



INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW
INSTITUT INTERNATIONAL POUR L'UNIFICATION DU DROIT PRIVE

**SUMMARY
OF THE CONCLUSIONS REACHED BY THE GOVERNING COUNCIL
AT ITS 74th SESSION**

(Rome, 29 March to 1 April 1995)

Item No. 1 on the agenda: Adoption of the agenda

The Governing Council adopted the draft agenda as proposed by the Secretariat.

Item No. 2 on the agenda: Report on the Activity of the Institute during 1994

The Governing Council expressed its appreciation to the Secretary-General and approved the Report on the Activity of the Institute during 1994.

Item No. 3 on the agenda: Appointment of the Secretary-General and the Deputy Secretary-General

On a proposal by the President, the Governing Council reappointed Mr Malcolm Evans and Mr Walter Rodinò respectively to the posts of Secretary-General and Deputy Secretary-General of the Institute for five year terms of office to expire on 30 June 2000.

Item No. 4 on the agenda: Appointment of the First and Second Vice-Presidents of the Governing Council

At the suggestion of the President, the Governing Council appointed Mr Roland Loewe and Mr Jorge Sánchez Cordero as its First and Second Vice-Presidents respectively until the 75th session.

Item No. 5 on the agenda: Appointment of a member of the Permanent Committee

After consultations, the Governing Council appointed Mme Isabel Magalhães Collaço to the vacancy on the Permanent Committee which had arisen following the nomination of Mr Ferrari Bravo as President of the Institute.

Item No. 6 on the agenda: Appointment of correspondents of the Institute

The Governing Council requested the Secretariat to write to correspondents informing them of the Council's discussion of their role and inquiring whether they wished to retain their status as correspondents. The outcome of this inquiry would be submitted to the Council at its next session.

The Council decided to defer for the time being any final decisions regarding the imposition of a time limit for the duration of the functions of future correspondents or the introduction of a form of automatic "deselection" procedure for correspondents who fail over a certain length of time to make any contribution to the activity of the Institute.

The Council also stressed the need to establish a balance in the number of correspondents from both member and non-member States and encouraged the Secretariat to identify suitable candidates from non-member States and from member States with no correspondent or with no representative on the Governing Council.

The Council agreed that further discussion should be given to the re-establishment of the institution of national committees at a future session.

Finally, the Governing Council appointed the following correspondents of the Institute: Mr Harold Burman (United States of America), Mr João Grandino Rodas (Brazil), Ms Pauline Koskelo (Finland) and Mr Boris Kozolchyk (United States of America).

Item No. 7 on the agenda: Status of implementation of UNIDROIT Conventions

The Governing Council took note of the indications furnished by its members as to the action taken by their Governments with a view to the acceptance of UNIDROIT Conventions, as well as the information supplied by the Secretary-General, and encouraged the Secretariat to take measures to promote those Conventions by all available means.

Item No. 8 on the agenda: Implementation of the Work Programme for the triennial period 1993-1995

a) Principles of International Commercial Contracts

The Governing Council expressed satisfaction at the information supplied both by the Secretariat and by some Council members concerning the particularly favourable reception given to the UNIDROIT Principles of International Commercial Contracts. It was however suggested that this initial success could be further enhanced by way of seminars and publications as well as by improved distribution, especially in those countries in which the Principles had hitherto received little exposure.

b) International Protection of Cultural Property

The Governing Council took note with appreciation of the decision of the Italian Government to convene a diplomatic Conference in June 1995 for the adoption of the draft Unidroit Convention on the International Return of Stolen or Illegally Exported Cultural Objects as well of the recommendations of the President.

c) International aspects of security interests in mobile equipment

The Governing Council expressed satisfaction with the progress made since its last session in relation to the preparation of the draft UNIDROIT Convention on international interests in mobile equipment and urged that the work proceed with the utmost expedition, while making allowance for the difficulties inherent in the subject. It also encouraged the Secretariat to pursue its study of the desirability and feasibility of drawing up a model law on secured transactions in general in the light of the resources available.

d) Franchising

The Governing Council endorsed the recommendation of the study group on franchising that, as a first step, the group concentrate on the drawing up of a legal guide to international franchising. Noting that the Guide would hopefully be completed by autumn 1996, the Council decided to examine the state of work at its 75th session and agreed to defer until its 1997 session, in the light of the experience gained in the preparation of the Guide, consideration of the question of any further action that might be taken, such as the working out of a model law.

e) Inspection Agency Contracts

The Governing Council decided that the subject of inspection agency contracts should in principle be deleted from the Work Programme for the coming triennium. Only if the inquiry underway with the International Chamber of Commerce were to show substantial support for the

initiative to be continued should the Secretariat be authorised to reintroduce the item in the 1996-1998 Work Programme, although without priority.

