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UNIDROIT

INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW
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REPORT
on the
ACTIVITY OF THE INSTITUTE
2000

Rome, 2001

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This Report covers the activity of UNIDROIT from 1 January to 31 December 2000.

I. ADMINISTRATION AND ORGANISATION

A. GOVERNING COUNCIL AND PERMANENT COMMITTEE, GENERAL ASSEMBLY AND FINANCE COMMITTEE

1. Governing Council and Permanent Committee

The 79th session of the Governing Council was held in Lisbon from 10 to 14 April 2000 under the chairmanship of the President of the Institute, Mr Bernardino Libonati.

The Council approved the Secretary-General's report on the activity of the Institute during 1999 and appointed Mr Roland Loewe and Ms Isabel de Magalhães Collaço First and Second Vice-President respectively up until its 80th session.

After reviewing the role of the correspondents of the Institute, the Council nominated the following new correspondents: Ms Emilia Chiavarelli (Italy), Mr Iskandar Ghattas (Egypt), Mr Ahmed Sadek El-Kosheri (Egypt), Mr Alexander S. Konigsberg (Canada), Mr Antonio Novais Marques dos Santos (Portugal), Mr Martin Mendelsohn (United Kingdom), Mr. Albrecht Schulz (Germany), Mr Philip F. Zeidman (United States of America), Mr Frank Zumbo (Australia).

After taking note with satisfaction of the news regarding the prospects for acceptance of UNIDROIT Conventions, the Council proceeded to consider the implementation of the Work Programme for the current triennium (for details regarding which see Part II below).

The Council authorised the Secretariat to submit to the financial organs of the Institute proposals regarding expenditure for the 2001 financial year.

The Council also authorised the transmission to the financial organs of the Institute of the draft estimates of expenditure for 2001 as drawn up by the Secretariat.

At its 101st meeting, held on 11 April 2000, the Permanent Committee took a number of decisions concerning staff matters and approved the provisional agenda for the 54th session of the General Assembly.

2. General Assembly and Finance Committee

The 54th session of the General Assembly was held in Rome on 30 November under the chairmanship of His Excellency Mr Carlos Brugnini, Ambassador of Uruguay in Italy. The Secretary-General made a statement concerning the Institute's activity during 2000.

In the course of its consideration of financial matters, the Assembly approved the final modifications to the 1999 budget, together with the accounts for that financial year and the Deputy Secretary-General's proposals for adjustments to the 2000 budget. The Assembly also adopted the budget for 2001 and the assessments of member States' contributions for that year.

The 53rd session of the Finance Committee was held on 2 October 2000 under the chairmanship of Mr Gilbert Laurin, Counsellor, Embassy of Canada in Italy. The Committee was called upon to formulate opinions on certain financial matters which were submitted for decision to the General Assembly at its above-mentioned 54th session.

In order to finalise a number of proposals for the revision of the 2001 budget, a meeting of the Sub-committee of the Finance Committee was held in Rome on 15 June 2000.

B. DIPLOMATIC CONFERENCES, STUDY GROUPS AND COMMITTEES OF EXPERTS

The following meetings were organised by the Institute in 2000:

1. Principles of International Commercial Contracts

Working Group for the preparation of Principles of International Commercial Contracts, third session (Cairo, 24 - 28 January 2000).

2. Principles and Rules of Transnational Civil Procedure

First meeting of the Study Group on Principles and Rules of Transnational Civil Procedure (Rome, 22-26 May 2000).

3. International Interests in Mobile Equipment

Third Joint Session of the UNIDROIT Committee of Governmental Experts for the preparation of a draft Convention on International Interests in Mobile Equipment and a draft Protocol thereto on Matters specific to Aircraft Equipment and the Sub-Committee of the ICAO Legal Committee on the study of international interests in mobile equipment (aircraft equipment) (Rome, 20 - 31 March 2000).

A Session of the Space Working Group was held in Rome on 19 and 20 October 2000. In parallel, a Restricted informal group of experts was convened (for details, see page 9).

In addition, the Institute was represented at the 31st session of the ICAO Legal Committee (Montreal, 28 August to 8 September 2000) which, according to ICAO's rules of procedure was called upon to approve those two draft instruments.

4. Franchising

Fifth session of the Study Group on Franchising (Rome, 7 December 2000).

C. RELATIONS WITH GOVERNMENTS

The 58 States members of UNIDROIT are: Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Canada, Chile, China, Colombia, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Egypt, Finland, France, Germany, Greece, Holy See, Hungary, India, Iran, Iraq, Ireland, Israel, Italy, Japan, Luxembourg, Malta, Mexico, Netherlands, Nicaragua,

Nigeria, Norway, Pakistan, Paraguay, Poland, Portugal, Republic of Korea, Romania, Russian Federation, San Marino, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Tunisia, Turkey, United Kingdom, United States of America, Uruguay, Venezuela, Yugoslavia (Federal Republic of).

Consultations continued throughout 2000 between the Secretariat and a number of Governments with a view to their accession to UNIDROIT and it is hoped that these contacts will in due course result in a further expansion of the membership of the Institute.

D. DIPLOMATIC CONFERENCES AND MEETINGS ORGANISED BY OTHER INTERNATIONAL ORGANISATIONS

In the course of the period under review, the Institute was represented at meetings organised by a number of international organisations, including the Asian African Legal Consultative Committee (AALCC), the Council of Europe, the European Space Agency (ESA)/European Centre for Space Law (ECSL), the Hague Conference on Private International Law, ICAO, United Nations Economic Commission for Europe (ECE), the United Nations Commission on International Trade Law (UNCITRAL), UNESCO, the United Nations Office for Outer Space Affairs (UNOOSA), the International Development Law Institute (IDLI) and the International Bar Association (IBA). Members of the Secretariat also participated in various meetings and seminars at which they gave exposure to UNIDROIT Conventions and to the Institute's ongoing work, information regarding which is provided in Part II of this Report.

II. SCIENTIFIC ACTIVITY

A. WORK IN PROGRESS

1. Principles of International Commercial Contracts

The Working Group for the preparation of Part II of the UNIDROIT Principles held its third session in Cairo (Egypt) from 24 to 27 January 2000. The session was attended by M.J. Bonell (UNIDROIT, Chairman), L. O. Baptista (Brazil), P.-A. Crépeau (Canada), S.K. Date Bah (Ghana), A. El Kholy (Egypt), E.A. Farnsworth (U.S.A.), P. Finn (Australia), M. Fontaine (Belgium), M. Furmston (United Kingdom), A. Hartkamp (Netherlands), Huang Danhan (China), C. Jauffret-Spinosi (France), A. Komarov (Russian Federation), P. Schlechtriem (Germany) and T. Uchida (Japan). F. Dessemontet (Swiss Association of Arbitration), H. Grigera Naón (ICC Court of Arbitration), G. Herrmann (UNCITRAL) and G. Schiavoni (The Chamber of National and International Arbitration of Milan) attended as observers. The session was also attended by H. Kronke (Secretary-General of UNIDROIT).

The session focussed mainly on the draft Chapter on Limitation of Actions by Prescription prepared by P. Schlechtriem (UNIDROIT Study L - Doc. 64) and the draft Chapter on Assignment of Rights, Transfer of Duties and Assignment of Contracts, Section 1: Assignment of Rights prepared by M. Fontaine (UNIDROIT Study L - Doc. 65). The Group also considered the revised draft Chapter on Authority of Agents prepared by M.J. Bonell (UNIDROIT Study L - Doc. 63) and the draft Chapter on Third Party Rights prepared by

M. Furmston (UNIDROIT Study L - Doc. 66). After an extensive discussion the Group, while basically agreeing on the general structure and substance of the drafts, decided on a number of amendments and asked the Rapporteurs to prepare revised drafts for the next session.

In the course of 2000 the UNIDROIT Principles were the subject of a number of seminars and colloquia.

On the occasion of the Cairo session of the Working Group, the Cairo Regional Centre for International Commercial Arbitration organised an "International Commercial Arbitration Seminar" on 28 January 2000, which was mainly devoted to the use of the UNIDROIT Principles in international commercial contract practice and arbitration, with special attention to North Africa and the Middle East. After welcome addresses by Mr H. Kronke, Secretary General of UNIDROIT, and Mr M. Aboul-Enein, Director of the Cairo Regional Centre for International Commercial Arbitration, Mr H. Sarey El Din presented the Arabic version of the UNIDROIT Principles of International Commercial Contracts prepared by the *Shalakany Law Office* under the direction of Mr Ali El Shalakany. Papers were presented by Mssrs M.J. Bonell, M. Fontaine, E.A. Farnsworth, M. Furmston and H. Grigera Naón.

On the occasion of the 79th session of the UNIDROIT Governing Council in Lisbon, a colloquium on "The UNIDROIT Principles of International Commercial Contracts" was held on 14 April 2000. The colloquium opened with introductory addresses by Mr B. Libonati, President of UNIDROIT, and by Ms I. De Magalhães Collaço, member of the UNIDROIT Governing Council, who presented the provisional Portuguese translation of the integral version of the UNIDROIT Principles prepared under her direction by the Ministry of Justice. Papers were presented by Mr M.J. Bonell, Ms Ribeiro Mendes, Sir Roy Goode, Mssrs P. Pais de Vasconcelos, A.S. Hartkamp, C. Ferreira de Almeida, H. Kronke and J. Calvão da Silva.

At an international conference on "The Practice of Transnational Law" organised by the Center for Transnational Law of the University of Münster (4-5 May 2000) Mr M.J. BONELL presented a paper on "The UNIDROIT Principles and Transnational Law".

At the Schmitthoff Conference 2000 on "Law and Trade in the 21st century" organised by the Centre for Commercial Law Studies (Queen Mary College, University of London) (1-3 June 2000) Mr M.J. Bonell presented a paper on "The UNIDROIT Principles of International Commercial Contracts and the Harmonisation of International Sales Law".

At the 10th Biennial Meeting of the International Academy of Commercial and Consumer Law held at the Pennsylvania State University Dickinson School of Law (9-13 August 2000) Mr M.J. Bonell presented a paper entitled "Do we need a Global Commercial Code?". On the same occasion, the International Academy of Commercial and Consumer Law presented to Mssrs. M.J. Bonell and W. Rodinò a Certificate of Recognition and Appreciation for their work in connection with the UNIDROIT Principles.

In December 2000 "UNILEX – International Caselaw and Bibliography on the UNIDROIT Principles of International Commercial Contracts" was published by Transnational Publishers Inc. (New York). It is the paper based version of the database set up by the Center for Comparative and Foreign Law Studies with the financial support of the Chamber of National and International Arbitration of Milan. The volume contains 46 court decisions and

arbitral awards from all over the world referring in one way or another to the UNIDROIT Principles either in the form of abstracts or in their full text version.

2. International interests in mobile equipment

The year 2000 witnessed considerable progress across the full range of UNIDROIT's activities under this heading. Undoubtedly the principal landmark reached was the decision taken by the competent organs of both UNIDROIT and the International Civil Aviation Organization (ICAO) to approve the texts of the draft UNIDROIT Convention on International Interests in Mobile Equipment (hereinafter referred to as the *draft Convention*) and the draft Protocol thereto on Matters specific to Aircraft Equipment (hereinafter referred to as the *draft Aircraft Protocol*) as ready for submission to a diplomatic Conference of adoption.

