

U n i d r o i t

INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW
=====

GOVERNING COUNCIL

77th session

(Rome, 16 to 20 February 1998)

SUMMARY CONCLUSIONS

- Agenda Item 1 - The Governing Council adopted the draft agenda prepared by the Secretariat.
- Agenda Item 2 - The Governing Council approved the Secretary-General's Report on the Activity of the Institute during 1997.
- Agenda Item 3 - The Governing Council appointed Mr Roland Loewe and Mr Allan Farnsworth as its First and Second Vice-Presidents respectively until its 78th session.
- Agenda Item 4 - The Governing Council expressed its satisfaction at the entry into force of the Unidroit Convention on Stolen or Illegally Exported Cultural Objects, and at the developments in relation to the acceptance of Unidroit Conventions since its 76th session. It also took note of the information supplied by its members concerning the action taken by their Governments in this regard .
- Agenda Item 5 - The Governing Council took note of the entry into force of the new Headquarters Agreement between the Institute and the Italian Government.
- Agenda Item 6 - The Governing Council expressed its satisfaction at the enthusiastic reception given to the Unidroit Principles of International Commercial Contracts.

The Council also took note of the convening in March 1998 of the first session of the new Working Group on the Principles and wished it well in its work.

Agenda Item 7 - The Governing Council expressed its satisfaction at the drafting of the English version of the draft Guide to International Master Franchise Arrangements. It authorised publication, but postponed the date of publication to June 1998 in order to allow time for the French language version be concluded, checked by the Secretariat and sent to French-speaking members of the Council for approval. The two language versions will then be published and distributed.

Moreover the Sub-committee of the Governing Council suggested including in the next Work Programme of the Institute the preparation of a model law on disclosure. The matter would be dealt with under Agenda Item 14.

Agenda Item 8 - The Governing Council noted with appreciation the work accomplished by the Study Group and the Aircraft Protocol Group (“A.P.G.”) with the establishment of a preliminary draft Convention on International Interests in Mobile Equipment (“the Convention”) and a preliminary draft Protocol thereto on matters specific to aircraft equipment (“the Protocol”) respectively. It decided that these texts should be further refined by a Steering and Revisions Committee before and with a view to their submission to governmental experts. The observations made by members of the Council and the points made will be considered by the Steering and Revisions Committee and by governmental experts. Members of the Council would also have the opportunity to submit written comments on both texts with a view to their consideration by the Steering and Revisions Committee, which should meet in June 1998.

The Council noted with appreciation the work in progress in respect of preliminary draft Protocols on matters specific to railway rolling stock and space property; it also noted the agreement of the Intergovernmental Organisation for International Carriage by Rail to co-ordinate work with Unidroit on the intergovernmental process in respect of a preliminary draft Protocol on matters specific to railway rolling stock and the proposal of the Office for Outer Space Affairs of the United Nations that the preliminary draft Protocol on matters specific to space property, once completed, be forwarded to that Office with a request that it be made available to member States of the United Nations Committee on the Peaceful Uses of Outer Space for their information.

The Council agreed that the Secretariat should promptly contact the International Road Transport Union with a view to determining whether that Organisation might be interested in participating in further stages of the Institute’s work on this subject and in particular whether its members might see merit in lorries being encompassed within the future Convention’s sphere of application and therefore in the preparation of a Protocol thereto on matters specific to lorries.

- Agenda Item 9 - The Governing Council expressed its satisfaction at the implementation of the programme of legal co-operation since its 76th session. The Council also took note of the report of the scholarships committee and endorsed its conclusions.
- Agenda Item 10 - The Governing Council took note with great satisfaction of the information provided by the Secretariat on the Library and in particular on the computerisation of the Library.
- Agenda Items 11, 12 and 13 - The Governing Council expressed its satisfaction at the quality and regularity of publication of the *Uniform Law Review* and also at the number of replies received concerning contributions to the Essays in Memory of Malcolm Evans.
- The Council also congratulated the Secretariat on the Unidroit Internet site, in particular, on the inclusion of the French language version, and made some suggestions for development of the site.
- Agenda Item 14 - The Governing Council adopted the Institute's Work Programme for the 1999-2001 triennial period after it had considered the implementation of the current Work Programme.
- Agenda Item 15 - The Governing Council appointed by consensus Professor Herbert Kronke to the post of Secretary-General of Unidroit. He will take up his functions in September 1998.
- Agenda Item 16 - The Governing Council appointed the following as correspondents of the Institute: Mr Pierre Bienvenu (Canada), Mr Attila Harmathy (Hungary), Mr Charalambos Pamboukis (Greece), Mr Francisco José Sanchez-Gamborino (Spain), Mr Sandro Schipani (Italy), Mr Jan Svidron (Slovakia), Mr Don Wallace (United States of America).
- The Governing Council also decided to appoint as correspondents the candidates for the post of Secretary-General of Unidroit: Mr George Brouwer (Australia), Mr Nicholas Kasirer (Canada), Mr Wouter Sturms (Netherlands) and Mr Gerhard Walter (Switzerland).
- Agenda Item 17 - In view of the fact that the Accounts for the financial year 1998 were not available at the time of the Council's session and of the decisions taken by the Permanent Committee, the Governing Council asked the Secretariat to revise the draft expenditure for the financial year 1999 and authorised the transmission of an amended version of this draft budget to the financial organs of the Institute.

- Agenda Item 18 - The Governing Council took note of the information given by the Secretariat on the progressive implementation of the data base on uniform law and on the financing prospects of the Foundation.
- Agenda Item 19 - The Governing Council took note with appreciation of the report of the Director of the Centre of Comparative and Foreign Law Studies on the activity of the Centre since the last Council session.
- Agenda Item 20 - The Governing Council decided that its 78th session should be held during the week beginning on Monday 12 April 1999.