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## **REPORT**

(prepared by the Secretariat)

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1. The *President of the Institute, Mr Alberto Mazzoni*, welcomed the members of the Governing Council to the 93<sup>rd</sup> session of the Council, in particular the members attending for the first time.

2. In his opening address, the *President* recalled that the first session of the last Council had been held in 2008, a few months after the collapse of the financial markets. The crisis had given UNIDROIT the possibility to demonstrate that it was an organisation able to adapt to changing circumstances and to redefine its role. He stressed the key-role of the Council in the development of the organisation, the strategic decisions it would be called upon to make to show the long-term sustainability of the organisation.

**Item 1 on the agenda: Adoption of the annotated draft agenda (C.D. (93) 1)**

3. *The Governing Council adopted the agenda as proposed in document C.D. (93) 1.*

**Item 2 on the agenda: Appointments (C.D. (93) 1)**

(a) *First and Second Vice-Presidents of the Governing Council*

4. *The Governing Council renewed the appointment of Mr Arthur Hartkamp as First Vice-President of the Governing Council and appointed Mr Byung-Hwa Lyoo as Second-Vice-President, both of whom will serve in this position until the 94<sup>th</sup> session of the Council.*

(b) *Governing Council members ad honorem*

5. *The Council decided to appoint the following former Council members as members of the Governing Council ad honorem: Chief Michael Kaase Aondoakaa, Mr Antonio Paulo Cachapuz de Medeiros, Mr Sergio Carbone, Mr Sergiu Deleanu, Mr Michael B. Elmer, Mr Ian Govey, Mr Attila Harmathy, Mr Ricardo Luis Lorenzetti, Mr Mo John Shijian, Mr Didier Operti Badan, Ms Kathryn Sabo, Mr Biswanath Sen, Mr Stanislaw Soltysinski, Mr Itsuro Terada and Mr Ioannis Voulgaris.*

(c) *Permanent Committee*

6. *The Council appointed Mr Henry Gabriel to fill the vacancy left by the departure of Mr Ian Govey and re-appointed Mr Hans-Georg Bollweg, Mr Arthur Hartkamp, Mr Jorge Sánchez Cordero and Ms Rachel Sandby-Thomas as members of the Permanent Committee.*

**Item 3 on the agenda: Reports**

(a) **Annual Report 2013 (C.D. (93) 2)**

7. *Mr José Angelo Estrella Faria (Secretary-General) presented the Annual Report for 2013, which he recalled was the prerogative of the Governing Council to approve (Article 11(3) of the UNIDROIT Statute). He recalled that 2013 had seen the completion of the *Principles on the operation of Close-out Netting*, which had been approved by the Council at its 92<sup>nd</sup> session. The Principles had been published both in the *Uniform Law Review* and as a booklet and were being promoted. The first event to promote the Principles had been organised in November 2013, in Istanbul, Turkey, on the occasion of the third meeting of the *Committee on Emerging Markets Issues, Follow-Up and Implementation* ("CEM") which had been set up by the diplomatic Conference that in 2009 had*

adopted the *UNIDROIT Convention on Substantive Rules for Intermediated Securities*. The meeting had been hosted by the Capital Markets Board of Turkey and a special session had been devoted to the Netting Principles. The CEM meeting had been organised to discuss the future *Legislative Guide on Principles and Rules capable of enhancing trading in securities in emerging markets*, to establish the scope for the Legislative Guide and to propose a methodology and time-table for completion of that instrument. The idea that had emerged was that work should focus on a document that would give guidance for the implementation of the 2009 Geneva Securities Convention in domestic legal systems, in particular on how to address questions not directly addressed by the Convention. Turning to the Principles on International Commercial Contracts, the Secretary-General recalled that in 2013 the *Model Clauses for the Use by the Parties of the UNIDROIT Principles of International Commercial Contracts* had been adopted by the Governing Council. Also these had been published both in the *Uniform Law Review* and as a booklet and were being promoted at events.

8. As regarded on-going projects that would be completed in the course of the year and adopted in 2015, the first was the preparation of a *Legal Guide on Contract Farming*. There had been three meetings of the Working Group and a number of other meetings, such as the consultation meeting organised in co-operation with the *World farmers' Organisation (WFO)* and held in Buenos Aires in March, were planned. It had become clear that in order to finish the project in observance of the dead-line fixed, the Secretariat would also have to contribute substantially to the drafting of the Guide. To be noted, was also the very active participation of the *Food and Agriculture Organization of the UN (FAO)* and the *International Fund for Agricultural Development (IFAD)*. He wished to place on record the gratitude of UNIDROIT for the excellent co-operation that had developed with the FAO and IFAD, as well as with the WFO.