In the case of UNIDROIT, this decision was taken at the 79th session of its Governing Council, held in Lisbon from 10 to 13 April 2000: in the light of the work achieved over three joint sessions of an UNIDROIT committee of governmental experts and a Sub-Committee of the ICAO. Legal Committee, culminating in the session held in Rome from 20 to 31 March 2000, and considering the texts that had emerged from the Third Joint Session to be ripe for submission for adoption to a diplomatic Conference, the Governing Council authorised the UNIDROIT Secretariat to "make arrangements for the holding of a diplomatic Conference...as early as practicable in 2001" (cf. C.D. (79) Res. 1). The Governing Council further authorised the Secretariat to "proceed on the basis of the texts annexed to the Report of the Drafting Committee of the Third Joint Session" and to "conclude arrangements with the Government of South Africa or, failing this, the Government of Ireland or another interested Government to host the diplomatic Conference" (*idem*).

The procedure leading to approval of the two texts within ICAO., on the other hand, required somewhat more time in view of the decision taken by the Council of that Organisation, at the Fifth Meeting of its 160th Session, held in Montreal on 31 May 2000, to refer them for consideration to the 31st Session of the ICAO. Legal Committee. The latter was invited by the Council in reviewing the draft Convention and the draft Aircraft Protocol to "take into account what had been achieved at the Third Joint Session" and to "consider, in particular, the essential outstanding issues" (cf. ICAO C-DEC 160/5, at p. 2). Following the review of the texts conducted by the Legal Committee, the ICAO. Council, at the Ninth Meeting of its 161st Session, held in Montreal on 22 November 2000, authorised the circulation by State Letter of the resulting texts to Contracting States and international Organisations and the convening of a diplomatic Conference, "in principle in South Africa starting in May 2001" (cf. ICAO C-DEC 161/9, § 10 (c)).

By way of explanation of the use of the expression "in principle" in relation to the venue and date of the diplomatic Conference, the President of the ICAO. Council indicated that this was to permit the "further study" of the "financial implications of, and administrative arrangements for the Conference that was felt to be "required" (*idem*, § 5). He noted that "administrative officers from ICAO and UNIDROIT would be undertaking a joint mission to South Africa to discuss those issues with the South African Authorities and that the outcome would be reflected in the report to be presented by the Secretary General" and that "a final decision regarding the site and date of the diplomatic Conference would be taken following Council's consideration of that report" (*idem*). This joint mission UNIDROIT/ICAO is to take

place from 22 to 25 January 2001 after which the ICAO Council at its 162nd session, to be held in Montreal from 19 February to 16 March 2001, would take the final decision as to the diplomatic Conference.

The Institute's activities over the period under consideration are set out below in relation to the different texts involved.

a) *Draft Convention/Aircraft Protocol*

(1) Third Joint Session/ICAO Legal Committee

The Third Joint Session was attended by the representatives of 38 States,¹ three intergovernmental Organisations² and seven international non-governmental Organisations.³ Significant progress was achieved on a number of fronts, not least on the public international law provisions of the draft Convention and the draft Aircraft Protocol. This work had been well prepared by the efforts of the Public International Law Working Group, both at its meeting held in Cape Town on 8 and 9, and on the Blue Train en route to Pretoria on 10 and 11 December 1999 and at its meetings held in Rome on 20 and 21 March 2000 during the Third Joint Session. These sessions were chaired by Ms G.T. Serobe (South Africa), with the exception of that on 21 March 2000, chaired by Mr G. Grall (France). One area, however, where it became clear during the Third Joint Session that further work would be necessary concerned Chapter IX of the draft Convention (Assignments of international interests and rights of subrogation): during the session three delegations tabled a proposal designed to bring Chapter IX more into line with those national legal systems under which an assignment of associated rights would carry with it the interest securing those rights. This proposal, containing two Alternatives, was discussed but there was not sufficient time to resolve the matter and it was agreed that it should be the subject of further informal consultations between the delegations that had been involved in the discussions.

As indicated above, the UNIDROIT Governing Council at its 79th session approved the texts of the draft Convention and the draft Aircraft Protocol that had emerged from the Third Joint Session and authorised the UNIDROIT Secretariat to make arrangements for the holding of a diplomatic Conference for their adoption.

The ICAO Council, however, having decided at its 160th session, as mentioned above, to refer the draft Convention and the draft Aircraft Protocol to the Legal Committee, they were given further consideration by that body at its 31st Session, held in Montreal from 28 August to 8 September 2000 attended by 56 ICAO Contracting States,⁴ three

¹ Argentina, Austria, Belgium, Brazil, Cameroon, Canada, People's Republic of China, Colombia, Croatia, Czech Republic, Denmark, Arab Republic of Egypt, Finland, France, Germany, Greece, Hungary, Indonesia, Ireland, Italy, Japan, Mexico, Netherlands, Norway, Portugal, Republic of Korea, Russian Federation, Singapore, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Tunisia, Turkey, United Kingdom and United States of America.

² European Space Agency, Intergovernmental Organisation for International Carriage by Rail and United Nations Commission on International Trade Law.

³ Aviation Working Group, International Air Transport Association, International Bar Association, International Union of Railways, Rail Working Group and Space Working Group.

⁴ Afghanistan, Algeria, Australia, Austria, Belize, Botswana, Brazil, Bulgaria, Canada, Chile, People's Republic of China, Colombia, Congo, Cuba, Czech Republic, Arab Republic of Egypt, Finland, France, Germany, Greece, Haiti, Iceland, India, Indonesia, Islamic Republic of Iran, Ireland, Italy, Japan, Jordan, Kenya,

intergovernmental Organisations⁵ and three international non-governmental Organisations.⁶ UNIDROIT was represented by Mr H. Kronke, Secretary-General. Care was taken by the Legal Committee not to reopen issues on which the Joint Sessions had already reached consensus. Particular progress was achieved on those international registration provisions where a number of questions were still outstanding.

(2) *Ad hoc* Registry Task Force

An *ad hoc* task force was set up at the Third Joint Session to prepare for the establishment of the International Registry for aircraft objects. Mr J.R. Standell (United States of America) and Mr G. Grall (France) were elected Co-chairmen. The Task Force met in Paris from 21 to 23 June 2000. UNIDROIT was represented by Mr M.J. Stanford, Principal Research Officer, and Mr A. de Fontmichel, Associate Research Officer. During its meeting the Task Force considered *inter alia* a draft request for proposals, a draft requirements document and a draft regarding the process for the soliciting and evaluation of proposals. The Task Force recommended that a modern acquisition process to establish and operate an International Registry be commenced several months before the diplomatic Conference. It was recognised that the process might need to be conducted by a provisional authority. The Task Force subsequently met during the 31st Session of the ICAO Legal Committee, on which occasion it was agreed that the draft request for proposals, the draft requirements document and the draft regarding the process for the soliciting and evaluation of proposals should be updated and that the Task Force should consider a technical evaluation plan and the regulations to be prepared, as well as proprietary rights, the scope of legal relations between the Supervisory Authority and the Registrar, cost recovery methods and insurance. These issues are to be discussed further at the next session of the Task Force, to be held in Dublin from 16 to 18 January 2001.

(3) Conferences and other events

The Ministry of Justice of the Federal Republic of Germany and the Institute of Comparative and Private International Law of the University of Würzburg convened a seminar on 25 February 2000 on the Institute's work on international interests in mobile equipment with a view to exposing it to domestic discussion in both practitioners' and academic circles. The Secretary-General represented the Institute and outlined the project's history, the underlying economics and objectives.

At the invitation of the Centre for German and International Financial Services of the University of Mainz and the Kreditanstalt für Wiederaufbau (KfW), Frankfurt, the Secretary-General presented on 10 May 2000 the current state of work on the draft Convention and the draft Aircraft Protocol to an audience of banking and aviation law practitioners.

Libyan Arab Jamahiriya, Madagascar, Mexico, Namibia, Netherlands, Nigeria, Norway, Pakistan, Panama, Portugal, Republic of Korea, Russian Federation, Senegal, Singapore, Slovakia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom, United Republic of Tanzania, United States of America, Uruguay and Venezuela.

⁵ Agency for Air Navigation Safety in Africa and Madagascar, European Organisation for the Safety of Air Navigation (Eurocontrol) and UNIDROIT.

⁶ Aviation Working Group, International Air Transport Association and International Law Association.

b) *Preliminary Draft Rail Protocol*

On 23 December 1997 the President of UNIDROIT invited Mr H. Rosen, expert consultant on international rail finance matters to the UNIDROIT Study Group that had prepared the preliminary draft Convention which served as the starting-point for the intergovernmental negotiations on the draft Convention (cf. *Report on the Activity of the Institute 1997*, pp. 6-10), to organise the preparation of a preliminary draft Protocol to the draft Convention on Matters specific to Railway Rolling Stock (hereinafter referred to as the *preliminary draft Rail Protocol*) capable of being submitted to the Governing Council of UNIDROIT. Mr Rosen organised the preparation of this preliminary draft Protocol through the Rail Working Group, of which he is the co-ordinator and which comprises representatives of the manufacturers, financiers and users of railway rolling stock as also the interested international and national Organisations.

The text of a preliminary draft Rail Protocol finalised at the seventh session of the Rail Working Group, held in London on 19 January 2000, was communicated by Mr Rosen to UNIDROIT on 4 February 2000. In accordance with the decision taken by the UNIDROIT Governing Council at its 78th session, held in Rome from 12 to 16 April 1999, this text was submitted to a steering and revisions committee convened by UNIDROIT in Rome on 16 and 17 March 2000 to consider its compatibility and consistency with the draft Convention. This Committee, chaired by Mr R. Loewe (Austria), member of the UNIDROIT Governing Council, was manned by representatives of the Governing Council, the Intergovernmental Organisation for International Carriage by Rail (OTIF), the International Union of Private Wagons, the International Union of Railways, the European Company for the Financing of Railroad Rolling Stock (Eurofima), the Association of American Railroads and the Rail Working Group.

