

We have referred to, among others, the Commission Proposal which has declared that the connecting factor present in Article 6(1) should point to a place where the interests of the market actors collide and this should be the place of conduct of advertising. Secondly, we have outlined certain situations in which the abovementioned construction does not provide satisfactory results which may lead to an attachment of the relevant case to a law of the state which is not the most suitable for the dispute. We have also reviewed the doctrinal and normative approaches to interpretation of Article 6(1) of the Rome II Regulation. By summarizing our findings we have come to a conclusion that the place of conduct and the place of contract do not provide for a sound attachment and that the place where the decision making process of the consumer is ultimately affected seems to be more appropriate paradigm. This does not require any revisions of Article 6(1) as such, however, a different approach to its interpretation is needed.

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