

UNIDROIT
INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW

GOVERNING COUNCIL

80th session

(Rome, 17 to 19 September 2001)

**Decisions taken by the Governing Council
at its 80th session (Rome, 17 - 19 September 2001)**

Item No. 1 – Adoption of the agenda (C.D. (80) 1 prov.)

The Governing Council adopted the provisional agenda as proposed by the Secretariat with some changes in the order in which items were to be taken.

Item No. 2 – Report on the Activity of the Institute during 2000 (C.D. (80) 2)

The Governing Council took note of the Secretary General's report on the Activity of the Institute in 2000 and agreed that a special meeting of the Council on the future role of UNIDROIT should be held immediately prior to its 81st session .

Item No. 3 – Appointment of the First and Second Vice-Presidents of the Governing Council (C.D. (80) 3)

On the suggestion of the President, the Governing Council appointed Mr Roland Loewe and Ms Anne-Marie Trahan as First and Second Vice-President respectively until the 81st session.

Item No. 4 – Status of implementation and promotion of UNIDROIT Conventions (cf. C.D. (80) 2)

The Governing Council noted with satisfaction the information communicated by the Secretariat concerning the implementation of UNIDROIT instruments.

Item No. 5 – Preparation of the draft budget for the 2002 financial year (C.D. (80) 4)

The Governing Council commended the Secretariat for its success in keeping expenses down and recovering arrears in member States' contributions and approved for submission to the Finance Committee the draft budget for the 2002 financial year.

Item No. 6 – Organisation of the 4th Congress on Private Law to celebrate the 75th anniversary of the foundation of UNIDROIT (C.D. (80) 5)

The Governing Council authorised the Secretary-General to make any necessary changes in the Programme of the 4th Congress on Private Law in the light of the suggestions made by Council members.

Item No. 7 – Principles of international commercial contracts (C.D. (80) 6)

The Governing Council noted with satisfaction the information communicated by the Secretariat and Council members concerning the ways in which the UNIDROIT Principles of International Commercial Contracts are being used world-wide and expressed its best wishes to the Working Group for every success in its work.

Item No. 8 – International interests in mobile equipment (C.D. (80) 7)

The Governing Council took note of the preparations for the diplomatic Conference to adopt a Mobile Equipment Convention and an Aircraft Protocol and authorised the Secretariat and those members of the Governing Council present at the diplomatic Conference to take decisions at the diplomatic Conference in connection with proposed amendments to the draft Convention on International Interests in Mobile Equipment and the draft Aircraft Protocol, provided that such amendments were in line with the Institute's policy, as well as any other action required to ensure the successful conclusion of the mobile equipment project.

The Governing Council recommended that each of its members endeavour to form part of his/her country's delegation to the diplomatic Conference.

The Governing Council, taking note of the fact that the South African Government had indicated that it would not be in a position to assume the functions of depositary for the future UNIDROIT Convention, authorised the UNIDROIT Secretariat to propose UNIDROIT as depositary.

Item No. 8 (a) – Preliminary draft Protocol to the draft UNIDROIT Convention on International Interests in Mobile Equipment on Matters specific to Space Assets (C.D. (80) 7(a))

The Governing Council authorised the Secretariat to transmit the preliminary draft Space Protocol communicated to UNIDROIT by the Space Working Group to member Governments and to convene a first session of a UNIDROIT Committee of governmental experts at such time as a Steering and Revisions Committee composed inter alia of members of the

Governing Council had had the opportunity to review the preliminary draft Protocol in the light both of the texts of the draft Convention and the draft Aircraft Protocol to be adopted at the diplomatic Conference in Cape Town and of the results of the ad hoc consultative mechanism of the United Nations Committee on the Peaceful Uses of Outer Space (U.N./COPUOS). The Governing Council further authorised the Secretariat also to invite to such a session those member States of U.N./COPUOS that were not members of UNIDROIT as well as the U.N. Office for Outer Space Affairs.

The Governing Council also adopted a Resolution (enclosed herewith) urging member States to provide to, or procure for the UNIDROIT Secretariat, the resources necessary to endow the UNIDROIT Space Working Group with the funding necessary to enable it to respond to the vital calls on its expertise that were to be expected in the following 12 months.