The preliminary draft Rail Protocol as amended by Mr Rosen to take account of the discussions of the Steering and Revisions Committee was considered by the UNIDROIT Governing Council at its 79th session, on which occasion it authorised its transmission to Governments with a view to the convening of a first session of a committee of governmental experts to be organised, in the light of the decision taken by the fourth General Assembly of O.T.I.F., held in Athens from 8 to 11 September 1997, in collaboration with OTIF. This first session will be held in Berne at the seat of OTIF on 15 and 16 March 2001.

c) *Preliminary Draft Space Property Protocol*

The updated working draft of the preliminary draft Protocol to the draft Convention on Matters specific to Space Property (hereinafter referred to as the *preliminary draft Space Property Protocol*) prepared by Mr P.D. Nesgos, co-ordinator of the Space Working Group, in January 2000 was the subject of a number of meetings during the period under consideration:

(1) *Protecting security interests in satellites: will international uniformity facilitate satellite financing?*, a symposium on the UNIDROIT project for the creation of a new regimen governing the taking of security in space property organised in London on 27 January 2000 in conjunction with the Fifth Space & Satellite Finance Conference (Mr Stanford, representing UNIDROIT, was moderator; Sir Roy Goode, member of the UNIDROIT Governing Council, Mr Nesgos, Mr G. Lafferranderie, Legal Adviser to the European Space

Agency and President of the European Centre for Space Law and Ms M. Leimbach, of the Directorate of Legal Affairs of the Crédit Lyonnais Group, were the other speakers);

(2) *Meeting of Space Law Group No. 4 of the Technology Directorate (Aerospace Department) of the French Ministry of Education, Research and Technology and UNIDROIT experts*, held in Paris on 8 February 2000 (Mr Stanford and Mr Nesgos took part as UNIDROIT experts);

(3) *Informal briefing on the draft Convention and the preliminary draft Space Property Protocol organised for the Permanent Missions to the United Nations Office at Vienna*, held in Vienna on 17 March 2000 (in preparation for the 39th session of the Legal Subcommittee of the United Nations Committee on the Peaceful Uses of Outer Space (COPUOS), with Mr Stanford, representing UNIDROIT, as speaker);

(4) *39th session of the Legal Subcommittee of COPUOS*, held in Vienna from 27 March to 7 April 2000 (where Mr Stanford, representing UNIDROIT, presented a paper on the preliminary draft Space Property Protocol);

(5) *43rd session of COPUOS*, held in Vienna from 7 to 16 June 2000 (where Mr Stanford represented UNIDROIT and where it was decided to include consideration of the draft Convention and the preliminary draft Space Property Protocol as a new single issue/item for discussion on the agenda of the Legal Subcommittee of COPUOS at its 40th session, to be held in Vienna from 2 to 12 April 2001, and to invite UNIDROIT and the United Nations Office for Outer Space Affairs (OOSA) to prepare a joint background paper to assist COPUOS member Governments on that occasion);

(6) *Restricted informal group of experts to identify, and engage in a preliminary discussion of the issues which merit consideration in the context of the relationship between the draft Convention and the preliminary draft Space Property Protocol and the existing body of international space law*, convened by UNIDROIT in Rome on 18 and 19 October 2000 (attended by experts designated by eight UNIDROIT member States,⁷ one intergovernmental Organisation⁸ and four international non-governmental Organisations⁹ and representatives of the international commercial aerospace and financial communities, with Mr O. Tell (France) as Chairman and Mr N. Hedman (Sweden) as Deputy Chairman);

(7) *Session of the Space Working Group*, held in Rome on 19 and 20 October 2000 (under the chairmanship of Mr Nesgos, to consider the conclusions of the restricted informal group of experts and to organise future work on this subject);

(8) *Practitioners Forum of the European Centre for Space Law*, held in Paris on 27 November 2000 (where UNIDROIT was represented by Mr Kronke, Mr Stanford and Mr de Fontmichel and where Mr Kronke and Mr Stanford illustrated the draft Convention and the preliminary draft Space Property Protocol and Mr F. Bregoli, Deputy Divisional Director, Assicurazioni Generali S.p.A., Ms C. Kessedjian, Deputy Secretary-General of the Hague Conference on Private International Law, and Ms S. Moysan, of the Aviation and Space

⁷ Argentina, Belgium, France, Germany, Italy, Russian Federation, Sweden, United States of America.

⁸ OOSA.

⁹ Aviation Working Group, European Centre for Space Law, International Bar Association and Space Working Group.

Department of Marsh S.A., made critical appraisals of the proposed new international regimen for space property).

A new working draft of the preliminary draft Space Property Protocol, updated to reflect the changes to the draft Convention and the draft Aircraft Protocol made at the Third Joint Session and the 31st Session of the ICAO. Legal Committee and the conclusions reached by the restricted informal group of experts, is due to be circulated among Space Working Group members in January 2001 and it is the intention of the Space Working Group to submit to UNIDROIT during 2001 a text ready for consideration by the UNIDROIT Governing Council at its 80th session, to be held in Rome from 17 to 19 September 2001.

3. Franchising

At its 79th session (April 2000) the Governing Council of UNIDROIT was seised of the text of the draft Model Franchise Disclosure Law as revised by the Study Group at its Fourth Session in December 1999. Following this examination, and bearing in mind the need to finalise the project at the earliest opportunity, the Council decided to authorise the convening of a Committee of Governmental Experts in the first half of 2001, following completion of work by the Study Group. The Fifth and final Session of the Study Group, at which the draft text of the Model Law, plus the Explanatory Report that accompanies the text, were finalised, was held on 7 December 2000. In addition to the members of the Study Group, the meeting was attended by representatives of the European Franchise Federation, the International Franchise Association, the World Franchise Council and the International Chamber of Commerce (ICC). It is anticipated that the meeting of the Committee of Governmental Experts will take place in June, 2001.

The *Committee on International Franchising* of the International Bar Association Section of Business Law (Committee X) devoted a session of its programme at the IBA Conference to the draft Model Franchise Disclosure Law being prepared by UNIDROIT (Amsterdam, 21 September 2000). The meeting was chaired by Mr M. Brennan, member of the UNIDROIT Study Group, and the speakers were P. Hamelberg (the Netherlands), M. S. Shapiro (USA) and L. Peters (UNIDROIT). The meeting was well-attended and although the observations of a couple of participants were critical, the majority of the participants demonstrated considerable interest.

On 24 November 2000 UNIDROIT organised a conference on *Franchising: Legislation and Practice Present and Future* (“*Franchising: Legislazione e Pratica Presente e Futuro*”) in collaboration with “*Promofranchising*”, the franchise association that is an emanation of the Italian national association of retail traders (“*Confesercenti*”). Aimed primarily at an Italian public, the purpose of the conference was to examine developments that are taking place both at national level, with the proposed franchise law that was adopted by the Italian Senate in July 2000, and at international level with the new Vertical Restraints Block Exemption Regulation adopted by the European Union and the Model Franchise Disclosure Law that is being prepared by UNIDROIT. The conference was opened by the President of UNIDROIT, Mr B. Libonati, and by the President of Promofranchising, Ms A. Papaleo. The conference was divided into three sections, the first of which provided an introduction to franchising, in its legal aspects (R. Pardolesi), practical aspects (P.F. Devasini), and economic and fiscal aspects (G. Petrone). Part II examined the currently applicable law, i.e. the contract

clauses that often lead to controversy (C. Rizzoli), how franchising has been dealt with in Italian courts (A. Martone, *Sostituto Procuratore Generale* at the Court of Cassation), and the EU Vertical Restraints Block Exemption Regulation (G. Bruzzone and L. Barrameda). Section III dealt with the regulation of the future, i.e. the UNIDROIT Model Franchise Disclosure Law (L. Peters) and the bill approved by the Italian Senate (Senators F. Asciutti and S. Gambino). Presentations by G. Pergamo, National Secretary of Promofranchising, and H. Kronke, Secretary-General of UNIDROIT, concluded the conference. The acts of the conference will be published in 2001.

See also the section of this Report dealing with Publications

4. International protection of cultural property

The 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, adopted and opened to signature on 24 June 1995, entered into force on 1 July 1998 pursuant to the deposit of the fifth instrument. As of 31 December 2000 there were twelve Contracting States: Bolivia, Brazil, China, Ecuador, El Salvador, Finland, Hungary, Italy, Lithuania, Paraguay, Peru and Romania (cf. p.14 below, sub Acceptance of UNIDROIT Conventions). The Secretariat was informed that, in 2000, Argentina, Croatia and Portugal concluded the parliamentary procedures for ratification or accession and the deposit of instruments should shortly take place. The procedure for ratification or accession is underway in other countries.

Ever since its adoption, the UNIDROIT Secretariat has been assiduous in its efforts to maximise awareness of the Convention by taking part in a number of events at which the Convention has been studied. Of particular interest among these events was the Joint National Session organised by the Ministry of Justice of the Arab Republic of Egypt and UNIDROIT on 29 January 2000 at which the Convention was the subject of the first session (cf. summary of the session in the *Uniform Law Review* 2000-2, p. 279-281). The *House of Commons* set up a parliamentary Commission entrusted with the writing of a report on the illicit trafficking on cultural property in the United Kingdom and, in this context, a delegation of the Commission was sent to UNIDROIT in March 2000. The report of the Commission, published in June 2000, recommended the British Government adhere to the UNIDROIT Convention. Another Commission, set up by the British Ministry of Culture and more specifically responsible for advising the Government on the appropriateness on adhering to the 1970 UNESCO Convention and to the 1995 UNIDROIT Convention, expressed itself, in its report published in November 2000, against an adhesion to the 1995 Convention for the time being.

In June 2000 the Secretariat also participated in a Conference organised by the Italian Carabinieri on the implementation of the principle of good faith and the illicit trafficking on cultural property, and in December 2000, in a national workshop organised in Erevan by the national Commission of UNESCO for Armenia. These events made participants (government officials of the Ministries of Culture, Directors of museums, police and customs officers...) familiar with the legal weapons available for the protection of cultural property and offered the opportunity to stimulate the adhesion of a number of countries of the legal instruments of use to combat illicit trafficking in this field. During the Commemoration of the 30th Anniversary of the 1970 UNESCO Convention, organised in Paris on 15 November 2000, a session was devoted to the 1995 UNIDROIT Convention.

At the close of all these events recommendations were adopted requesting the States to become parties to the UNIDROIT Convention of Stolen or Illegally Exported Cultural Objects.

The Convention continues to be the subject of articles in legal periodicals and in the international media.

5. Principles and rules of transnational civil procedure

The first session of the Working Group for the Preparation of Principles and Rules of Transnational Civil Procedure, set up jointly by UNIDROIT and the American Law Institute (ALI), was held at the UNIDROIT headquarters in Rome from 22 to 26 May 2000. The session was chaired by Mr Ronald T. Nhlapo (South Africa; Member of the Governing Council of UNIDROIT) and was attended by all members of the Working Group: Mr Neil Andrews (U.K.), Ms Aida R. Kemelmajer de Carlucci (Argentina), Ms Frédérique Ferrand (France), Mr Geoffrey C. Hazard Jr. (U.S.A.; former Director of ALI; *Co-Rapporteur on behalf of the ALI*), Mr Masanori Kawano (Japan), Mr Pierre Lalive (Switzerland), Mr Rolf Stürner (Germany; *Co-Rapporteur on behalf of UNIDROIT*) and Mr Michele Taruffo (Italy). The session was also attended by Mr A. Gidi (ALI) who was appointed Secretary to the Group. The UNIDROIT Secretariat was represented by Mr H. Kronke and Mr M.J. Bonell.

The session mainly focused on a working paper containing a set of general principles of civil procedure prepared by Mr Stürner, and on Mr Hazard's and Mr Taruffo's preliminary draft on Transnational Rules of Civil Procedure. After extensive discussion the Group decided to ask the two Rapporteurs to prepare a new draft to be further discussed at the Group's second session to be held from 2-6 July 2001 in Rome.

6. Transport

On 14 and 15 November 2000, Mr Putzeys, member of the UNIDROIT Governing Council, represented the Institute at the meeting of the *Working Party on Road Transport* of the UN Economic Commission for Europe Inland Transport Committee. One of the items under discussion was the possibility of developing a Protocol to the *1956 Geneva Convention on the Contract for the International Carriage of Goods by Road (CMR)* introducing electronic data interchange (EDI) into its procedures. Mr Putzeys submitted a paper on this issue, which had previously been submitted to and considered by the UNIDROIT Governing Council (CD (79) 9, issued by the ECE as document number TRANS/SC.1/2000/9). Following an examination of this paper, the Working Party asked Mr Putzeys whether he would be in a position to prepare a draft text of such a Protocol. Mr Putzeys offered to prepare an informal text and to submit it to the Secretariat in early 2001. He cautioned that the proposal would only become formal after it had been adopted by the Governing Council of UNIDROIT which would meet in September 2001. The draft could still, however, be considered at the Working Party's 95th session in 2001.

