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Policy Issues: Recent Developments at EU level

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I. Policy Initiatives

eEurope 2005

On 28 May the Commission adopted the eEurope 2005 Action Plan. At the Seville Council (21 June 2002) the Council endorsed the objectives of the Commission's Action Plan for eEurope 2005 as "an important contribution to the EU's efforts towards a competitive, knowledge-based economy, calling upon all institutions to ensure that it will be fully implemented by the end of 2005 and invites the Commission to present in good time for the spring European Council in 2004 a mid-term review to evaluate progress and, if necessary, make proposals to adapt the Action Plan".

The eEurope 2005 action plan states that by 2005 Europe should have modern online public services, e-government services, e-learning services, e-health services, a dynamic e-business environment and, as an enabler for these, widespread availability of broadband access at competitive prices and a secure information infrastructure.

To achieve these objectives, the 2005 Action Plan comprises four separate but interlinked sets of action:

(1) A dynamic e-business environment:

- The Commission in cooperation with Member States will review and adapt legislation at EU and national level, starting in 2003 with an e-business Summit
By the end of 2003:
- The private sector is called upon to develop interoperable solutions for transactions, security, signatures, procurement and payments;
- The Commission will examine the possibilities of setting up a European on-line dispute resolution system and further work with stakeholders on creating consumer confidence;
- The Commission will examine how European companies could be provided with additional functionality relating to the .eu domain name (e.g. trusted cyber identity, trust marks and an authentication scheme).

(2) On-line public services

- Member States are to ensure that by 2005 all public services (administrations, schools, universities, museums and libraries etc.) have broadband Internet access;
- By end 2003, the Commission will issue an interoperability framework based on open standards to support the delivery of e-government services to citizens and enterprises.

(3) A secure information structure

- A 'Cyber security task force', constituted by Member states and the private sector, should be operational by mid 2003. This task force will work as a centre of competence on security issues and develop a concept for a European computer attack alert system and facilitate transborder co-operation in the field of information and network security;
- Development of a 'culture of security' through good practices and standards by end 2005;

- The Commission and Member states will examine the possibilities to establish a secure communications environment for the exchange of government information by end 2003.

(4) Broadband

- Analysis and support for development of broadband deployment and Ipv6;
- The Commission will ensure spectrum availability and efficient spectrum use for by wireless broadband services and cooperate with Member States with the regard to the introduction of such services.

The Danish Presidency announced it will focus its work in the context of eEurope on improving security and building trust. The Copenhagen Summit in December 2002 should adopt the eEurope Benchmarking Report. The vast majority of the actions in the eEurope 2002 Action Plan should be realised by the end of 2005.

II. E-Commerce

1. Data Protection

On July 12, 2000 the European Commission adopted a proposal for a Directive on 'processing of personal data and protection of privacy in the electronic communication sector'. The proposal is part of a package of proposals for initiatives which will form the future regulatory framework for electronic communications networks and services. It aims to adapt and update the existing Data Protection Telecommunications Directive (97/66/EC) to take account of technological developments.

Unlike the Telecommunications Directive the scope of the future Directive would not be restricted to telephony and data networks, but will also cover satellite, terrestrial and cable TV broadcasting networks, irrespective of the type of information concerned.

The key provisions of the proposal relate to the following:

- Location Data
- Processing of traffic data
- Security and confidentiality
- Ex-directory default
- Unsolicited commercial communications and spamming
- Privacy-compliant software and hardware

On January 28, 2002 the Council formally adopted a Common Position on the proposed Data Protection Directive. The vote in European Parliament (plenary) took place on May 30, 2002. There will be no conciliation procedure. Formal approval by the Council is likely to take place within six weeks.

The main controversially discussed issues can be summarised as follows:

- **Unsolicited Commercial Communications:** Parliament accepted the Council's common position, thus approving an opt-in system for e-mail, faxes and automated calling systems, which means that users should give prior permission for receiving unsolicited electronic communications for marketing purposes.
- **Directories:** Consent of the subscriber to be listed in a public directory would be needed under the new proposal replacing the existing opt-out regulation. The Common Position follows the Commission's proposal. Parliament accepted the Council's common position, saying that users should give prior permission. The EP has maintained the possibility for Member States to allow reverse search functions.
- **Cookies:** Use of cookies would only be allowed provided the user is given, in advance, clear and comprehensive information and is offered the right to refuse the processing. Parliament accepted the Council's common position that users should have the right to refuse them, specifying that users should be provided with clear and comprehensive information on their purposes.

