European Parliament and of the Council of 25 May 1999 concerning certain aspects of the sale of consumer goods and of guarantees for consumer goods (OJ EC L 171 p. 12);
5. Directive 2002/65/EC of the European Parliament and of the Council of 23 September 2002 concerning the distance marketing of consumer financial services and amending Council Directive 90/619/EEC and Directives 97/7/EC and 98/27/EC (OJ EC L 271 p. 16);
6. Directive 2008/48/EC of the European Parliament and of the Council of 23 April 2008 on credit agreements for consumers and repealing Council Directive 87/102/EEC (OJ EU L 133 p. 66).

(...)