9. The year 2013 had seen two sessions of the *Preparatory Commission for the establishment of a space registry under the Space Protocol* to the Cape Town Convention on International Interests in Mobile Equipment. A third session had been held in January 2014, and Sir Roy Goode was preparing draft Regulations. As regarded the implementation of the *Luxembourg Rail Protocol*, the contract documents for the appointment of the Registrar had nearly been completed. It would therefore be possible to promote the ratification of the Rail Protocol and turn to other practical matters. The possible scope of a *fourth Protocol to the Cape Town Convention, on agricultural, mining and construction equipment*, had also been explored. This project had been included in the Work Programme at the 2013 session of the General Assembly. The key issue was to identify the type of equipment suitable for the new Protocol. No progress had been made on exploring the possibilities of *Protocols on ships or off-shore energy generating equipment* due to the very low priority assigned to these projects and constraints resulting from the few officers available to do this type of work. *Transnational Civil Procedure* was a co-operative venture with the European Law Institute which had organised a very interesting Workshop in Vienna in October 2013 which had discussed the possible scope of any future Principles. As regarded the project on *Civil Liability for GNSS Services*, developments in the European Union were still awaited.

10. The library continued to accept visiting scholars under the Scholarships Programme. The Programme was funded exclusively by donations from member States, donations by the *UNIDROIT Foundation* (formerly *Uniform Law Foundation*), the *UK Foundation for International Uniform Law*, and the funding provided through the efforts of Mr Lyou, to whom went the gratitude of the Institute.

11. *The Governing Council took note of the Secretary-General's report on the activity of the Institute during 2013.*

(b) **Report on the UNIDROIT Foundation (formerly the Uniform Law Foundation)**

12. Mr Jeffrey Wool, President of the UNIDROIT Foundation (formerly the Uniform Law Foundation), thanked Sir Roy Goode *in absentia* for the many years he had been President of the Foundation and all he had done to benefit the Foundation and the Institute. 2013 had been a year of transition during which much thought had been given to the future. Concrete revenue had been generated by the sale of the Official Commentaries on the Cape Town Convention and its Protocols, authored by Sir Roy Goode. The Foundation had refreshed its membership by the entry into the Board of four new members from the world of practice. The Board had identified four types of issues requiring attention. Firstly, the need for funds: considering the Work Programme of the Institute, it was clear that there was a need for funds. Secondly, that the supplemental funding needed to be tied to the core competencies and content of UNIDROIT's work. Thirdly, it was necessary to ensure that all the activity of the Foundation in raising funds was complementary to, and not in competition with, UNIDROIT, and fourthly, that no undue influence was brought to bear in connection with any financial elements.

13. At the Council meeting in 2013 it had been mentioned that there would be an amendment to the Statute of the Foundation and this had been followed by a consultation of Council members by the Secretary-General. At the Board meeting the previous day, the Board had agreed to amendments to the Statute, which, under Article 12(1) of that same Statute, would take effect following consultations with the Governing Council. Mr Wool suggested that the summary he was giving the Council should constitute the required consultation and, through the President, asked for the formal appraisal of the Council to be noted. The amendments were firstly, the change of name of the Foundation from "The Uniform Law Foundation" to "The Foundation for the Support of UNIDROIT", "The UNIDROIT Foundation" being the short name to show the connection between the Foundation and UNIDROIT. Secondly, the increase in the number of Governors of the Board from nine to fifteen; thirdly, the removal of the possibility for members of the Board to obtain a reimbursement of expenses; and fourthly, that, in the case of the winding up of the Foundation, any distribution should go to a comparable charity, as required by Dutch law. He asked for the appraisal of the Council of these amendments to the Foundation Statute to be noted and indicated that there would be many more questions to discuss with the Council in 2015.

14. The Governing Council took note of the report by the President of the Uniform Law Foundation and was apprised of the proposed modifications to the Statute of the Foundation in compliance with Article 12(1) of the Statute of the Foundation.

**Item 4 on the agenda: International Commercial Contracts – Possible future work on long-term contracts (C.D.(93) 3)**

15. Introducing this item on the agenda, Mr M. Joachim Bonell (Consultant, UNIDROIT) referred to the memorandum submitted to the Council the previous session, which had dealt with possible future work on long-term contracts in general and investment contracts in particular ("complex long-term contracts"). He recalled that it had been pointed out that the UNIDROIT Principles already contained provisions that took into consideration the needs of such complex contracts, although there were also issues that they did not address at all or insufficiently. The discussion within the Council had concentrated on whether or not the subject should be included in the Work Programme 2014-2016 and, if so, what the best way to proceed was. The general view had been that the subject was of considerable interest and should definitely be included in the Work Programme. Opinions had been divided as to the approach to be adopted, some favouring amending the present text of the Principles by inserting new black-letter rules and/or comments whenever appropriate, others favouring the preparation of a supplement, i.e. a separate publication containing black-letter rules and comments specifically addressed to issues of relevance in the context of complex long-term contracts. The

Council had agreed to postpone the decision as to the approach to be adopted until the scope of the work to be carried out had been better defined. The Secretariat had been requested to conduct preliminary in-house inquiries to identify the issues relating to complex long-term contracts not adequately dealt with in the current edition of the Principles. The results of this inquiry were presented to the Council in document C.D. (93) 3, which in paragraph 42 made proposals as to the way forward.