- **Data retention:** In line with the EP's amendment, electronic communications service providers would be allowed to process traffic data in order to market any electronic communications service (also other than their own) or to provide value-added services, provided that the subscriber or the user (depending on the data to be processed, the type of service etc.) has given his consent. Under the common Position Member States may provide for retention of data for a limited time to safeguard national security, to solve criminal cases etc. On the contentious issue of data retention, it was agreed by Parliament that Member States may only lift the protection of data privacy in order to conduct criminal investigations or safeguard national or public security, when this is a necessary, appropriate and proportionate measure within a democratic society. In a recital, Parliament added that lawful interceptions of electronic communications should be subject to adequate safeguards in accordance with the European Convention on Human Rights and Fundamental Freedoms and with the rulings of the European Court of Human Rights.
- **Security:** Electronic communications service providers would be required to inform their subscribers of any security risk where they do not intend to take a measure to remedy it. This does not discharge them from remedying any new and unforeseen security risks.

The European Parliament asked for a review of the Directive within three years of its application.

1. Distance marketing of consumer financial services

In October 1998 the Commission proposed a directive on the distance marketing of consumer financial services, modifying Directive 90/619/EEC, 97/7/EC and 98/27/EC. Aim of the proposal is to come to a harmonised framework for distance contracts on financial services in order to avoid the adoption by Member States of different consumer protection regulations for this new form of trade and guarantee the functioning of the Internal Market. The aim of the proposal is to ensure a high level of protection for consumers of retail financial services (e.g. insurance, banking and investment services) marketed by telephone, by electronic means such as the Internet or by mail. This is to encourage consumer confidence in such services and provide financial service suppliers with a clearly defined legal framework valid for distance selling throughout the Single Market without hindrance. The proposal should facilitate the development of innovative forms of trade in financial services within the EU and make it easier for consumers to buy financial services in other Member States.

The scope of the proposal covers the provisions of financial services at a distance. The key provisions related to the following:

- Prior information
- Right of reflection
- Right of withdrawal
- Settlement of disputes

On May 14, 2002 the European Parliament approved in the second reading the Council's Common Position without any major amendments. The Council met to a high degree Parliament's demands from the first reading. The European Parliament adopted only two amendments to the Council's common position, one of which states that the performance of the contract may only begin after the consumer has given his approval. The agreed solution is essentially based on the principle of maximum harmonisation, providing only a small scope for Member States to be able to introduce or maintain national rules.

The end result is that the text allows for:

- A high level of harmonisation of information requirements related to Article 3 of the Directive.
- The abandonment of the principle of minimum harmonisation, as initially called for by many Member States during the Luxembourg Council in April 1999.
- Far reaching harmonisation of the right of withdrawal payment of the service, unsolicited services, unsolicited communication, redress etc.
- Providing for the possibility of amending or further harmonising the provisions of the Directive in light of experience gained. –
- Clarifying the relation of this Directive to the e-commerce Directive. Other changes included a clarification the text and layout of the Directive.

Adoption by the Council is now expected within three month, i.e. by 22 August 2002.

2. .eu (Domain names)

On 25 March 2002, the EU Telecommunications Council adopted the .eu regulation. Now the European Commission has to set up the infrastructure needed for the domain. A call for private, non-profit organisations to run the .eu registry can be expected soon.

The .eu Top Level Domain will provide Europe's companies the possibility of identifying themselves as European or pan-European companies on the Internet. The creation of .eu will also open up for the possibility of registering more names on the Internet and will thus boost internet use and e-commerce in Europe in line with the objectives of the eEurope Action Plan, endorsed by the European Council in Lisbon on 23 and 24 March 2000.

The .eu regulation creates the legal framework for a Registry which will be the body that will run the domain in practice. The Commission is in regular contact with the Internet Corporation for Assigned Names and Numbers (ICANN) so that the creation of the ".eu" code on the Internet can become a reality once the registry is in place. ICANN will be responsible for the organisation and management of Internet naming and addressing systems, known as Internet Governance.

