

SELF-ASSESSMENT QUESTIONNAIRE. UNIT 10

- 1) The unification of rules of conflict in the Rome I, II and III Regulations means:
- a) That regardless of before which Court the claim is filed (that of a Member State or participant Member State in the case of Rome III) the legal system to be applied will always be the same
 - b) That the applicable material law will be the same for all Member States or, in the case of Rome III, for the participant Member States
 - c) That the rule of conflict and material rule will be common for all Member States or, in the case of Rome III, for the participant Member States

The correct answer is a). The unification of rules of conflict means that the same legal system will be applied regardless of where the claim is filed.

- 2) The freedom of choice of the parties is imposed as a general rule in:
- a) The Rome I and II Regulations
 - b) The Rome I, II and III Regulations
 - c) The three Regulations with some exceptions

The correct answer is c). It is true that the criterion of the parties' wishes is imposed as a general rule, but there are some cases, such as in Rome II for example, where said criterion is excluded.

- 3) The application of Rome I, II and III depends:
- a) On whether the court in question has assumed jurisdiction on the basis of international jurisdiction rules of an institutional nature
 - b) On whether the court in question has assumed jurisdiction on the basis of domestic or conventional rules
 - c) It is irrelevant on the basis of what instrument the court has assumed international jurisdiction

Correct c). The application of the Rome I, II and III Regulations does not depend on the instrument on the basis of which the court assumes jurisdiction.

- 4) The universal nature of Rome I, II and III means:
- a) That the applicable legal system must be that of a Member State and of a participant Member State (in the case of Rome III)
 - b) That the applicable legal system must be that of a Member State, of a non-Member State or of a non-participant Member State in the case of Rome III.
 - c) That the applicable legal system may be that of a third country in the case of Rome I and II and must be that of a participant Member State in the case of Rome III

The correct answer is b). The universal or *erga omnes* criterion means that the legal system of any non-Member State, or a non-participant Member State in the case of Rome III, may be applicable.

- 5) Generally speaking, the relationship between Rome I and Rome II and earlier international conventions dictates that:

- a) The Regulations take precedence
- b) The Conventions take precedence when they bind a Member State and third countries
- c) The Conventions take precedence when they bind Member States exclusively

The correct answer is b). Both Regulations have adopted the same solution in the precept designed to regulate their relationship with earlier international conventions and said conventions take precedence when they bind not only Member States but also third countries, while Rome I and II take precedence when the conventions only bind Member States.

- 6) Rome III regulates the law applicable to:
 - a) The causes of legal separation and divorce
 - b) The causes and effects of legal separation and divorce
 - c) The causes and effects of legal separation, divorce and annulment

The correct answer is a). The *ratione materiae* scope of Rome III determines that it applies to the causes of legal separation and divorce.

- 7) In determining the law applicable to non-contractual liability derived from the right to privacy, the court will have to decide pursuant to:
 - a) The applicable conventional rules or, if there are none, it will apply the domestic rules of conflict
 - b) Rome II and if the legal system of a non-Member State is applicable, it will decide pursuant to the domestic rules of conflict
 - c) Rome II under no circumstances if the rule that established its international jurisdiction has conventional or domestic origins

The correct answer is a). Rome II stipulates that its material scope does not include liability derived from damages to honour, privacy, image, etc.

- 8) The Rome I Regulation states that, if no law is chosen, the law of the country with which the contract is more closely linked will apply

- a) This is the only connection in Article 4
 - b) It implies the law of the country in which the person responsible for characteristic performance is habitually resident at the time the contract was concluded, or that of its head offices
 - c) This connection applies if the applicable law cannot be determined using other special criteria

The correct answer is c). The previous replies are incomplete.

- 9) In consumer contracts
 - a) Limits are placed on freedom of choice
 - b) Freedom of choice applies in full

c) Freedom of choice is prohibited

The correct answer is a). The parties are allowed to choose the applicable law although the legal system chosen must give the consumer at least the same protection as the law of his/her place of habitual residence

10. *Renvoi* is possible

a) In Rome I and Rome II but not in Rome III

b) In the case of instruments that contain freedom of choice as the preferred solution, the general criterion is exclusion

c) In Rome III and Rome I but not in Rome II.

The correct answer is b). Generally speaking, *renvoi* is excluded when the instrument contains freedom of choice as a solution.