B. ACTIVITIES SUBSIDIARY TO THE UNIFICATION OF LAW

1. Programme of legal co-operation

It should be recalled that the aim of the programme of legal co-operation is to promote the Organisation's relations with developing countries or countries in economic transition, be they member or non-member States, whose resources to participate in the process of legal harmonisation are limited. This programme mainly consists of efforts to make the Institute's work more widely known and of offering training and research opportunities to top-level research scholars thanks to the scholarship programme.

a) *Symposia and other events*

- ◆ Following the invitation of the Mexican Government and under the joint auspices of the Mexican Ministry of Foreign Affairs, of the *Instituto de Investigaciones Jurídicas de la Universidad Nacional Autónoma de México*, and of Unidroit, a seminar entitled "*The Commercial and Financial Instruments of Unidroit and Uniform Law: The Mexican Challenge / Las Convenciones Internacionales Comerciales y Financieras de Unidroit y la Uniformidad del Derecho: el Desafío de México*" was held on 6-8 November 2000 in Mexico City.

Subjects covered included international interests in mobile equipment, electronic commerce, leasing, factoring, franchising, the Principles of international commercial contracts and the challenges facing the internationalisation and regionalisation of free-trade zones. The activity of UNIDROIT was presented by members of the Secretariat and by various European and American experts associated to the ongoing work, whereas a national or regional perspective was presented by Mexican experts. A large audience, mainly from government, judicial, commercial and arbitral circles as well as from legal practice, participated in the seminar.

- ◆ Following the above-mentioned seminar, the UNIDROIT work was the subject of two sessions of the XXIV meeting of the *Mexican Academy of Private and Comparative International Law* which was held at the Law Faculty of the University of Colima (Mexico) on 9-11 November. The proceedings will be published in the *Revista mexicana de derecho internacional privado*.
- ◆ At the invitation of the Indonesian National Law Reform Agency, the Secretary-General presented the current Work Programme to the research officers of that institution. Following an invitation of the Faculty of Law of the Catholic University of Indonesia, the Secretary-General illustrated the potential use of the UNIDROIT Principles of International Commercial Contracts as well as the work on secured transactions in domestic law reform to members of the Faculty and members of the Jakarta bar.

b) *Research scholarship programme*

For logistic reasons, linked to the celebration of the Jubilee in Rome during the whole of 2000, the UNIDROIT Secretariat decided to postpone the stay of the researchers whose request was accepted in 2000 to the first semester of 2001.

This interval offered the Secretariat the opportunity to carry out an assessment of the activities of the Programme over seven years (1993-1999) since its inception. Financed mainly by voluntary contributions by UNIDROIT member States (75%), a total of seventy-one scholars from thirty-six countries were able to carry out independent top-level research in the UNIDROIT Library (under the supervision of a research supervisor in their countries of origin), From the visiting scholars' point of view, the Programme's merits are amply demonstrated by the results of a survey carried out in early 2000 (preparation or updating of university teaching courses, writing of articles or monographs, drafting of legislative proposals by the competent national authorities). The Institute has also gained direct benefits from these experiences of co-operation (preparation and publication of translations of UNIDROIT instruments in national languages, promotion of the ratification of UNIDROIT Conventions, information on national law and case law used for the Uniform Law Review, support for official relations with member or non-member States).

At its 79th session held in April 2000 in Lisbon, the Governing Council approved the Secretariat's report and in addition to the Research Scholarships Programme's advantages listed above, stressed the key role played by information and training in achieving the objectives of harmonisation and unification pursued by an Organisation as small as UNIDROIT, much of whose work is the realm of "soft" or non-binding law; the existence at UNIDROIT of a remarkable body of documentation whose maintenance requires considerable financial outlay; the opportunity given to visiting scholars to attend working group meetings and international negotiating sessions and to meet experts and other researchers in a wide range of fields; the fact that visiting scholars are potentially important scientific and/or institutional contacts for the Institute, and that much depends of the quality of their reception.

Considering these conclusions, the Governing Council felt that the time had come for UNIDROIT to put its full weight behind the Research Scholarships Programme with a view to reaffirming its role as research centre.

c) *Interns and researchers*

In 2000 the Institute welcomed the following interns and researchers: Charlotte Beck (Germany), Samuel Gandin (France), Daniel Kappes (Germany), Miriam Parmentier (Germany), Isabelle Rueda (France), Louise Ellen Teitz (USA), Mathias Zintler (Germany).

Mr Alexandre Court de Fontmichel was seconded to the Secretariat in March 2000 for a period of sixteen months under the French Government's voluntary service scheme and will end his period of secondment in June 2001.

2. *Creation of a data base on uniform law*

On 26 and 27 September 2000 a first meeting of experts on the *1956 Geneva Convention on the Contract for the International Carriage of Goods by Road (CMR)*, the first convention to be dealt with by the UNILAW data base, was held in Brussels, at the *Club de la Fondation Universitaire*. The meeting examined how a data base in general, and the section on the CMR in particular, should be organised logically. The meeting was chaired by Mr R. Loewe, First Vice-President of the UNIDROIT Governing Council and one of the original drafters of the CMR. The other participants were Mr M. Clarke (United Kingdom), Mr K.

Haak (the Netherlands), Mr B. Mercadal (France), Mr J. Putzeys (Belgium), Mr F. J. Sánchez-Gamborino (Spain), Mr J. Theunis (Belgium), and Mr W. Czapski (IRU). Ms L. Peters of the UNIDROIT Secretariat acted as Secretary to the Group. The meeting was organised by Mr J. Putzeys, member of the UNIDROIT Governing Council.

Following the meeting of the experts, the members of the UNIDROIT Governing Council and selected correspondents of the Institute were contacted with a view to eliciting information on firstly, on-line data bases and other sources of information on case law available in their countries, and secondly, institutions that might have an interest in accessing the data base. Furthermore, Mr Putzeys prepared an analytical list of the issues dealt with in the CMR, on the basis of which it is intended that the materials made available in the data base should be classified.

3. Acceptance of UNIDROIT Conventions

The Secretariat has throughout 2000 continued to use its best efforts to promote UNIDROIT Conventions, whether by making presentations at conferences or by penning articles.

The 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects entered into force in Italy on 1 April 2000. The Convention thus counts twelve Contracting States to this date. Argentina, Croatia and Portugal concluded the parliamentary procedure for ratification or accession to the Convention in 2000 and are expected to deposit the relevant instruments with the Italian Government, which is the depositary of the Convention, as soon as possible.

Uzbekistan has acceded to the UNIDROIT Convention on International Financial leasing, opened to signature at Ottawa on 28 May 1988, on 6 July 2001.

4. Conference and other events

a) International and transnational private and commercial law in general

At the Schmitthoff Conference 2000 on “ Law and Trade in the 21st century” organised by the Centre for Commercial Law Studies (Queen Mary College, University of London) (1-3 June 2000) the Secretary-General presented a paper on “The Future of Harmonisation and Formulating Agencies - The Role of UNIDROIT”

At the conference on “Evolution of Legal Systems, Bijuralism and International Trade 2000”, organised by the Faculty of Law of the University of Ottawa in collaboration with the Canadian Department of Justice and the Department of Heritage Canada on 20-21 October 2000, the Secretary-General presented a paper on ‘From International Uniform Conventions to Model Laws - From Guides to Principles: The Choice of Approach’.

b) Capital markets law

At the invitation of the Law Centre for European and International Cooperation (R.I.Z.), Cologne, the Secretary General presented a paper on 28 November 2000 on “The

need for Modernised Conflict-of-Laws Rules *and* Harmonised Rules in the Era of Transnational Capital Markets” to an audience of banking law practitioners and arbitrators.

5. The UNIDROIT Internet Web site: www.unidroit.org

The UNIDROIT Internet web site continues to be an extremely effective means of promoting UNIDROIT’s activities and its instruments. Daily contacts to the English language home page alone averaged 400 in 2000.

The UNIDROIT Internet web site received two significant awards in 2000. The editors of Britannica.com, an Internet Guide prepared by the editors of the Encyclopaedia Britannica, selected the UNIDROIT web site as “one of the best on the Internet when reviewed for quality, accuracy of content, presentation and usability”. The commercial web directory/search engine Links2Go.com selected, on the basis of objective criteria, the UNIDROIT web site as a “Key resource” for international law on the Internet. Out of 50 pages selected as “Key Resources” for international law, the UNIDROIT site ranked 42nd.

Development of the UNIDROIT web site continued in 2000. The content of the site has been substantially enlarged and many of its pages updated and/or replaced in order to provide an up to date, comprehensive overview of UNIDROIT’s activities. Significant additions to the site in 2000 were the catalogue of the Library’s Gorla Collection, the Work Programme and sections devoted to UNIDROIT’s work on the draft Convention on International Interests in Mobile Equipment and relative Protocols, on the Model Law on Franchising and on Principles and Rules of Transnational Civil Procedure.

The UNIDROIT Internet web site contains:

- A **Presentation of UNIDROIT**, providing general information on the Institute, its membership, working methods, current work programme including subsidiary activities such as its scholarship programme and publishing activities, as well as a list of past achievements;
- The **UNIDROIT Work Programme** for the 1999-2001 triennium;
- The **draft UNIDROIT Convention on International Interests in Mobile Equipment and draft Protocol on matters specific to Aircraft Equipment** ;
- A section devoted to the **UNIDROIT Principles of International Commercial Contracts** containing the integral version of the UNIDROIT Principles, including the model clause approved by the Governing Council in 1999 for use by the parties wishing to provide that their agreement be governed by the UNIDROIT Principles, an extensive bibliography, case law and brief reports on the sessions of the Working Group for the preparation of Part II of the UNIDROIT Principles of International Commercial Contracts;
- The text of the **Model Franchise Disclosure Law** and draft Explanatory Report as well as an updated version of Annex 3 to the *UNIDROIT Guide to International Master Franchise Arrangements* on “Legislation and Regulations Relevant to Franchising”;
- Information on the work of the Working Group for the preparation of **Principles and Rules of Transnational Civil Procedure** ;

- **UNIDROIT News**, a section of the Uniform Law Review providing information on the current events and activities of UNIDROIT;
- The texts of eight **UNIDROIT Conventions** as well as status reports on the state of ratifications of and accessions to those Conventions and relative bibliographies;
- A section devoted to **UNIDROIT Publications**, including the tables of contents and the leading article of each issue of the **Uniform Law Review**;
- Information on **Research opportunities at UNIDROIT, Scholarships and Internships**;
- A list **Depository Libraries for UNIDROIT documentation**;
- General information on the **UNIDROIT Library** and the catalogue of the Gorla Collection.

Access to the UNIDROIT web site has been facilitated by the hyperlinks more than 450 web directories, guides to Internet resources, libraries, law firms and international organisations have made on their web sites to <www.unidroit.org>.