16. *Mr Komarov* supported the proposed way forward but added that in his view the time had come to raise the priority level of this project. The reasons for this suggestion were firstly, that complex long-term contracts, in particular investment contracts, were becoming more and more widespread in commerce in an international setting, and the more international co-operation developed, the more frequent such contracts were becoming. These contracts also played a role in stabilising economic relations between countries and national legislation often did not provide for them. Furthermore, the importance of the international unification of private law, which influenced the development of the legal systems of the countries going through a transition period, should be stressed. Instruments like the Principles played a very important role in making the situation more predictable and transparent and to develop private law in those countries.

17. *Ms Broka* agreed that long-term contracts were very important for economic development but observed that there was a lack of experience in countries in transition. She supported the approach proposed by the majority of the experts consulted. She stressed the importance of agreeing on what a long-term contract was.

18. *Ms Broka, Mr Bobei, Mr Neels, Mr Tricot, Mr Király, Mr Moreno, Ms Bariatti, Ms Jametti, Mr Vrellis, Mr Gabriel and Mr Popiołek* were all in favour of raising the priority of this project. *Mr Hartkamp, Mr Leinonen, Ms Bouza Vidal and Mr Kanda* also favoured raising the priority of this project, provided the priority and resources allocated to the other projects did not suffer.

19. *Mr Neels, Mr Hartkamp, Ms Pauknerová and Mr Leinonen* supported the unitary approach, i.e. that of amending or adding to the present text of the Principles and/or their comments. *Mr Hartkamp* favoured changing the text of the Principles as little as possible, to modify or extend the Comments instead. *Mr Bollweg* urged that all options be considered, including the possibility of a supplement by preference to a modification of the present text.

20. *Mr Király* suggested following a two-step procedure: firstly, the amendment of the existing rules, secondly, the preparation of a legal guide on long-term contracts. Such a legal guide could wrap up all the provisions scattered in the Principles that could relate to long-term contracts and could address some problems that might be beyond the scope of general contract law. *Mr Hartkamp* urged avoiding anything that would lead to the suggestion that the Principles were no longer an instrument on general contract law, which would be the case if something were added to the title. Investment contracts should not be a category separate from the rest of the Principles.

21. The *Secretary-General* suggested that whether or not it was possible to raise the priority level of this project depended on the methodology adopted. If the method suggested in the Secretariat paper were adopted, there would be a relatively small meeting and it would be possible to have one such meeting in 2014, or if its priority were raised, another meeting could perhaps in addition be envisaged for 2015. Alternatively, perhaps it would be possible to work without a meeting in 2014 and have a meeting early in 2015 on the 2015 budget.

22. *The Governing Council instructed the Secretariat to set up a restricted Working Group for the purpose of formulating specific proposals for appropriate amendments and additions to the current black-letter rules and comments of the UNIDROIT Principles of International Commercial Contracts 2010.*

23. *The Council decided to recommend to the General Assembly that the level of priority of this project be increased to medium priority and instructed the Secretariat to prepare a document for the General Assembly containing this recommendation.*

**Item 5 on the agenda: International Interests in Mobile Equipment**

**(a) Implementation and status of the Luxembourg Rail Protocol and of the Space Protocol (C.D. (93) 4(a))**

24. *Ms Veneziano (Deputy Secretary-General) introduced this item on the Agenda (document C.D. (93) 4(a)). With regard to the Rail Protocol, Ms Veneziano stated that the contract with the company selected to operate the International Registry for international interests in rail equipment had been concluded successfully concluded. The contract documents would soon be submitted to the Preparatory Commission for approval. The next steps would be the finalisation of the Regulations and the establishment of the definitive Supervisory Authority. OTIF (Intergovernmental Organisation for International Carriage by Rail) had indicated that it would be prepared to continue acting as Secretariat to the Supervisory Authority. Thereafter, the Secretariat would be able to focus on promoting ratification of the Protocol. Meetings with industry had already been planned by the Rail Working Group (RWG) and the German Ministry of Justice, this latter for September 2014. Mr Bollweg had communicated that the European Union was likely to approve the Rail Protocol before the end of 2014. It was hoped that this Protocol would be of interest in other parts of the world, where the rail infrastructure was being developed.*