3. Cross-Border Alternative Dispute Resolution (ADR/ODR)

On request of the Council, the Commission is currently working on the development of practical, efficient and inexpensive procedures for out-of-court settlement of

consumer disputes should be promoted to strengthen consumers' confidence in e-commerce.

Key Initiatives in this area are:

1. EEJ-NET

On May 5, 2000, the European Commission officially launched a European Extra-Judicial Network for settling consumer disputes out-of-court (EEJ-NET). The European Network will cover any consumer dispute over goods or services. It is expected to reduce costs, formalities, time and obstacles in cross-border disputes, thereby boosting consumer confidence in electronic commerce.

Rather than to harmonise and create general standards for out-of-court dispute resolution schemes the main provision of the EEJ-NET is to use the existing national out-of-court dispute resolution schemes and link them to national bodies to provide a EU-wide complaints network. The system is basically built on mutual recognition between the national redress bodies and exchange of information.

2. FIN-NET

On February 1, 2001 the Commission announced the launch of an out-of-court complaints network for financial services. The network will bring a number of national existing out-of-court dispute resolutions systems on the basis of a voluntary MoU.

3. Commission Recommendation on the resolution of consumer disputes

On April 4, 2001 the European Commission adopted a non binding Recommendation on the resolution of consumer disputes. It applies to bodies which attempt to resolve disputes by bringing consumers and suppliers together to convince them to find a solution by common consent.

4. European Commission Green Paper of April 19, 2002 on alternative dispute resolution in civil and commercial matters.

The Green paper is part of the Commission's policy of facilitating access to justice within the creation of an European area of freedom, security and justice. The paper covers ADR methods in civil and commercial matters, including employment and consumer law.

Next Steps

DG INFSO will be proposing a Communication on the promotion of Online Dispute Resolution (ODR) which is expected in July 2002. DG INFSO is particularly concerned with the promotion of Online Dispute Resolution in the context of eEurope and the desire to provide effective alternatives to the court system for settling disputes that arise across jurisdictional borders. These cross-border disputes will be more prevalent in the Information Society and in particular through electronic commerce. The Communication will focus on the importance of developing awareness and trust in ODR services and will emphasise the need for a balance between flexibility and respect for basic quality criteria.

5. Taxation (VAT)

At the ECOFIN Council on May 7, 2002 Ministers adopted the long debated directive and regulation to modify the rules for applying value added tax (VAT) to certain electronically supplied services, including subscription-based and pay-per-view radio and TV broadcasting.

Aim of the new rule is to subject non-EU suppliers to the same VAT rules as EU suppliers, in accordance with the principles on the taxation of e-commerce agreed at the 1998 OECD Ottawa Ministerial Conference¹. The new rules thus modernise the existing VAT rules to provide a clear regulatory environment for all suppliers. They also contain a number of simplification measures aimed at easing the compliance burden for business. Member States have to implement the new measures by 1 July 2003.

The new VAT rules will apply to ‘all electronically supplied services’ such as software and computer services generally, plus information and cultural, artistic, sporting, scientific, educational, entertainment or similar services as well as to broadcasting services.

According to the new rules:

- EU suppliers do not have to charge VAT when supplying electronic services or broadcasting services to non EU-customers;
- Non EU suppliers will have to charge VAT on services electronically supplied to EU customers at the VAT rate of the Member State where their customer usually resides. They can register in the Member State of their choice (so called Member State of identification) and pay all VAT due on a quarterly base. The State concerned will then re-allocate the VAT revenues to the Member States where the consumer is located.

Existing VAT rules for other transactions remain unchanged.

In 2006 the Commission will either have to adopt measures on mechanism for charging, declaring, collecting and allocating VAT revenues on electronically supplied services which will ensure taxation at the place of consumption for all transactions, or it will have to extend the period of time during which the recently agreed rules will apply.

6. Cybercrime

Up to now, EU Member States' laws contain significant gaps which could hamper the ability of law enforcement and judicial authorities to respond to crimes against information systems. Given the transnational nature of hacking, virus and denial of service attacks, effective police and judicial co-operation between EU Member States, as well as with non-EU countries, is absolutely essential.

¹ The OECD principles establish that the rules for consumption taxes (such as VAT) should result in taxation in the jurisdiction where consumption takes place. They also foresee that a simplified online registration scheme, as now adopted by the Council, is the only viable option today for applying taxes to e-commerce sales by non-resident traders.

