

## **IOE Comments on Article 11 of the third revised draft treaty**

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Chair

The third revised draft treaty continues to grant the victim wide discretion to select the applicable law. This undermines the general principle that the applicable law is that of the forum State.

Not only does this create uncertainties as to which laws will apply, it also creates issues of competence in that jurists in one country may not be equipped to interpret the laws of another State Party.

Furthermore, this regulation contradicts the internationally recognized principle of the Rome II-Regulation, according to which the law of the jurisdiction where the tort occurred shall apply in general. This has proven to be effective, also to avoid conflicts regarding the applicable law.

Thank you