25. *The Secretary-General expressed the satisfaction of the organisation that matters were finally approaching completion. He appealed to Council members and to the member States, some of which were represented at the Council session, for their assistance in the promotion of the Protocol, with a view to its entering into force. The success of the Cape Town Convention was due not only to the quality of the texts and the ingenious mechanism developed by their drafters, it was due mainly to the concerted efforts of Governments and industry.*

26. *With regard to the Space Protocol, the Deputy Secretary-General recalled that the diplomatic Conference for the adoption of the draft Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Space Assets had established a Preparatory Commission to act as the Provisional Supervisory Authority for the establishment of the International Registry for Space Assets. Representatives of the interested industry sectors were invited to participate as observers. Furthermore, the International Telecommunication Union (ITU) had expressed its interest in considering becoming the Supervisory Authority already at the diplomatic Conference, an interest reiterated by its participation in the Preparatory Commission. The governing bodies of the ITU were thus considering the matter. The first session of the Preparatory Commission had been held on 6 and 7 May 2013. Two Working Groups had been established at that session, one for the development of the rules to apply to the Registry, the other to draft requirements for proposals for the selection of a Registrar. The Preparatory Commission had asked Sir Roy Goode, who participated as an expert, to draft the first explanatory memorandum and the Regulations taking into account the comments made by the members of the Commission and the industry representatives. At the second session, held in February 2014, 90% of the rules to apply to the Registry had been approved in principle. Among the issues still open were the identification criteria for the registration of security interests on space assets. The third session of the Preparatory Commission was scheduled for September 2014 and in the inter-sessional period contacts would be established or furthered with industry. Meetings had been organised with industry so that their input might be obtained. The work still to be done thus included the finalisation of the rules for the Registry, which, it was hoped, would be adopted at the*

third session, the finalisation of the draft request for proposals for the selection of the Registrar, and the appointment of the Supervisory Authority.

27. The promotion of the Cape Town Convention and its Protocols was underway, an initiative worth noting being that of the *Cape Town Convention Academic Project (CTCAP)*, a co-operation between the University of Oxford and the University of Washington, the repository and journal of which were also under the auspices of UNIDROIT. The 2014 Annual Conference of the CTCAP (Oxford, 9-10 September 2014) would emphasise all three Protocols. Secondly, a session would be devoted to the Cape Town Convention and the Aircraft and Rail Protocols at the conference of the *International Academy of Comparative Law* in Vienna in July.

28. *The Council expressed its appreciation for the progress made in the establishment of an International Registry for the Luxembourg Rail Protocol and for the negotiations conducted by the Space Preparatory Commission for the setting up of an International Registry for the Space Protocol.*

**(b) Possible preparation of other Protocols to the Cape Town Convention, in particular on agricultural, mining and construction equipment (C.D. (93) 4(b))**

29. *Ms Peters* (UNIDROIT Secretariat) introduced this topic, referring to documents C.D. (93) 4(b) and C.D. (93) 4(b)Add. The first of these illustrated the status of work, providing a brief review of the project as such and an illustration of the work conducted during the year. The work that had been conducted in-house during the year included an internet search for information regarding the industries involved in the production of agricultural, mining and construction (“MAC”) equipment. A second part of this search had been for industries in Latin America, in preparation for the meeting due to take place in Buenos Aires in March 2014. Other work conducted included the updating of a table originally produced in 2008 comparing the texts of the three Protocols to see what provisions they had in common and were therefore likely to be included also in a fourth protocol. That table had been submitted to the Second Issues Dialogue organised by the United States State Department in Washington in January 2014.

30. Two meetings called “*Issues Dialogues*” had been organised by the State Department in November 2013 and January 2014. Both meetings had been hosted by the International Law Institute in Washington. These meetings had been attended by experts and stakeholders and had intended to provide an overview of the structure and functioning of the Cape Town Convention system and to examine its adaptability to agricultural, mining and construction equipment. The objective of the *First Issues Dialogue* had been to identify the economic, legal and procedural issues necessary to determine the feasibility of the MAC Protocol. The *Second Issues Dialogue* had continued the examination of the economic impact of a fourth protocol, the analysis of methods for determining its scope, and had considered whether the current Protocols to the Cape Town Convention provided viable models to follow for a MAC Protocol. *Ms Peters* recalled that the Governing Council had allocated medium priority to this project, with the possibility of increasing the priority to high, if external funds were forthcoming. The General Assembly had instead lowered the priority to medium. The external funding had in any event not been forthcoming.