The Commission proposal for a Council Framework Decision of 27 April 2002 on "Attacks against information systems" is meant to provide basic framework for police and judicial co-operation on attacks against information systems linked to terrorism. It addresses the three most common threats: unauthorised access, disruptive attacks and malicious software. Other security threats, like accidental and environmental threats, misrepresentation and illegal interception are however not addressed in this Framework Decision.

The proposal seeks to approximate criminal law across the EU so that Europe's law enforcement and judicial authorities can take action against this new form of crime to protect users. It also aims to encourage and promote the security of information infrastructures, while trying to find the right balance between the need to curb cybercrime on the one hand, and protecting civil liberties and other societal interests on the other (privacy protection, users rights, development of new technologies).

The main provisions include:

- Interference with information systems: the offence of interference with information systems is divided into two aspects: attacks aimed at the serious hindering or interruption of the functioning of an information system (such as "denial of service attacks" where there is a deliberate attempt to overwhelm an information system or viruses directed at blocking an information system), and attacks aimed at the deletion or alteration of computer data.
- Penalties: Member States are required to take the necessary measures to ensure effective, proportionate and dissuasive penalties. Some offences might justify a maximum term of imprisonment of more than four years, such as offences that are committed in a group; cause substantial economic loss, physical harm to a natural person or substantial damage to critical infrastructure.
- Jurisdiction: the proposal intends to ensure that each Member State has jurisdiction for cases where a person physically present in the EU attacks an information system in a third country; or a person physically present in a third country attacks an information system in the EU.
- Operational points of contact for high tech crime: it provides for a legal obligation on Member States to establish 24 hour / 7 days week operational points of contact to facilitate the exchange of information on attacks against information systems.

What is illegal "off-line" should also be illegal "on-line". The current proposal thus follows in its approach the latest Commission proposals for framework Decisions on the approximation of criminal law related to child pornography and racism and xenophobia.

The proposed Framework Decision on Cybercrime is the result of an extensive public consultation within the EU Forum on Cybercrime, involving all major players. It also takes into account other international activities such as the work of the G8 and the Council of Europe's Convention on Cybercrime which aims to harmonise national legislation on cybercriminal activities, promote international police co-operation and share electronic evidence across borders.

The Commission proposed that Member States comply with the Framework Decision by the end of 2003.

7. Consumer Protection

Green paper on Consumer Protection

The Green Paper of October 2, 2001 on Consumer Protection puts forward a number of options for future action to increase consumer protection and hence increase consumer confidence in the internal market. It covers B2C transactions.

The Key provisions relate to the following

The paper identifies two possible options for future action

- Adopting a number of additional directives covering for instance advertising, marketing practices, payment and after sales service.
- Harmonising national rules on B2C commercial practises in an EU framework directive.

Milestones:

- European Commission Green Paper: October 2, 2001
- Public hearing: December 6, 2001
- Public consultation on the Green Paper: Until January 15, 2001
- Communication on follow-up Green paper: expected in June 2002
- Recommendation on consumer confidence in electronic commerce: expected by mid 2002

Commission communication on consumer policy strategy 2002-2006 of May 7, 2002

A high common level of consumer protection, effective enforcement of consumer protection rules and the involvement of consumer organisations in EU policies - these are the three objectives of the new consumer policy strategy which the Commission is due to adopt on 7 May. The objectives will be implemented through a set of actions over the next five years (2002-2006). A short-term rolling programme is included and will be reviewed regularly. These objectives are designed to help achieving integration of consumer concerns into all other EU policies, to maximise the benefits of the Internal Market for consumers and to prepare for enlargement. Consumer policy in this strategy covers safety, economic and legal issues relevant to consumers in the marketplace, consumer information and education, the promotion of consumer organisations and their contribution with other stakeholders to consumer policy development. Food safety issues are not covered by the scope of this strategy as they have their own legislative agenda.

8. Digital Rights Management

Digital technologies have transformed the copyright environment and have given rise to a potentially huge market for content. The advent of broadband networks and their capacity to transmit large volumes of multimedia content at high speeds emphasises the importance of ensuring that digital content is available under the appropriate conditions, which meet the interests of both rightholders and users.

The Copyright Directive supports the use of DRMS by protecting technical measures, and by requiring Member States to take into account the application and non-application of technological measures when providing for fair compensation in the context of the private use exception for which fair compensation is required.