6. **Depository Libraries for UNIDROIT documentation**

The UNIDROIT Secretariat's invitation to Member States to designate libraries to serve as depositories for UNIDROIT documentation (*UNIDROIT Proceedings and Papers* on CD-ROM and the *Uniform Law Review*, New Series) has been well received. To date 35 libraries have been designated for this purpose. Apart from those which are cited in the Report on the Activity of the Institute in 1999 (cf. p. 20-21), five new States have designated a library in 2000:

Belgium: Ministry of Justice <http://194.7.188.126/justice/index1.htm>

Colombia: Biblioteca Luis Angel Arango <<http://www.banrep.gov.co/blaa/enlablaa.htm>>

Ireland: National Library of Ireland, Dublin <<http://www.nli.ie/>>

Slovak Republic: Právnická fakulta Trnavskej Univerzity, Hornopotocná 23, 91843 Trnava
<http://www.truni.sk/prf/prf.html>

Spain: Universidad San Pablo CEU, Madrid <<http://www.ceu.es/>>

7. **Library**

In 2000 the Library's holdings increased by 1572 titles, of which 709 were purchased, 213 obtained on an exchange basis for a total value of Lit. 15,500,000 and 650 other titles were received as a gift for a total value of Lit. 59,800,000. Of particular importance among the gifts were those received from the Italian Ministry of Culture and Environment. The Library also received books from the honorary president of UNIDROIT, Prof. Luigi Ferrari Bravo. Another important source of books, finally included in the library, is our Uniform Law Review which receives books for review purposes.

The Library continues to be used by various external readers: in 2000 more than 2,300 visitors signed the admissions book and about 15,000 books circulated.

The computerisation of the Library catalogue continued and more than 15,000,000 old and new bibliographical entries are now available in electronic format.

8. Publications

(a) *Uniform Law Review*

The new series of the Review, which was launched in 1996, has now been published for five years. Covering uniform law in a broad sense, it is now fully recognised for its scholarly qualities and as a means to promote uniform law. Its sections are as follows: articles, international activities, texts and implementation of uniform law instruments, case law and bibliographical information. Particular attention is paid to UNIDROIT's activities which makes the *Uniform Law Review / Revue de droit uniforme* an essential instrument for dissemination of information on its work. A number of items published in the Review, including the *UNIDROIT News* and case law concerning the *UNIDROIT Principles for International Commercial Contracts*, can be found on the UNIDROIT website.

Issue 1999-4, as well as the first three issues of 2000, were published in 2000, while issue 2000-4 is due to be published at the beginning of 2001, the number of pages thereby totalling 900 for the year 2000.

The sales of the Review, which is distributed on a non-exclusive basis by *Kluwer Law International* and by *Giuffrè Editore*, are steadily increasing. In addition, it is distributed free of charge to a number of institutions and persons with a view to furthering the purposes of the organisation (including depositary libraries), and permits to maintain almost the totality of the exchange agreements that the Institute has entered into as regards legal periodicals that form part of the Library stocks. It also allows the Library to receive complementary copies of books from their authors for promotional purposes.

(b) *Guide to International Master Franchise Arrangements*

In September 2000, the French version of the *UNIDROIT Guide to International Master Franchise Arrangements* was published. The title of the French version is *Guide sur les Accords Internationaux de Franchise Principale*. Annex III of the volume, which is devoted to legislation and regulations relevant to franchising, is updated on the UNIDROIT web site in both English and French.

(c) *Digest of Legal Activities of International Organizations and other Institutions (12th edition)*

The 12th edition of the *Digest of Legal Activities of International Organizations and other Institutions*, edited by Paula Howarth of the UNIDROIT Secretariat was published in 2000 by Oceana Publications Inc. The *Digest* provides a survey of the legal activities carried out by 26 international organisations and other institutions. Its subject index, together with three lists - one containing the names and addresses of the organisations whose legal activities are covered by the Digest, another of keywords indicating their legal activities, useful as a

guide to the various entries, and a third containing initials and acronyms employed in the Digest – make it a user friendly instrument for the rapid retrieval of basic information on the legal activities of the international organisations indexed.

d) Other publications

2000 say the publication by the Secretariat of the Report of the activity of the Institute for 1999, the Accounts for 1999 and the budget for 2001.

The following documents relating to the implementation of the Institute's Work Programme were published in 2000, in English and French unless otherwise stated:

STUDY L - PRINCIPLES OF INTERNATIONAL COMMERCIAL CONTRACTS

Working Group for the preparation of Principles of International Commercial Contracts

Doc. 62 bis Set-Off (Position prepared by Professor C. Jauffret-Spinosi)

Doc. 66 - Chapter [...] Third Party Rights (Draft prepared by Professor M. Furmston)

Misc. 22- Summary Records of the Meeting held in Cairo from 22 to 27 January 2000 (prepared by the Secretariat of UNIDROIT)

Documents prepared for the Meeting of the Drafting Group in Freiburg, 17 – 20 January 2001

WP. 1 - Chapter [...] Authority of Agents (Revised draft prepared by Professor M.J. Bonell in the light of the discussions of the Working Group at its 3rd session held in Cairo, 22 – 27 January 2000)

WP. 2. - Chapter [...] Limitation of Rights (Revised draft prepared by Prof. Peter Schlechtriem in the light of the discussions of the Working Group at its 3rd session held in Cairo, 22 – 27 January 2000)

WP. 3 - Chapter [...] Assignment of Rights, Transfer of Duties, Assignment of Contracts (Revised draft prepared by Professor M. Fontaine in the light of the discussion of the Working Group at its 3rd session held in Cairo, 22 – 27 January 2000)

WP. 4 - Chapter [...] Set-Off (Paper prepared by Professor Camille Jauffret-Spinosi)

WP. 5 - Chapter [...] Third Party Rights (Revised draft prepared by Professor M. Furmston in the light of the discussions of the Working Group at its 3rd session held in Cairo, 22 – 27 January 2000)

STUDY LXV - LEGAL CO-OPERATION PROGRAMME

Doc. 13 - Research Scholarships programme for legal scholars, government officials, judges and practitioners from developing countries or from countries in economic transition. Assessment – The First Seven Years (1993-1999)

STUDY LXVIII - FRANCHISING

Study Group on Franchising

Doc. 20 - Study Group on Franchising, Fourth Session, Rome, 9 – 10 December 1999. Report (prepared by the Secretariat)

Doc. 21 - Model Franchise Disclosure Law. Text of the Preliminary Draft as adopted by the Study Group at its Fourth Session, held in Rome from 9 to 10 December 1999, with Draft Explanatory Report prepared by the UNIDROIT Secretariat

- Doc. 22 - Model Franchise Disclosure Law. Comments submitted by Mr Souichirou Kozuka, Associate Professor of Law, Sophia University (Tokyo)
- Doc. 23 - Model Franchise Disclosure Law. Proposal submitted by Mr Philip Zeidamn, Piper, Marbury, Rudnick & Wolfe LLP (Washington D.C.)
- Doc. 24 - Model Franchise Disclosure Law. Position paper submitted by the European Franchise Federation (EFF)
- Doc. 25 - Model Franchise Disclosure Law. Proposal for a Preface to the Model Law submitted by Messrs. István Kiss, Secretary General and CEO of the Hungarian Franchise Association (Budapest) and Philip Zeidman, Piper, Marbury, Rudnick & Wolfe LLP (Washington D.C.)
- Doc. 26 - Model Franchise Disclosure Law. Comments and proposals submitted by Mr Albrecht Schultz, CMS Hasche Sigle Eschenlohr Peltzer (Stuttgart)
- Doc. 27 - Model Franchise Disclosure Law. French text as revised by Mr Oliver Binder, CEJEF, Paris
- Doc. 28 - Model Franchise Disclosure Law. Comment on Study LXVIII – Doc. 25 submitted by Mr Michael Brennan, Piper Marbury Rudnick & Wolfe (Chicago)

STUDY LXIX – ORGANISATION OF A UNIDROIT INFORMATION SYSTEM OR DATA BASE ON UNIFORM LAW

Meeting of Experts on the 1956 Geneva Convention on the Contract for the International Carriage of Goods by Road (CMR), Brussels, 26 to 27 September 2000

- Doc. 8 - Meeting of Experts on the 1956 Geneva Convention on the Contract for the International Carriage of Goods by Road (CMR), Brussels, 26 to 27 September 2000 (Secretariat memorandum)
- Doc. 9 - Comments on Study LXIX – Doc. 8 submitted by Ms C. Holschuh and Mr W. Czapski (IRU)
- Doc. 10 - Report (Prepared by the Secretariat)
- Doc. 11 - Réunions de M. Jacques Putzeys, Membre du Conseil de direction d'UNIDROIT et Membre du Group d'experts sur la CMR, à l'Institut, Rome, les 12 et 13 octobre 2000. RAPPORT (Préparé par M. Putzeys)

STUDY LXXII - INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT

Second Joint Session (Montreal, 24 – 3 September 1999)

UNIDROIT CGE/Int.Int./2-Report. ICAO Ref. LSC/ME/2-Report. Second Joint Session (24 August-3 September 1999): Report

Third Joint Session (Rome, 20 - 31 March 2000)

UNIDROIT CGE/Int Int/Agenda/3-WP/1. Draft Agenda

UNIDROIT CGE/Int.Int/3-O/B-1. ICAO Ref. LSC/ME/3-O/B-1. Provisional Order of Business

UNIDROIT CGE/Int.Int/3-WP/2. ICAO Ref. LSC/ME/3-WP/2. *Ad hoc* Drafting Group (Rome, 25-27 November 1999): Report

UNIDROIT CGE/Int.Int/3-WP/3. ICAO Ref. LSC/ME/3-WP/3. Public International Law Working Group (Cape Town/ en route to Pretoria, 8-11 December 1999): Report

UNIDROIT CGE/Int.Int/3-WP/4. ICAO Ref. LSC/ME/3-WP/4. Preliminary comments (submitted by the Government of France)

UNIDROIT CGE/Int.Int/3-WP/5. ICAO Ref. LSC/ME/3-WP/5. Summary comments on the international registration system and its effects (submitted by the Government of Portugal)