31. *Mr Gabriel* observed that this project seemed to have much support, substantial background material had been assembled and more would be assembled. He found the suggestion to set up a Study Group to be excellent and he recommended that this be done. The Study Group could be convened in the autumn, two meetings would be sufficient to prepare the Protocol. *Mr Bollweg* indicated that the preparation of a fourth Protocol was supported not only by the German Government, but also by German industry, as it would facilitate the financing of such equipment. The progress that had been made in the two Issues Dialogues was very encouraging, so he supported the setting up of a Study Group.

32. *Ms Bariatti* wondered whether there were countries in which there were registries for the types of equipment that would be covered by the Protocol. *Ms Peters* indicated that the question of the relationship between any national registries and an international registry was one of the concerns that had surfaced when the Protocol had first been proposed. It depended on what equipment would be covered and this still had to be decided. Whether or not the equipment to be covered would only be high-value mobile equipment, as with the other Protocols, was one of the issues that had been discussed and would need to be looked into in greater detail.

33. *Mr Gabriel* stated that the type of equipment that would be covered was registered in the United States, Canada, Australia and New Zealand. *Mr Hartkamp* observed that on the contrary in the Netherlands none of these types of equipment were registered.

34. The *representative of Canada* wondered whether consideration had been given to whether the similarities between agricultural equipment on the one hand and mining and construction equipment on the other, were sufficient to warrant their being treated in the same Protocol, or whether it might not be wiser to treat agricultural equipment and mining and construction equipment in separate protocols. *Ms Peters* indicated that this question had been considered in the meetings in Washington and the conclusion had been that all three types of equipment could be treated in the same Protocol. The main body of the Protocol could apply to all three types of equipment and the annexes, or one annex as proposed in Washington, would contain the classifications necessary to identify the equipment.

35. The *representative of the World Farmers' Organisation (WFO)* stated that the concern of the farmers was how they would be affected by such a Protocol. He urged the Council to keep the farmers involved, if the decision to proceed was taken. The WFO would be delighted to assist in any way.

36. The *Secretary-General* thanked the WFO for the interest it showed in the project. As regarded the type of equipment that should be dealt with, he referred to the Issues Dialogues, which had indeed considered the question of treating the three categories together or separately. They had concluded that they should be dealt with together, but for the more pragmatic reason that the amount of equipment that would fall under each Protocol would be too small if they were separated into three Protocols, with a separate registry for each. In the case of this Protocol, the difficulty of the interruption of a public service that there had been for the Rail and Space Protocols appeared not to be an issue. Furthermore, the insolvency issues that had been extensively debated for the other Protocols, were unlikely to assume the same dimension in this case, even if there might be a difference between agricultural equipment and mining and construction equipment, at least in civil law countries, to the extent that in many countries farmers were not subject to bankruptcy or insolvency provisions.

37. *Mr Minogue* indicated that in Australia most farmers would be large commercial enterprises and would not be the family farmer. There had been discussions in Australia on how particular equipment was described and he wondered if restricting the scope would not cause problems of definition.

38. The *Secretary-General* observed that the issue of scope was an issue of consistency with the Cape Town Convention itself. Article 51 of the Convention listed the categories as high-value mobile equipment. The list in document C.D.(93) 4(b) Add. was a list of categories of equipment that had a certain high-value in terms of foreign trade and customs.

39. *Mr Gabriel* referred to the public service exemption. He stated that the representatives of industry he had consulted had indicated that it would not be a problem for the types of equipment dealt with in the proposed fourth Protocol.

40. *Mr Kanda* felt that the key question was how the equipment was financed. His impression was that this equipment was usually operated together with immovables (real estate or land). He wondered whether there was any reason for having movable equipment financed separately from the underlying grounds or real estate, there might be some restrictions in this regard. For example, farmers might provide the equipment as well as land as collateral to their lenders. For mining, there might be even stronger reasons for financing both movables and immovables together.

41. The *Secretary-General* observed that the question of immovables had been examined from a different angle, i.e. an item of equipment becoming immovable by accession, which may be more of a problem for the mining equipment than the agricultural equipment. *Mr Kanda* was adding another element, which was the possibility of there being comprehensive funding comprising both the land and the equipment, leading to the question of how the different elements could be separated. This was important and a question that had to be noted for treatment by the Study Group.

42. *Mr Leinonen* indicated that the fourth Protocol could be expected to involve less complex legal issues than the Rail Protocol. What was necessary was to examine whether the Protocol would be economically viable. He supported setting up a Study Group which could examine both the legal issues and the economic assessment of the Protocol at the same time. All three types of equipment should be dealt with together and the target should be high-value mobile equipment, as provided by the Cape Town Convention.