The Directive also calls for voluntary measures by industry to protect copyrighted material while ensuring interoperability and compatibility of different systems in the protection of copyrighted material.

Against this background, the European Commission is open to playing a facilitating role aimed at encouraging the different stakeholders to tackle outstanding DRM issues together and find common ground. To this end, a Commission Staff working paper on DRMs has been published.

The promotion of open, flexible and interoperable Digital Rights Management Systems (DRMS) was the subject of a workshop organised by the European Commission in Brussels on 28 February 2002. Representatives of the content, information technology, and consumer electronics industries, as well as several user and consumer associations, participated and set out their views on how to make DRMS acceptable to all market players and how to bring about co-operation between them. Erkki Liikanen and Frits Bolkestein both spoke at the event.

Next steps:

Referring to the follow up of the workshop and the on-going dialogue, the Commission requests feedback from stakeholders for the creation of working groups that could tackle outstanding issues. The groups would try to develop a better understanding among the different stakeholders in an effort to find some common ground on key issues. It would then be possible to take stock of any progress in around six month's time.

As an indication, it was suggested that issues that could be looked at in more detail could include:

- Technology issues (interoperability, security, flexibility, etc.)
- Business models (including economic analysis)
- The implementation of technologies and their impact on the legal framework
- User-related issues.

9. Software Patents

The proposal for a Directive to lay down rules relating to the patentability computer-implemented inventions² would harmonise the way in which national patent laws deal with inventions using software. Such inventions can already be patented by applying to either the European Patent Office (EPO) or the national patent offices of the Member States, but the detailed conditions for patentability may vary.

Under current EU law, computer software can only be protected by copyright but the legal protection of computer-implemented inventions is unclear (some Member States allow protection by patent and others do not). The proposed Directive is expected to clarify the legal protection of this kind of inventions. Computer-implemented

² European Commission Proposal for a Directive (Com(2002)92) of February 20, 2002 on the Patentability of Computer-implemented inventions (responsible: DG Market)

inventions³ cover many kinds of applications which are being developed to do e-commerce⁴. The proposal takes as its basis the concept of "technical contribution" as an essential requirement of any patentable invention.

The main provisions of the proposal relate to the following:

- To benefit from patent protection, inventions would have to be new, involve an 'inventive step' and be capable of industrial application. It implies that a computer-implemented invention which makes a "technical contribution" to the state of the art, which would not be obvious to a person of normal skill in the field concerned, is more than just a computer program "as such" and can therefore be patented.
- The mere computer implementation of a technique or business model already known would not be patentable.
- Patents would not be granted to computer programs on their own, i.e. an isolation from a machine on which they may be run. This marks a different approach to the direction taken until now by the EPO and some case law in Member States. The proposal therefore reflects concerns that if 'isolated' computer programs could be patented, this would blur the distinction between the scope of copyright and patent protection, and that if enforced, patents including such claims could be used to prevent "reverse engineering" and other activities considered legitimate in respect of computer programs already protected under copyright law.
- A patent would normally be granted to specific innovative components of a software and not to the entire software itself. This is an important distinction with copyright law. While copyright protects the entire code of an operating system, game or piece of business software against unauthorised copying, distribution and use, a patent would cover only the specifically-patented components.

The proposal would require the Commission to monitor the impact of computer-implemented inventions and to report to the Parliament and the Council on the operation of the Directive within three years of its implementation by Member States. This provides an important safeguard which would allow any necessary adjustments to be made. The Directive would have no direct legal effect on the European Patent Office. However, once the Directive was implemented, the Commission would consider taking action to resolve any inconsistencies in the context of the European Patent Convention. This has already been done on a previous occasion (with the Biotechnology Patents Directive 98/44/EC), with no particular difficulty. In any case, European Patents, once granted, become subject to national laws, so any patents granted after the Directive took effect and which were inconsistent with its provisions would need to be amended to bring them into conformity (or be revoked).

On April 22, 2002 the European Parliament held an exchange of views on the proposed Directive. It was asked for further clarifications on the following two points:

³ Defined in the proposal as: '*any invention of which the performance involves the use of a computer, computer network or other programmable apparatus and having one or more prima facie novel features which are realised wholly or partly by means of a computer program or computer programs.*'

⁴ In the US certain electronic business systems, such as '1-click' function of Amazon.com.