- UNIDROIT CGE/Int.Int/3-WP/6. ICAO Ref. LSC/ME/3-WP/6. Comments (submitted by the Government of the United States of America)
- UNIDROIT CGE/Int.Int/3-WP/6 Corrigendum. ICAO Ref. LSC/ME/3-WP/6 Corrigendum. Comments (submitted by the Government of the United States of America): Corrigendum
- UNIDROIT CGE/Int.Int/3-WP/7. ICAO Ref. LSC/ME/3-WP/7. Comments (submitted jointly by the Aviation Working Group and the International Air Transport Association)
- UNIDROIT CGE/Int.Int/3-WP/8. ICAO Ref. LSC/ME/3-WP/8. Discussion-purpose memorandum on public aircraft equipment (submitted by the Aviation Working Group)
- UNIDROIT CGE/Int.Int/3-WP/9. ICAO Ref. LSC/ME/3-WP/9. Comments (submitted by the Government of Egypt)
- UNIDROIT CGE/Int.Int/3-WP/10. ICAO Ref. LSC/ME/3-WP/10. Comments (submitted by the Secretariat of UNCITRAL)
- UNIDROIT CGE/Int.Int/3-WP/11. ICAO Ref. LSC/ME/3-WP/11. Declarations and derogations (presented by the ICAO Secretariat)
- UNIDROIT CGE/Int.Int/3-WP/12. ICAO Ref. LSC/ME/3-WP/12. Remedies and interim relief (submitted by the ICAO Secretariat)
- UNIDROIT CGE/Int.Int/3-WP/13. ICAO Ref. LSC/ME/3-WP/13. Comments (submitted by the Government of the Federal Republic of Germany)
- UNIDROIT CGE/Int.Int/3-WP/14. ICAO Ref. LSC/ME/3-WP/14. Proposal regarding the substantive sphere of application of the preliminary draft Convention (submitted by the UNIDROIT Secretariat)
- UNIDROIT CGE/Int.Int/3-WP/15. ICAO Ref. LSC/ME/3-WP/15. Sphere of application and main provisions (submitted by the Government of Italy)
- UNIDROIT CGE/Int.Int/3-WP/16. ICAO Ref. LSC/ME/3-WP/16. Proposals regarding the establishment and management of the International Registry (submitted by the Government of the Federal Republic of Germany)
- UNIDROIT CGE/Int.Int/3-WP/17. ICAO Ref. LSC/ME/3-WP/17. Proposal regarding Article 3 of the preliminary draft Convention (submitted by the French delegation)
- UNIDROIT CGE/Int.Int/3-WP/18. ICAO Ref. LSC/ME/3-WP/18. Public International Law Working Group (Rome, 20 and 21 March 2000): Report
- UNIDROIT CGE/Int.Int/3-WP/19. ICAO Ref. LSC/ME/3-WP/19. Proposal regarding Articles XI and XXX of the preliminary draft Aircraft Protocol (submitted by the Government of Japan)
- UNIDROIT CGE/Int.Int/3-WP/20. ICAO Ref. LSC/ME/3-WP/20. Special Working Group on Article 3 of the preliminary draft Convention: Report
- UNIDROIT CGE/Int.Int/3-WP/21. ICAO Ref. LSC/ME/3-WP/21. Proposal regarding the International Registry (submitted by the Government of Portugal)
- UNIDROIT CGE/Int.Int/3-WP/22. ICAO Ref. LSC/ME/3-WP/22. Comments (submitted by the International Federation of Insolvency Practitioners) (INSOL International)
- UNIDROIT CGE/Int.Int/3-WP/23. ICAO Ref. LSC/ME/3-WP/23. Draft Report - Plenary Session: 20 March 2000
- UNIDROIT CGE/Int.Int/3-WP/24. ICAO Ref. LSC/ME/3-WP/24. Special Working Group on Article 14 of the preliminary draft Convention and selected aspects of Article X of the preliminary draft Aircraft Protocol: Report
- UNIDROIT CGE/Int.Int/3-WP/25. ICAO LSC/ME/3-WP/25. Proposal regarding Article 14 of the preliminary draft Convention and Article X of the preliminary draft Aircraft Protocol (submitted by the delegation of the United States of America)
- UNIDROIT CGE/Int.Int/3-WP/26. ICAO Ref. LSC/ME/3-WP/26. Draft Report - Plenary Session: 21 March 2000
- UNIDROIT CGE/Int.Int/3-WP/27. ICAO Ref. LSC/ME/3-WP/27. Special Working Group on Article 3 of the preliminary draft Convention: Second Report

- UNIDROIT CGE/Int.Int/3-WP/27 Corr. – ICAO Ref. LSC/ME/3-WP/27 Corr. - Special Working Group on Article 3 of the preliminary draft Convention: Second report: Corrigendum
- UNIDROIT CGE/Int.Int/3-WP/28. ICAO Ref. LSC/ME/3-WP/28. Restricted Group of the Drafting Committee (Saturday 25 March 2000): Public International Law Provisions
- UNIDROIT CGE/Int.Int/3-WP/28 Rev. - ICAO Ref. LSC/ME/3-WP/28 Rev. -Restricted Group of the Drafting Committee (Monday 27 March 2000): Public International Law Provisions
- UNIDROIT CGE/Int.Int/3-DCRG/WP/29. ICAO Ref. LSC/ME/3-DCRG/WP/29. Proposal regarding the relationship between the draft UNIDROIT Convention (and the draft Protocol thereto) and the draft UNCITRAL Convention (submitted by the French delegation)
- UNIDROIT CGE/Int.Int/3-WP/30. ICAO Ref. LSC/ME/3-WP/30. Proposal concerning the establishment of the International Registry (submitted jointly by the delegations of France and the United States of America)
- UNIDROIT CGE/Int.Int/3-WP/31. ICAO Ref. LSC/ME/3-WP/31. Proposal for revised text of Chapter IX of the preliminary draft Convention (submitted jointly by the delegations of Canada, France and the United States of America)
- UNIDROIT CGE/Int.Int/3-WP/32. ICAO Ref. LSC/ME/3-WP/32. Draft Report - Plenary Session: 22 March 2000
- UNIDROIT CGE/Int.Int/3-WP/33. ICAO Ref. LSC/ME/3-WP/33. Draft Report - Plenary Session: 23 March 2000
- UNIDROIT CGE/Int.Int/3-WP/34. ICAO Ref. LSC/ME/3-WP/34. Draft Report - Plenary Session: 24 March 2000
- UNIDROIT CGE/Int.Int/3-WP/35. ICAO Ref. LSC/ME/3-WP/35. Draft Report - Plenary Session: 27 March 2000
- UNIDROIT CGE/Int.Int/3-WP/36. ICAO Ref. LSC/ME/3-WP/36. Restricted Group of the Drafting Committee: Report
- UNIDROIT CGE/Int.Int/3-WP/37. ICAO Ref. LSC/ME/3-WP/37. Draft Report - Plenary Session: 28 March 2000
- UNIDROIT CGE/Int.Int/3-WP/38. ICAO Ref. LSC/ME/3-WP/38. Draft Report - Plenary Session: 30 March 2000
- UNIDROIT CGE/Int.Int/3-WP/39. ICAO Ref. LSC/ME/3-WP/39. Draft Report - Plenary Sessions: 20-30 March 2000
- UNIDROIT CGE/Int.Int/3-WP/40. ICAO Ref. LSC/ME/3-WP/40. Drafting Committee: Report
- UNIDROIT CGE/Int.Int/3-DCRG/WP/1. ICAO Ref. LSC/ME/3-DCRG/WP/1. Drafting Committee/Restricted Group (20 March 2000). Chapter I, Sphere of Application and General Provisions
- UNIDROIT CGE/Int.Int/3-DCRG/WP/2. ICAO Ref. LSC/ME/3-DCRG/WP/2. Drafting Committee/Restricted Group (21 March 2000). [Preliminary] draft [UNIDROIT] Convention on International Interests in Mobile Equipment. Preamble and Article 1
- UNIDROIT CGE/Int.Int/3-DCRG/WP/3. ICAO Ref. LSC/ME/3-DCRG/WP/3. Drafting Committee/Restricted Group (21 March 2000). [Preliminary] draft Protocol to the [preliminary] draft [UNIDROIT] Convention on International Interests in Mobile Equipment. Preamble, Articles I and II
- UNIDROIT CGE/Int.Int/3-DCRG/WP/4. ICAO Ref. LSC/ME/3-DCRG/WP/4. Drafting Committee/Restricted Group (23 March 2000).). Preliminary draft [UNIDROIT] Convention on International Interests in Mobile Equipment. Articles 15 to 22
- UNIDROIT CGE/Int.Int/3-DCRG/WP/5. ICAO Ref. LSC/ME/3-DCRG/WP/5. Drafting Committee/Restricted Group (27 March 2000). [Preliminary] draft Protocol to the [preliminary] draft [UNIDROIT] Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment. Articles I(2)(i) and IX

STUDY LXXIIIH – INTERNATIONAL INTERESTS IN RAILWAY ROLLING STOCK

Steering and Revisions Committee for the Consideration of the Preliminary Draft Protocol to the Preliminary Draft UNIDROIT Convention on International Interests in Mobile Equipment on Matters Specific to Railway Rolling Stock (Rome, 16 – 17 March 2000)

Doc. 1 - Preliminary Draft UNIDROIT Convention on International Interests in Mobile Equipment (as reviewed by the restricted *ad hoc* Drafting Group, constituted by the second Joint Session, in the light of the Joint Session's second reading, at its meeting held in Rome from 25 to 27 November 1999):

Preliminary Draft Protocol on Matters Specific to Railway Rolling Stock (as established by a working group organised and chaired by Mr. H. Rosen, expert consultant on international rail finance matters to the UNIDROIT Study Group for the preparation of uniform rules on international interests in mobile equipment, at the invitation of the President, at the conclusion of its seventh session, held in London on 19 January 2000)

Doc. 2 - Report (prepared by the UNIDROIT Secretariat)

Committee of Governmental Experts for the Preparation of a Draft Protocol on Matters Specific to Railway Rolling Stock to the Draft UNIDROIT Convention on International Interests in Mobile Equipment

Documents prepared for the First Joint session, Bern – 15 and 16 March 2001

Doc. 3 - Draft UNIDROIT Convention on International Interests in Mobile Equipment

Doc. 4 - Preliminary Draft Protocol on Matters Specific to Railway Rolling Stock

STUDY LXXIIJ – INTERNATIONAL INTERESTS IN SPACE PROPERTY

Doc. 1 - Restricted Informal Group of Experts to Identify and Engage in a Preliminary Draft Discussion of the Issues which Merit Consideration in the Context of the Relationship Between the Draft UNIDROIT Convention on International Interests in Mobile Equipment and the Preliminary Draft Protocol Thereto on Matters Specific to Space Property and the Existing Body of International Space Law (Rome, 18/19 October 2000): Report (prepared by the UNIDROIT Secretariat)

Doc. 2. - Space Working Group (Rome, 18/19 October 2000): Report (prepared by the UNIDROIT Secretariat)

STUDY LXXVI – PRINCIPLES AND RULES OF TRANSNATIONAL CIVIL PROCEDURE

Joint American Law Institute / UNIDROIT Working Group

Doc. 2 - Preliminary Draft Rules and Comments prepared by Professors G. Hazard, Jr. and M. Taruffo

Doc. 2 Add. 1 - Preliminary Draft Rules prepared by Professors G. Hazard, Jr. and M. Taruffo

**IMPLEMENTATION OF INSTRUMENTS BASED ON WORK
CONDUCTED WITHIN UNIDROIT^(*)**

**A. CONVENTIONS DRAWN UP BY UNIDROIT AND APPROVED AT DIPLOMATIC
CONFERENCES CONVENED BY MEMBER STATES OF UNIDROIT**

**1. Convention relating to a Uniform Law on the Formation of Contracts for the International
Sale of Goods (ULFIS), opened to signature at the Hague on 1.VII.1964**

The following States signed the Convention:

Greece (<i>ad referendum</i>)	3.VIII.1964
Netherlands	12.VIII.1964
San Marino	24.VIII.1964
Italy	23.XII.1964
Holy See (subject to ratification)	2.III.1965
United Kingdom	8.VI.1965
Belgium	6.X.1965
Federal Republic of Germany (subject to ratification)	11.X.1965
Luxembourg	7.XII.1965
Israel (subject to ratification)	28.XII.1965
France	31.XII.1965
Hungary	31.XII.1965

The following States have ratified the Convention:

United Kingdom	31.VIII.1967
San Marino (with declaration)	24.V.1968
Belgium	1.XII.1970
Netherlands (for the Kingdom in Europe) (with declaration)	17.II.1972
Italy	22.II.1972
Federal Republic of Germany (with declaration)	16.X.1973
Luxembourg (with declaration)	6.II.1979
Israel	30.V.1980

The following State has acceded to the Convention:

Gambia	5.III.1974
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The Convention duly entered into force on 23.VIII.1972 for Belgium, Italy, the Netherlands (for the Kingdom in Europe), San Marino and the United Kingdom, on 16.IV.1974 for the Federal Republic of Germany, on 5.IX.1974 for Gambia, on 6.VIII.1979 for Luxembourg and on 30.XI.1980 for Israel.

The Convention was denounced by Italy on 11.XII.1986 with effect from 1.I.1988, by the Federal Republic of Germany on 1.I.1990 with effect from 1.I.1991, by the Netherlands on 1.I.1991 with effect from 1.I.1992, by Belgium on 1.XI.1996 with effect from 1.XI.1997 and by Luxembourg on 20.I.1997 with effect from 20.I.1998.