43. *Mr Hartkamp* agreed with the proposal of setting up a Group of experts, which could indicate what the economic benefits would be. *Mr Bollweg, Mr Vrellis, Ms Bariatti, Ms Broka, Mr Leinonen* and *Mr Tricot* also supported the setting up of a Study Group.

44. The Council appointed *Mr Bollweg* to Chair the Study Group.

45. The *Secretary-General* explained the way forward and indicated that unless the Study Group encountered a major difficulty, the Council might have a draft to look at already at its session in 2015, two sessions of a Study Group being sufficient. The Study Group could at the same time look at the economic impact assessment of the proposed Protocol.

46. *The Council instructed the Secretariat to set up a Study Group to work on the proposed fourth Protocol on agricultural, mining and construction equipment. Mr Bollweg was appointed Chairman of the Study Group. The Council recommended that two sessions of the Study Group be held before the next session of the Council.*

***Item 6 on the agenda: Transactions on Transnational and Connected Capital Markets - Principles and Rules Capable of Enhancing Trading in Securities in Emerging Markets (C.D. (93) 5)***

47. *Ms Schneider* (UNIDROIT Secretariat) introduced this item, recalling how, at the diplomatic Conference which had adopted the 2009 UNIDROIT Convention on Substantive Rules for Intermediated Securities, a *Committee on Emerging Markets Issues, Follow-Up and Implementation of the Convention (CEM)* had been set up. It included both UNIDROIT member States and non-member States, and was intended to assist them in understanding the Convention. In particular, the Committee was to aid the emerging markets in identifying areas in their legal systems that required provisions. She pointed out that the promotion of the Geneva Convention was conducted by means of this Committee and that, for this purpose, the Secretariat, on the occasion of the first meeting of the Committee held in 2010, had concentrated on a project for an Accession Kit. The document was divided into two: a Declarations Memorandum explaining the effects of the different declarations,

mandatory as well as optional, and an explanation prepared by the Secretariat of the references made in the Convention to sources of law that were outside the Convention itself.

48. On the occasion of the second meeting of the Committee, held in 2012 in Rio de Janeiro (Brazil), the idea of developing the second part of the Declarations Memorandum into a Legislative Guide paved its way. The scope of application, the content and the methodology of the Legislative Guide were discussed at both the Rio meeting and the third meeting which was held in Istanbul (Turkey) in November 2013.

49. In preparation for to the Istanbul meeting, the Secretariat had prepared an outline detailing what the Legislative Guide might contain. The outline had been discussed and the decision taken that the future Legislative Guide should have three sections, the first covering non-convention law (ownership rights, trusts, securities entitlements and regulation and oversight). The second section would cover Alternative/Paradigmatic Structures of an IM Holding System (intermediated holding system), which would explain the various types of holding systems across the globe, and present best practices that could serve as models. The third section would cover Alternative/Paradigmatic Attributes of an IM Holding system, which would describe *inter alia* the types of assets covered, the nature of intermediated securities, and the level in the intermediated system at which the account-holder was identified.

50. As regarded the methodology to be adopted, the Committee had felt that the Secretariat should keep a central role, appointing rapporteurs as well as a consultative committee.

51. *Mr Tricot* noted with satisfaction that, following a financial crisis that had perhaps drawn to a close, attempts were no longer made to impose one system upon the others. He commended UNIDROIT for addressing the issue from the point of view of financial markets in emerging countries and for stressing the importance of the reinforcing of financial integrity under national law, for searching for practices that might be used as models in the different scenarios, as well as for examining the question of the nature of security rights in securities, as evidenced by the relevant documents. He joined Ms Jametti and Mr. Vrellis in recommending that the project be accorded a higher level of priority.

52. The *Secretary-General* observed that to the extent that the activity was one of promotion, it had high priority. It was the Legislative Guide project that had medium priority, as it was a project that had grown out of the Convention. The importance of the Guide was to explain that the Convention was capable of accommodating different systems and of permitting them to dialogue with each other. Once the Secretariat had the human resources necessary to carry out this work, the next meeting of the Committee could be organised in 2015.

53. *Mr Sandoval* stressed the importance of this project and indicated that the need to develop the Guide and Principles lay in its complementary nature, that is, it was a way of harmonising the relationship between the systems. He therefore strongly supported this project.

54. *Mr Bollweg* expressed support for this project, but expressed doubts as to whether the proposed scope of the Legislative Guide contained in Annex 2 of the Working Paper (C.D.(93) 5) had already been accepted. He felt that it required further consideration by the Committee. He suggested that the Principles should contain an overview of the existing models of the different traditions of law, and it appeared necessary that a balance be reached between the common law systems and the civil law systems. Germany had not participated in the Committee thus far, but was prepared to do so in the future.

