



GOVERNING COUNCIL
86th session
Rome, 16-18 April 2007

UNIDROIT 2007
C.D. (86) 4 Add.
Original: English
March 2007

Item No. 4 on the Agenda:
Implementation and update of the Strategic Plan
(Relationship with the European Community)

<i>Summary</i>	<i>Relationship between UNIDROIT and the European Community</i>
<i>Action to be taken</i>	<i>To be discussed (cf. para 3)</i>
<i>Related documents</i>	<i>Report on the Council's 85th session, C.D. (85) 19, p. 3</i>

1. The Governing Council, at its 85th session, had a brief exchange of views regarding the process of the European Community's accession to the Hague Conference on Private International Law. It was recalled that the European Commission had indicated that its intention was to commence discussions on its potential accession to the UNIDROIT Statute once the Hague accession process would have been completed. The new Statute of the Hague Conference, permitting the membership of Regional Economic Integration Organisations, entered into force on 1 January 2007 and the Conference's Council on General Affairs and Policy will be called upon to decide, at its meeting from 2 to 4 April 2007, on the admission of the European Community to the Conference.
2. At its 85th session, the Governing Council concluded that an in-depth analysis of all relevant issues and implications of any such accession was now required. There was agreement that ultimately the General Assembly would need to be seised of the matter since it was for Member States' Governments to decide how to proceed.
3. The Council may wish to give the matter further consideration. It may, for example, set up an *ad hoc* Committee of the Council itself tasked with making proposals as regards the procedure to follow as well as the relevant policy issues and/or request the General Assembly to appoint such an *ad hoc* Committee which would commence to prepare for future negotiations with the European Commission if such negotiations were deemed to be opportune.

Statute of UNIDROIT*Article 1*

The purposes of the International Institute for the Unification of Private Law are to examine ways of harmonising and coordinating the private law of States and of groups of States, and to prepare gradually for the adoption by the various States of uniform rules of private law.

[omitted]

Article 20

1. – Any Government wishing to accede to this Statute shall notify the Italian Government in writing of its accession.

[omitted]

**Statute of the Hague Conference on
Private International Law
1 January 2007***Article 3*

1. The Member States of the Conference may, at a meeting concerning general affairs and policy where the majority of Member States is present, by a majority of the votes cast, decide to admit also as a Member any Regional Economic Integration Organisation which has submitted an application for membership to the Secretary General. References to Members under this Statute shall include such Member Organisations, except as otherwise expressly provided. The admission shall become effective upon the acceptance of the Statute by the Regional Economic Integration Organisation concerned.

2. To be eligible to apply for membership of the Conference, a Regional Economic Integration Organisation must be one constituted solely by sovereign States, and to which its Member States have transferred competence over a range of matters within the purview of the Conference, including the authority to make decisions binding on its Member States in respect of those matters.

3. Each Regional Economic Integration Organisation applying for membership shall, at the time of such application, submit a declaration of competence specifying the matters in respect of which competence has been transferred to it by its Member States.

4. Each Member Organisation and its Member States shall ensure that any change regarding the competence of the Member Organisation or in its membership shall be notified to the Secretary General, who shall circulate such information to the other Members of the Conference.

5. Member States of the Member Organisation shall be presumed to retain competence over all matters in respect of which transfers of competence have not been specifically declared or notified.

6. Any Member of the Conference may request the Member Organisation and its Member States to provide information as to whether the Member Organisation has competence in respect of any specific question which is before the Conference. The Member Organisation and its Member States shall ensure that this information is provided on such request.

7. The Member Organisation shall exercise membership rights on an alternative basis with its Member States that are Members of the Conference, in the areas of their respective competences.

8. The Member Organisation may exercise on matters within its competence, in any meetings of the Conference in which it is entitled to participate, a number of votes equal to the number of its Member States which have transferred competence to the Member Organisation in respect of the matter in question, and which are entitled to vote in and have registered for such meetings. Whenever the Member Organisation exercises its right to vote, its Member States shall not exercise theirs, and conversely.

9. "Regional Economic Integration Organisation" means an international organisation that is constituted solely by sovereign States, and to which its Member States have transferred competence over a range of matters, including the authority to make decisions binding on its Member States in respect of those matters.