Item No. 9 – Franchising (C.D. (80) 8)

The Governing Council expressed its appreciation for the progress made on the preparation of the Model Law and agreed to the convening of a Sub-committee meeting immediately prior to the next Council session to examine the draft Model Law on Franchising to be submitted to the Council for approval at that session.

Item No. 10 – Principles and rules of transnational civil procedure (C.D. (80) 9)

The Governing Council took note of the current state of work of the Joint ALI/UNIDROIT Working Group for the preparation of Principles and Rules of Transnational Civil Procedure and requested the Secretariat to circulate the draft Principles and Rules to Council members prior to the 81st session of the Council.

Item No. 11 – Uniform rules applicable to transport (C.D. (80) 10)

The Governing Council approved the proposed EDI Additional Protocol to the CMR presented by Mr. Putzeys.

Item No. 12 – Adoption of the Work Programme for the triennial period 2002-2004 (C.D. (80) 11)

The Governing Council approved the report of the Work Programme Sub-committee after having stressed that the three proposed new topics would be put on a reserve list with a view to future work provided that external human and financial resources could be found for the proposed new topics. In the light of the favourable comments received from Governments and the banking sector in relation to the proposed capital markets topic, the Council authorised the Secretary-General, resources permitting, to set up one (or more) Study Group(s) on private law aspects of transactions on transnational and connected capital markets. The work is to focus on (i) the taking of security in securities in indirect holding systems and other transactions carried out within clearing and settlement institutions; (ii) substantive rules applicable to “delocalised” transactions; (iii) assistance for developing trading on emerging markets; (iv) development of standards for “global shares”; and (v) the feasibility of developing harmonised rules for world-wide takeover bids.

Item No. 13 – Appointment of correspondents of the Institute (C.D. (80) 12)

The Governing Council appointed the following persons correspondents of the Institute: Mr Mohamed ABOUL-ENEIN (Egypt), Ms Cecilia FRESNEDO (Uruguay), Mr Geoffrey HAZARD (United States of America), Mr Souichirou KOZUKA (Japan), Mr Guy LEFEBVRE (Canada), Mr Lance LIEBMAN (United States of America), Mr Peter NESGOS (Canada), Mr Howard ROSEN (United Kingdom), Ms Amélia SALEHABADI (Canada), Mr Folarin SHYLLON (Nigeria), Mr Rolf STÜRNER (Germany) and Ms Hernany VEYTIA (Mexico).

Item No. 14 – Programme of legal co-operation (C.D. (80) 13; Study LXV - Scholarships Impl. 14)

The Governing Council noted with satisfaction the information communicated by the Secretariat and approved the report of the Scholarships Sub-committee of the Council.

Item No. 15 – Situation of the Library (C.D. (80) 14)

The Governing Council took note of the information provided by the Secretariat on the state of the Library and commended the Library staff on its work.

Item No. 16 – Uniform Law Review and other publications (C.D. (80) 15)

The Governing Council noted with satisfaction the information provided on this subject and stressed the importance of improved marketing of UNIDROIT publications.

Item No. 17 – Amendment of the Statute of UNIDROIT (C.D. (80) 16)

The Governing Council approved the Secretariat's proposals as outlined in document C.D. (80) 16.

Item No. 18 – The UNIDROIT Web Site and UNIDROIT depositary libraries (C.D. (80) 17)

The Governing Council took note with satisfaction of the work carried out on the web site.

Item No. 19 – The Uniform Law Foundation and the Uniform Law Data Base (C.D. (80) 18)

The Governing Council agreed to do all it could to assist the Secretariat in providing data for the Uniform Law Database and encouraged the Secretariat to solicit the assistance of Correspondents of the Institute in the gathering of data.

Item No. 20 – Date and place of the 81st session of the Governing Council (C.D. (80) 19)

The Governing Council agreed that its 81st session would be held in Rome in the second half of September 2002 immediately after the 4th Congress on Private Law and that in principle two days should be devoted to the Congress, one day to a special meeting of the Council to consider the future role of UNIDROIT and two or three days to the regular Council session.

Item No. 21 – Other business

No other matters of business being raised, the Governing Council approved a resolution (enclosed herewith) expressing to the Government and people of the United States of America its solidarity and participation in their grief for the tragic events of 11 September 2001.