- Whether a patent is the most suitable protection for computer-implemented inventions and whether protection by copyright is not sufficient: and
- When a computer implemented invention makes a technical contribution to the 'state of the art'.

10. Public Sector Information

Increased access to, and exploitation of, information by the public sector is an essential basis for many digital information products and could become an important 'raw material' for new services and in particular for the wireless Internet. A European approach to the conditions under which public sector information can be accessed is necessary because of the current national fragmented rules and practices.

In October 2001 the Commission issued its Communication "eEurope 2002: Creating a EU Framework for the Exploitation of Public Sector Information" aimed at improving access to, and re-use of, public sector information. The Communication focuses on economic and internal market aspects of public sector information and proposes a set of actions to overcome the market barriers that exist at European level caused by differences in national regulations and practices. Improved use of public sector information will help the European information industries to create added-value information products.

On 5 June 2002 the Commission issued a first provisional version of a proposal for a directive on improving access to, and re-use of, public sector information (COM (2002) 207). This proposal aims at establishing a minimum set of rules governing the commercial and non commercial exploitation by any EU citizen or legal person.

Key provisions of the proposal are the following:

- Public sector bodies and bodies governed by public law would have to make available their documents in any pre-existing format or language, through electronic means where this is possible and appropriate. This does however not imply an obligation to create or adapt documents.
- The directive shall apply to all documents that are generally accessible. Excluded shall be documents that do not fall in the scope of the public tasks of the public sector bodies concerned, documents containing personal data and documents held by public service broadcasters, educational and research establishments and cultural establishments.
- Any applicable conditions for the commercial re-use or exploitation shall be non-discriminatory. The re-use of documents shall be open to all potential actors in the market. Contracts shall not grant exclusive rights. Member States would have to make available standard license agreements for the commercial exploitation of public sector information in digital format. Any applicable charges for the re-use of documents held by public sector bodies shall be pre-established and published.

IV. Jurisdiction & Applicable law

1. Brussels & Rome Convention

Only recently, the Brussels Convention of 1968 has been updated and replaced by the Brussels Regulation (in force since 1 March 2002). To adapt e-commerce the Commission is considering the revision of the existing 1980 Rome Convention on the law applicable to contractual obligations. A Commission Green Paper is expected by the end of 2002. On November 4-5, 1999 the Commission organised a hearing on "electronic commerce - jurisdiction and applicable law".

This issue is highly debated though there exists no formal proposal. Industry and consumer organisations represent the two sides of the debate. The e-commerce industry is strongly opposed to such an extension of the Rome Convention because of the possible application of a wide array of, to some extent divergent, national consumer protection laws. This would make e-commerce extremely difficult and time-consuming for companies, in particular for SMEs.

2. Rome II Convention (European Commission proposal for a Community Instrument on the law applicable to non-contractual obligations)

On 3 May 2002 the Commission launched a consultation on a preliminary draft proposal for a Council regulation which aims at harmonising the rules with respect of the law applicable to non-contractual obligations. Its objective is to ensure that courts of all Member States apply the same law to cross border disputes on non-contractual obligations in order to facilitate the mutual recognition of judicial decisions throughout the EU. The initiative concerns in particular questions of civil liability in case of damage caused to another party, for instance in case of pollution or defectiveness of products. Given the steadily growing exchange of goods and displacements of persons within the Union as well as the increase of e-commerce, cross border disputes related to non-contractual obligations are meant to increase. However, at this stage the Member States have no common rules on the law applicable to such obligations. Thus the risk that the solutions may vary from one Member State to another is important and the parties may be incited to chose to sue another party in the court whom they believe to apply the law which is the most favourable to them, a practice which is commonly designated by the term "forum shopping".

Interested parties are invited to comment on this proposal by 15 September 2002. Rome II has to go through the normal institutional decision procedure before it enters into force, meaning that first of all it has to be adopted by the Commission, and then it is sent to the Council and the European Parliament for decision.

It is important to note that Rome II covers only the non contractual situations. Thus for the contractual situations the Rome Convention remains valid legislation (Council Regulation (EC) No. 1347/2000 of 29 May 2000 on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters). The present initiative will complete the harmonisation at Community level of private international law rules with respect of civil and commercial obligations.