(*)

Note of the Secretariat:

Based on information available to the Secretariat as of 31 December 2000.

Information on the status of the UNIDROIT conventions may be found on the UNIDROIT Web Site at <http://www.unidroit.org/english/implement/i-main.htm>

The UNIDROIT Secretariat may assist States with technical consultations for the ratification of, or the accession to its instruments, as well as for the preparation of legislation based on those instruments.

2. Convention relating to a Uniform Law on the International Sale of Goods (ULIS), opened to signature at the Hague on 1.VII.1964

The following States signed the Convention:

Greece (<i>ad referendum</i>)	3.VIII.1964
Netherlands	12.VIII.1964
United Kingdom	21.VIII.1964
San Marino	24.VIII.1964
Italy	23.XII.1964
Holy See (subject to ratification)	2.III.1965
Belgium	6.X.1965
Federal Republic of Germany (subject to ratification)	11.X.1965
Luxembourg	7.XII.1965
Israel (subject to ratification)	28.XII.1965
France	31.XII.1965
Hungary	31.XII.1965

The following States have ratified the Convention:

United Kingdom (with declarations)	31.VIII.1967
San Marino (with declaration)	24.V.1968
Belgium (with declaration)	12.XII.1968
Israel	3.XII.1971
Netherlands (for the Kingdom in Europe) (with declaration)	17.II.1972
Italy (with declaration)	22.II.1972
Federal Republic of Germany (with declaration)	16.X.1973
Luxembourg (with declaration)	6.II.1979

The following State has acceded to the Convention:

Gambia (with declarations)	5.III.1974
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The Convention duly entered into force on 18.VIII.1972 for Belgium, Israel, the Netherlands (for the Kingdom in Europe), San Marino and the United Kingdom, on 22.VIII.1972 for Italy, on 16.IV.1974 for the Federal Republic of Germany, on 5.IX.1974 for Gambia and on 6.VIII.1979 for Luxembourg.

The Convention was denounced by Italy on 11.XII.1986 with effect from 1.I.1988, by the Federal Republic of Germany on 1.I.1990 with effect from 1.I.1991, by the Netherlands on 1.I.1991 with effect from 1.I.1992, by Belgium on 1.XI.1996 with effect from 1.XI.1997 and by Luxembourg on 20.I.1997 with effect from 20.I.1998.

3. International Convention on the Travel Contract (CCV), opened to signature at Brussels on 23.IV.1970

The following States signed the Convention:

Belgium	23.IV.1970
Côte d'Ivoire	23.IV.1970
Holy See	23.IV.1970
Italy	23.IV.1970
Lebanon	23.IV.1970
Morocco (with reservations)	23.IV.1970
Niger	23.IV.1970

Philippines	23.IV.1970
Portugal	23.IV.1970
San Marino	23.IV.1970
Burkina Faso	27.IV.1970
Togo	25.III.1971

The following States have ratified the Convention:

Belgium	11.IV.1973
Togo	24.XI.1975
Italy (with reservation)	4.VII.1979

The following States have acceded to the Convention:

Benin	28.III.1975
Cameroon (with declaration)	16.IV.1975
Argentina	25.XI.1976

The Convention duly entered into force on 24.II.1976 for Belgium, Benin, Cameroon and Togo, on 25.II.1977 for Argentina and on 4.X.1979 for Italy.

This Convention was denounced by Belgium on 4.X.1993 with effect from 4.X.1994.

4. Convention providing a Uniform Law on the Form of an International Will, opened to signature at Washington on 26.X.1973

The following States signed the Convention:

Iran	27.X.1973
Sierra Leone	27.X.1973
United States of America	27.X.1973
Laos	30.X.1973
Holy See	2.XI.1973
Belgium	17.V.1974
Ecuador (with statement)	26.VII.1974
United Kingdom	10.X.1974
France	29.XI.1974
Union of Soviet Socialist Republics (with declaration)	17.XII.1974
Czechoslovakia (with statement)	30.XII.1974

The following States have ratified the Convention:

Ecuador	3.IV.1979
Belgium	21.IV.1983
France	1.VI.1994

The following States have acceded to the Convention:

Niger	19.V.1975
Portugal	19.XI.1975
Canada (for Manitoba and Newfoundland) (*)	24.I.1977
Libyan Arab Jamahiriya	4.VIII.1977
Yugoslavia	9.VIII.1977
Cyprus	19.X.1982

(*) Canada extended the application of the Convention to Ontario (by declaration deposited 15.III.1978), to Alberta (by declaration deposited 1.VI.1978), to Saskatchewan (by declaration deposited 8.IV.1982), to Prince Edward Island (by declaration deposited 22.IX.1994) and to New Brunswick (by declaration deposited 5.VI.1997).

Italy (with declaration)	16.V.1991
Slovenia	20.VIII.1992
Bosnia-Herzegovina	15.VIII.1994

The Convention duly entered into force on 9.II.1978 for Canada (for Manitoba and Newfoundland), Libyan Arab Jamahiriya, Niger, Portugal and Yugoslavia, on 3.X.1979 for Ecuador, on 19.IV.1983 for Cyprus, on 21.X.1983 for Belgium, on 16.XI.1991 for Italy, on 20.VIII.1992 for Slovenia, on 15.VIII.1994 for Bosnia-Herzegovina and on 1.XII.1994 for France.

The application of the Convention was extended for Canada to Ontario with effect from 31.III.1978, to Alberta with effect from 1.VI.1978, to Saskatchewan with effect from 8.X.1982, to Prince Edward Island with effect from 22.III.1995 and to New Brunswick with effect from 5.XII.1997.

5. Convention on Agency in the International Sale of Goods, opened to signature at Geneva on 17.II.1983

The following States signed the Convention:

Chile	17.II.1983
Holy See	17.II.1983
Morocco	17.II.1983
Switzerland	17.II.1983
Italy	9.IV.1984
France	25.X.1984

The following States have ratified the Convention:

Italy	16.VI.1986
France	7.VIII.1987

The following States have acceded to the Convention:

South Africa	27.I.1986
Mexico (with declarations)	22.XII.1987
Netherlands (**)	2.II.1994

The Convention will enter into force when accepted by ten Contracting States (see Article 33).

6. UNIDROIT Convention on International Financial Leasing, opened to signature at Ottawa on 28.V.1988

The following States signed the Convention:

Ghana	28.V.1988
Guinea	28.V.1988
Nigeria	28.V.1988
Philippines	28.V.1988
United Republic of Tanzania	28.V.1988
Morocco	4.VII.1988
France	7.XI.1989
Czechoslovakia	16.V.1990
Finland	30.XI.1990
Italy	13.XII.1990
Belgium	21.XII.1990

(**) The Netherlands extended the application of the Convention to Aruba (by declaration deposited 2.II.1995).

United States of America	28.XII.1990
Panama	31.XII.1990

The following States have ratified the Convention:

France (with declaration)	23.IX.1991
Italy	29.XI.1993
Nigeria	25.X.1994
Panama	26.III.1997

The following States have acceded to the Convention:

Hungary	7.V.1996
Latvia	6.VIII.1997
Russian Federation (with declaration)	3.VI.1998
Belarus	18.VIII.1998
Uzbekistan	6.VII.2000

The Convention entered into force between France, Italy and Nigeria on 1.V.1995, on 1.XII.1996 for Hungary, on 1.X.1997 for Panama, on 1.III.1998 for Latvia, on 1.I.1999 for the Russian Federation and on 1.III.1999 for Belarus. The Convention will enter into force on 1.II.2001 for Uzbekistan.

7. UNIDROIT Convention on International Factoring, opened to signature at Ottawa on 28.V.1988

The following States signed the Convention:

Ghana	28.V.1988
Guinea	28.V.1988
Nigeria	28.V.1988
Philippines	28.V.1988
United Republic of Tanzania	28.V.1988
Morocco	4.VII.1988
France	7.XI.1989
Czechoslovakia	16.V.1990
Finland	30.XI.1990
Italy	13.XII.1990
Germany	21.XII.1990
Belgium	21.XII.1990
United States of America	28.XII.1990
United Kingdom	31.XII.1990

The following States have ratified the Convention:

France (with declaration)	23.IX.1991
Italy	29.XI.1993
Nigeria	25.X.1994
Germany	20.V.1998

The following States have acceded to the Convention:

Hungary	7.V.1996
Latvia (with declaration)	6.VIII.1997

The Convention entered into force between France, Italy and Nigeria on 1.V.1995, on 1.XII.1996 for Hungary, on 1.III.1998 for Latvia and on 1.XII.1998 for Germany.

8. UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, opened to signature at Rome on 24.VI.1995

The following States have signed the Convention:

Burkina Faso	24.VI.1995
Cambodia	24.VI.1995
Côte d'Ivoire	24.VI.1995
Croatia	24.VI.1995
France	24.VI.1995
Guinea	24.VI.1995
Hungary	24.VI.1995
Italy	24.VI.1995
Lithuania	24.VI.1995
Zambia	24.VI.1995
Georgia	27.VI.1995
Finland	1.XII.1995
Portugal	23.IV.1996
Paraguay	13.VI.1996
Switzerland	26.VI.1996
Romania	27.VI.1996
Pakistan	27.VI.1996
Netherlands (with declarations)	28.VI.1996
Peru	28.VI.1996
Bolivia	29.VI.1996
Senegal	29.VI.1996
Russian Federation	29.VI.1996

The following States have ratified the Convention:

Lithuania	4.IV.1997
Paraguay	27.V.1997
Romania	21.I.1998
Peru	5.III.1998
Hungary	8.V.1998
Bolivia	13.IV.1999
Finland	14.VI.1999
Italy	11.X.1999

The following States have acceded to the Convention:

China	7.V.1997
Ecuador	26.XI.1997
Brazil	23.III.1999
El Salvador	16.VII.1999

The Convention entered into force on I.VII.1998 between China, Ecuador, Lithuania, Paraguay and Romania, on 1.IX.1998 for Peru and on 1.XII.1998 for Hungary, on 1.IX.1999 for Brazil, on 1.X.1999 for Bolivia and on 1.XII.1999 for Finland. The Convention will enter into force on 1.I.2000 for El Salvador and on 1.IV.2000 for Italy.

B. INTERNATIONAL INSTRUMENTS IN FORCE ADOPTED UNDER THE AUSPICES OF OTHER ORGANISATIONS AND BASED ON UNIDROIT DRAFTS OR CONVENTIONS

1. **Convention on the Contract for the International Carriage of Goods by Road (CMR)**, adopted in Geneva in 1956 under the auspices of the Economic Commission for Europe of the United Nations. The Convention, which entered into force in 1961, is based on the draft Convention on the Contract for the International Carriage of Goods by Road (CMR) which was transmitted by UNIDROIT to the Economic Commission for Europe of the United Nations in 1952.

Contracting States: Austria, Belarus, Belgium, Bosnia-Herzegovina, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iran (Islamic Republic of), Ireland, Italy, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Luxembourg, Morocco, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, the Former Yugoslav Republic of Macedonia, Tunisia, Turkey, Turkmenistan, United Kingdom, Uzbekistan and Yugoslavia.

2. **UNESCO Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict**, which entered into force in 1956. The Convention is based on the draft UNIDROIT completed in 1951.