55. *Ms Schneider* recalled that the meetings had all been held using the same formula: a colloquium followed by a meeting of the Committee. The colloquia had been very useful to discuss a

number of points in greater detail. As to Annex 2 of document C.D.(93) 5, it was a document that had been drafted in Istanbul and was merely a draft intended to serve as a basis for future discussions.

56. *Ms Pauknerová* observed that the European Commission was working on this subject, as was UNCITRAL and maybe also the Hague Conference. She wondered whether there was co-operation between the institutions working on this subject.

57. The *Secretary-General* observed that as far as he knew, UNCITRAL was not working on security interests in securities as such. Originally, they had been excluded from the scope of the *UNCITRAL Legislative Guide on Secured Transactions* so as not to interfere with the work UNIDROIT had been conducting on what was to become the Geneva Convention. The most recent UNCITRAL draft used the definition of the scope of the Geneva Convention, i.e. they were working on any security interest on securities *other than* the securities covered by the Geneva Convention, that is securities that were not credited to a securities account. For what was covered by the Geneva Convention, it was expected that they would refer to the Geneva Convention. The Hague Conference had its own Convention on the law applicable to indirectly held securities. The two Conventions were compatible, but treated completely different subject-matters. The Hague Conference did not seem to have any intention of working on the private international law aspects of financial markets law. As regarded the European Union, there did not seem to be any work underway on a draft directive dealing with securities.

58. *The Council expressed its appreciation for the work conducted so far to develop a Legislative Guide on principles and rules capable of enhancing trading in securities in emerging markets notwithstanding staff shortage.*

***Item 7 on the agenda: Private law and agricultural development - Preparation of a Legal Guide on Contract Farming (C.D. (93) 6)***

59. *Ms Mestre* (UNIDROIT Secretariat) introduced this project and the status of its implementation, referring to document C.D. (93) 6. She explained the Guide's importance in reinforcing the economic and social sustainability of contract farming. Agricultural production contracts allowed for co-ordination between the production phase and the needs of the buyers or of the businesses that marketed the products. From a legal standpoint, these contracts were special because of the imbalance in contractual power of the contracting parties; the complexity and interdependence of the obligations of the parties that were often performed over a longer term; the specific nature of the risks they entailed; the differences between the legal regimes of the parties' respective countries; and finally, the general difficulty in submitting claims and obtaining redress. Ms Mestre indicated that the Guide would provide an analytical framework for this type of contract, and would in addition provide indications of good practices. Many organisations played a crucial role in developing the Guide. Over and beyond the WFO's involvement, essential support came from the *Food and Agriculture Organization of the United Nations (FAO)*, which was co-authoring the Guide, and the *International Fund for Agricultural Development (IFAD)*, which had given a grant covering the costs of the Working Group meetings for 2014, of a series of regional consultations and of the collaboration of a consultant.

60. Ms Mestre explained that the Working Group had been established in 2012, was chaired by *Mr Gabriel* and consisted of experts in contract law and contract farming representing different continents and legal systems. The Working Group had met three times since the beginning of 2013. A draft of each chapter had been completed and a consolidated publication draft would be available at the end of August 2014. A first consultation meeting had been held in Buenos Aires on 25 March

2014, others were planned for the coming months in Bangkok, Nairobi and Rome to ensure that the Guide answered the practical needs of both contracting parties and other stakeholders. The results of these consultations would be integrated into the Guide during the Working Group's last meeting, which would take place the week of 17 November 2014, when the Guide would be finalised. It would be submitted for approval to the Governing Council at its 94<sup>th</sup> session in May 2015, as well as to the competent bodies of the FAO.

61. The *representatives of FAO* commended UNIDROIT for this initiative, which was particularly timely, considering the development of contract farming. The efficiency of this mode of production and its role in including smallholders in the supply chain explained the importance the FAO attached to this project and the support it provided on both the technical and legal fronts. Once the Guide had been completed, the FAO planned to use it for the implementation of its national programmes, and to disseminate and promote it.

62. The *representative of IFAD* also commended UNIDROIT for the work done. IFAD was convinced that the Guide would be useful to fill some loopholes in the current legal framework issues of contract farming, by helping the negotiation, drafting and performance of contracts for all types of product. IFAD expected more particularly that the Guide would be useful for the poorer parts of the rural population, to help them understand these contracts better and to protect them from the risks they entailed, with an increased focus on transparency and fairness.

63. The *representative of the World Farmer's Organization (WFO)* expressed his gratitude for UNIDROIT's support and excellent co-operation. He stated that, given the role played by contract farming in including farmers in the agri-food sector, this project was of particular importance for the producers, as well as for the whole community, which depended on agricultural supplies. The WFO hoped that this project would be the first of a long series in a stable relationship with UNIDROIT.