f) Civil liability connected with the carrying out of dangerous activities

The Governing Council decided to retain the subject of civil liability connected with the carrying out of dangerous activities on the Work Programme for the 1996-1998 triennial period with a view to further study. In so doing, it renewed the mandate it had conferred on the Secretariat at its 73rd session, namely to prepare a study confined to questions of liability for personal injury which should cover neither nuclear liability nor accidents occurring in the transportation of goods and which should be conceived on a step-by-step basis.

g) Legal issues connected with software

The Governing Council decided to retain the subject of legal issues connected with software on the Work Programme for the 1996-1998 triennial period, albeit on the reserve list, in view of the fact that technological advances were such as to pose problems already being encountered at national level and that might usefully be addressed by UNIDROIT at some time in the future.

h) Programme of legal cooperation

The Governing Council noted with satisfaction the most recent developments regarding the Institute's programme of legal cooperation. It urged the Secretariat to develop the Programme, in respect both of the organisation of and participation in, seminars devoted to the dissemination of information concerning uniform law, and called upon its members and the correspondents of the Institute to encourage the holding of such seminars as well as the promotion of the UNIDROIT scholarships scheme.

i) Situation of the Library and policy for its development

The Governing Council expressed the greatest concern at the ever deteriorating situation of the library which, it noted, had been the victim of serious under-investment for many years. Only a major injection of funds could offset the devastating effects on the library of the sharp rise in the cost of books and periodicals, coupled with the decline in the value of the lira, and in these circumstances the Council invited the President to convey its concern to the Finance Committee and to the General Assembly in the strongest possible terms. The Council also instructed the Secretariat to modify the initial budgetary estimates for 1996 so as to restore the purchasing power of the library to its 1990 level.

i) Organisation of a Congress or meeting on uniform law during the triennial period 1996-1998

The Governing Council expressed its full support for the President's proposal that a series of regional Congresses be organised to give exposure to the work of the Institute, the first of which was scheduled to be held in Latin America, preferably in Venezuela, in 1996 or early 1997.

Reverting to this agenda item after its discussion of the overall policy review of the Institute under agenda item 9, the Governing Council adopted the Work Programme for the triennial period 1996-1998 as set out in the APPENDIX hereto.

Item No. 9 on the agenda: Overall policy review

a) Establishment of a foundation

The Governing Council agreed that the Secretariat should pursue its study of the establishment of a UNIDROIT Foundation or similar association and invited the President to submit concrete proposals at its next session on the basis, *inter alia*, of legal advice indicating the most appropriate location for such an institution.

b) Creation of a UNIDROIT data bank

The Governing Council requested the Secretariat to pursue its study of the active role that could be taken by Unidroit in the dissemination of information on uniform law by electronic means, in the light of other initiatives, as well as the creation of a special data bank on uniform law and its cost.

b) Uniform Law Review and other publications

The Governing Council agreed to the President's proposals for the revitalisation of the Uniform Law Review.

Item No. 10 on the agenda: Preparation of the draft budget for the 1996 financial year

Noting the sharp decline in the value of the lira against most major currencies since the preparation of the draft budget for 1996, the Governing Council requested the Secretariat to present a revised version of the draft budget contained in document C.D. (74) 20 to the financial organs of the Institute. That budget should take account of the implications of the devaluation of the lira and in the ever-deteriorating situation of the library.

Item No. 11 on the agenda: Date and place of the 75th session of the Governing Council

The Governing Council decided that its 75th session should be held in Rome during the week beginning 17 June 1996.

Item No. 12 on the agenda: Other business

a) Revision of the Headquarters Agreement

The Governing Council took note of the progress made in connection with the revision of the Headquarters Agreement between the Italian Government and the Institute and invited the Secretariat to continue its efforts to secure a speedy and satisfactory outcome to the negotiations.

b) Centre for Comparative and Foreign Law Studies

The Governing Council noted with satisfaction the contents of a Secretariat paper describing the activity of the Rome Centre for Comparative and Foreign Law Studies since its 73rd session.

WORK PROGRAMME FOR THE TRIENNIAL PERIOD 1996-1998

1. SCIENTIFIC ACTIVITY

A. PRIORITY ITEMS

1. Franchising
2. International interests in mobile equipment

B. OTHER ITEMS UNDER STUDY

1. Secured transactions in general
2. Civil liability connected with the carrying out of dangerous activities

B. RESERVE LIST

1. Legal issues associated with computer software

1. ACTIVITÉS ASSOCIATED WITH THE UNIFICATION OF LAW

1. Creation of a data bank on uniform law
2. Establishment of a UNIDROIT Foundation
3. Programme of legal cooperation
4. Promotion and implementation of UNIDROIT instruments