Contracting States: Albania, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Bosnia-Herzegovina, Brazil, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, China, Colombia, Congo (Democratic Rep. of), Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Dominican Republic, Ecuador, Egypt, Estonia, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Holy See, Hungary, India, Indonesia, Iran (Islamic Rep. of), Iraq, Israel, Italy, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lebanon, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Mali, Mexico, Monaco, Mongolia, Morocco, Myanmar, Netherlands, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Poland, Portugal, Qatar, Republic of Moldova, Romania, Russian Federation, San Marino, Saudi Arabia, Senegal, Slovakia, Slovenia, Socialist People's Libyan Arab Jamahiriya, Spain, Sudan, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, the Former Yugoslav Republic of Macedonia, Thailand, Tunisia, Turkey, Ukraine, United Republic of Tanzania, Uruguay, Uzbekistan, Yemen, Yugoslavia (Federal Rep. of) and Zimbabwe.

3. **International Convention of 1961 for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations**, adopted under the auspices of ILO, UNESCO and WIPO and which entered into force in 1964. The Convention is very largely based on the preliminary draft Convention for the Protection of Interpreting and Performing Artists, as well as of Manufacturers of Phonographic Records and other phonograms and on the preliminary draft Convention for the Protection of Radio Broadcasts.

Contracting States: Albania, Argentina, Australia, Austria, Barbados, Belgium, Bolivia, Brazil, Bulgaria, Burkina Faso, Canada, Cape Verde, Chile, Colombia, Congo, Costa Rica, Croatia, Czech Republic, Denmark, Dominica, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Jamaica, Japan, Latvia, Lebanon, Lesotho, Liechtenstein, Lithuania, Luxembourg, Mexico, Monaco, Netherlands, Nicaragua, Niger, Nigeria, Norway, Panama, Paraguay, Peru, Philippines, Poland, Republic of Moldova, Romania, Saint Lucia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the Former Yugoslav Republic of Macedonia, United Kingdom, Uruguay and Venezuela.

4. **Hague Convention of 1958 on the Recognition and Enforcement of Decisions relating to Maintenance Obligations in respect of Children** which entered into force in 1962. This Convention was prepared on the basis of the draft Convention on the Recognition and Enforcement abroad of Maintenance Obligations, a first draft of which had been drawn up by UNIDROIT in 1938 and work on which was completed in 1949 when it was transmitted to the Department for Social Affairs of the United Nations. After being revised by a United Nations committee of experts, the draft was recommended to States under a Resolution of the Economic and Social Council at its XVIIth session for use as a model in the drawing up of bilateral conventions or uniform laws for separate adoption by each State.

Contracting States: Austria, Belgium, Czech Republic, Denmark, Finland, France, Germany, Hungary, Italy, Liechtenstein, Netherlands, Norway, Portugal, Slovakia, Spain, Suriname, Sweden, Switzerland and Turkey.

5. **European Convention of 1962 on the Liability of Hotel-keepers concerning the Property of their Guests**, adopted under the auspices of the Council of Europe and which entered into force in 1967. The Convention is based on the draft uniform law on the hotelkeeper's liability for damage to or destruction or theft of his guests' property, the drafting of which was completed by UNIDROIT in 1934.

Contracting States: Belgium, Bosnia-Herzegovina, Croatia, Cyprus, France, Germany, Ireland, Italy, Luxembourg, Malta, Poland, Slovenia, the Former Yugoslav Republic of Macedonia and United Kingdom.

6. **Benelux Treaty of 1955 on Compulsory Insurance against Civil Liability in respect of Motor Vehicles**

and

European Convention on Compulsory Insurance against Civil Liability in respect of Motor Vehicles, adopted in 1959 under the auspices of the Council of Europe, which entered into force in 1969. These two instruments are based on the draft uniform rules on the compulsory insurance of motorists, the drafting of which was completed by UNIDROIT in 1937.

Contracting States to the 1959 Convention: Austria, Denmark, Germany, Greece, Norway, Sweden and Turkey.

7. **European Convention on Establishment of 1955**, adopted under the auspices of the Council of Europe and which entered into force in 1965. The Convention is based on the draft Convention on the reciprocal treatment of nationals as between member States of the Council of Europe, the drafting of which was completed by UNIDROIT in 1951.

Contracting States: Belgium, Denmark, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Norway, Sweden, Turkey and United Kingdom.

8. **Protocol No. 1 concerning Rights in rem in Inland Navigation Vessels** annexed to the 1965 Convention on the Registration of Inland Navigation Vessels which was adopted under the auspices of the Economic Commission for Europe of the United Nations and to which Austria, France, Luxembourg, Netherlands, Switzerland and Yugoslavia are Contracting Parties. The Protocol is based on the draft Convention concerning rights in rem in boats in inland navigation, the drafting of which was completed by UNIDROIT in 1960. The Convention and Protocol No. 1 entered into force in 1982.

The Contracting States to Protocol No. 1 are Austria, France, Luxembourg, Netherlands, Switzerland and Yugoslavia.

9. **Protocol No. 2 on Attachment and Forced Sale of Inland Navigation Vessels** annexed to the 1965 Convention on the Registration of Inland Navigation Vessels, adopted under the auspices of the Economic Commission for Europe of the United Nations. The Protocol is based on the draft Protocol on attachment and forced sale of inland navigation vessels, the drafting of which was completed by UNIDROIT in 1962. Protocol No. 2 entered into force in 1982.

The Contracting States to Protocol No. 2 are Austria, France, Luxembourg and Yugoslavia.

10. **United Nations Convention on Contracts for the International Sale of Goods**, adopted at Vienna in 1980 and which entered into force in 1988. This Convention is based on the Convention relating to a Uniform Law on the Formation of Contracts for the International Sale of Goods (ULFIS) and the Convention relating to a Uniform Law on the International Sale of Goods (ULIS), adopted at The Hague at a diplomatic Conference in 1964 (Sections A 1 and 2 above).

Contracting States: Argentina, Australia, Austria, Belarus, Belgium, Bosnia-Herzegovina, Bulgaria, Burundi, Canada, Chile, China, Croatia, Cuba, Czech Republic, Denmark, Ecuador, Egypt, Estonia, Finland, France, Georgia, Germany, Greece, Guinea, Hungary, Iraq, Italy, Kyrgyzstan, Latvia, Lesotho, Lithuania, Luxembourg, Mauritania, Mexico, Mongolia, Netherlands, New Zealand, Norway, Peru, Poland, Republic of Moldova, Romania, Russian Federation, Singapore, Slovakia, Slovenia, Spain, Sweden, Switzerland, Syrian Arab Republic, Uganda, Ukraine, United States of America, Uruguay, Uzbekistan, Yugoslavia and Zambia.

11. **Convention on the Contract for the International Carriage of Passengers and Luggage by Road (CVR)**, adopted in Geneva in 1973 under the auspices of the Economic Commission for Europe of the United Nations. The Convention is based on the draft Convention on the Contract for the International Carriage of Passengers and Luggage by Road (CVR), the drafting of which was completed by UNIDROIT in 1969. The Convention entered into force in 1994.

Contracting States: Bosnia-Herzegovina, Croatia, Czech Republic, Latvia, Slovakia and Yugoslavia.

C. **INTERNATIONAL INSTRUMENTS NOT YET IN FORCE ADOPTED UNDER THE AUSPICES OF OTHER ORGANISATIONS AND BASED ON UNIDROIT DRAFTS**

1. **Convention relating to the Limitation of the Liability of Owners of Inland Navigation Vessels (CLN)**, adopted in Geneva in 1973 under the auspices of the Economic Commission for Europe of the United Nations. The Convention is based on the draft Convention relating to the Limitation of the Liability of Owners of Inland Navigation Vessels (CLN), the drafting of which was completed by UNIDROIT in 1970. The Russian Federation is the sole Contracting State.
2. **Convention on the Contract for the International Carriage of Passengers and Luggage by Inland Waterway (CVN)**, adopted in Geneva in 1976 under the auspices of the Economic Commission for Europe of the United Nations. The Convention is based on the draft Convention on the Contract for the International Carriage of Passengers and Luggage by Inland Waterway (CVN), the drafting of which was completed by UNIDROIT in 1972. The Russian Federation is the sole Contracting State.
3. **European rules for investment funds**, which were in 1972 recommended by the Committee of Ministers of the Council of Europe as a model law for the member States of the Council of Europe. The rules are based on the preliminary draft model law on investment funds, UNIDROIT's drawing up of which was completed in 1969.
4. **European Convention providing a Uniform Law on Arbitration**, adopted in 1966 under the auspices of the Council of Europe. The Convention is based on the preliminary draft uniform law on arbitration in private law matters in international relations, UNIDROIT's drawing up of which was completed in 1954. Belgium is the sole Contracting State.
5. **European Convention of 1973 on Civil Liability for Damage caused by Motor Vehicles**, adopted under the auspices of the Council of Europe. The Convention is based on the draft of a uniform law on the civil liability of motorists, UNIDROIT's drawing up of which was completed in 1938. No State has ratified this Convention.

6. **United Nations Convention on International Multimodal Transport of Goods**, adopted in Geneva in 1980. The origin of the Convention is to be found in the draft Convention on Contracts for the Combined International Carriage of Goods, UNIDROIT's drawing up of which was completed in 1965. The UNIDROIT draft also provided one of the bases for the draft Convention on the International Combined Carriage of Goods (TCM), drawn up at a round table convened by UNIDROIT at the request of the Economic Commission for Europe of the United Nations in 1969 and 1970, which was itself revised at meetings convened jointly by the Intergovernmental Maritime Consultative Organisation (IMCO) and the Economic Commission for Europe of the United Nations. The Contracting States are: Burundi, Chile, Georgia, Malawi, Mexico, Morocco, Rwanda, Senegal and Zambia.

7. **Convention on Civil Liability for Damage caused during Carriage of Dangerous Goods by Road, Rail and Inland Navigation Vessels (CRTD)**, adopted in Geneva in 1989 under the auspices of the Economic Commission for Europe of the United Nations. The Convention is based on the draft articles for a Convention on civil liability for damage caused during carriage of dangerous goods by road, rail and inland navigation vessels, UNIDROIT's drawing up of which was completed in 1986. No State has ratified this Convention.

8. **United Nations Convention on the Liability of Operators of Transport Terminals in International Trade**, adopted in Vienna in April 1991. The Convention is based on the preliminary draft Convention on Operators of Transport Terminals, UNIDROIT's work on which was completed in 1983. The Contracting States are: Egypt and Georgia.

D. EUROPEAN COMMUNITY DIRECTIVE BASED ON A PRELIMINARY DRAFT UNIDROIT CONVENTION

Council Directive 93/7/EEC of 15 March 1993 on the return of cultural objects unlawfully removed from the territory of a Member State.

E. UNIFORM RULES PUBLISHED BY THE INTERNATIONAL CHAMBER OF COMMERCE AND BASED ON A DRAFT UNIDROIT CONVENTION

Uniform Rules for a Multimodal Transport Document first published by the International Chamber of Commerce in 1973 and subsequently revised. The origin of the Rules is the same as that of the United Nations Convention on International Multimodal Transport of Goods (see above Section C. 6.).

F. INTERNATIONAL INSTRUMENTS BASED ON PRELIMINARY STUDIES PREPARED BY UNIDROIT

1. **European Convention on Products Liability in regard to Personal Injury and Death of 27 January 1977**

No State has ratified this Convention.

2. **Resolution (78)3 on Penalty Clauses in Civil Law adopted by the Committee of Ministers of the Council of Europe on 20 January 1978.**