64. The *Secretary-General* noted that the organisations collaborating on this project were complementary. The consultation held in Buenos Aires in collaboration with the WFO had been particularly useful to ensure that the Guide responded to the needs of its potential users. *Mr Gabriel* also commended the Secretariat for the quality of its work and underlined the particularly fast pace at which this project was progressing, thanks to the co-operation of all participants.

65. In the debate that followed, many members of the Council expressed their enthusiasm regarding this project and the work accomplished. *Mr Erdem* asked for a clarification of the scope of the Guide by asking if, for example, a contract of credit between a producer and a bank would be covered. *Ms Mestre* specified that the Guide's scope was defined as covering the relationships between a producer and a buyer aimed at agricultural production; a credit operation by a bank could be mentioned as long as it was pertinent for the main contract, but would not be treated as such in the Guide.

66. *Ms Sandby-Thomas* wondered what the target audience of the Guide would be and wondered if its complexity might impair the possibility of small producers reading it. The *Secretary-General* replied that the ones effectively consulting the Guide would be the legal counsels of agricultural cooperatives and associations, who would use it to prepare the legal advice and training they provided to producers. The *representatives of FAO* and *WFO* specified that their organisations would use the high-level legal Guide produced as a reference tool to develop more accessible instruments for small producers. *Mr Tricot* recommended that the recognition that these organisations enjoyed be used to make the Guide not only a descriptive document, but also a source of good practices to minimise manifest situations of abuse.

67. Many members addressed the question of the applicable law. *Mr Király* suggested that the law of the producer's State should apply – be there an international element or not in the contract –

to protect this party that often had inferior economic power. *Mr Popiolek* stated that the Guide should not exclude the possibility of the contract containing international elements and should thus address the problem of the “*loi d’application immédiate*”. *Mr Neels* and *Mr Moreno* proposed to examine the possibility of applying an a-national set of rules to the contract, such as the UNIDROIT Principles, or to suggest a preferential treatment of the weaker party. *Mr Neels* also proposed to clarify the application of imperative rules, to integrate perspectives different from the Rome I Regulation and to examine the possibility of a system other than the one applying to the contract could govern the transfers of property. *Ms Mestre* took note of these observations and underlined that the Guide would be more complete and nuanced than the short document presented to the Council at this stage. The *Secretary-General* reiterated that in almost all cases, the agricultural production contract was purely domestic, even if international elements had to be taken into account.

68. As regarded dispute resolution mechanisms, *Mr Király* suggested adopting a more nuanced stance towards arbitration, which could prove to be as problematic for the weaker party as the State courts. *Mr Popiolek* added that arbitration could often be more expensive than the State courts. *Ms Mestre* took note of these comments and indicated that the complete version of the Guide was indeed more nuanced on this topic, and took into account in particular the impact of the national context on the choice of a dispute resolution mechanism.

69. The *representative of Canada* asked if member States would be solicited for their comments on the project before its presentation at the next Governing Council session, particularly those that had not been able to take part in its elaboration. The *Secretary-General* replied that the Guide’s final version, as any other Council document, would be distributed to all member States in advance and that they would be free to submit written comments. He also mentioned that the document would be circulated more broadly, including to member States, before the Working Group’s last session in November 2014.

70. Finally, *Mr Minogue* asked whether the commercial sector had been involved in the process and, if so, what its reaction had been. *Ms Mestre* reiterated that UNIDROIT and its partners viewed the protection of the interests of both contracting parties as essential. For this reason the private sector had been involved in the Working Group and a consultation meeting specifically aimed at that sector would be held in Rome in October.

71. The Council commended the Secretariat on the work conducted on the Legal Guide, which it expected could be finalised by its 94<sup>th</sup> session in 2015 and expressed its gratitude and appreciation to the partners in the project, the Food and Agriculture Organization of the United Nations (FAO) and the International Fund for Agricultural Development (IFAD), for their contribution and constructive co-operation, as well as to the World Farmers’ Organisation for its continued support.

**Item 8 on the agenda: Transnational civil procedure - formulation of regional rules**  
(C.D. (93) 7)

72. The *Deputy Secretary-General* introduced this item on the Agenda by giving an overview of the project. The *American Law Institute (ALI) / UNIDROIT Principles of Transnational Civil Procedure*, adopted by the Governing Council in 2004, had been prepared by a joint ALI/UNIDROIT Working Group. Their underlying purpose was to help reduce the impact of differences between legal systems in lawsuits involving transnational commercial transactions. The Principles had been accompanied by a set of rules of transnational civil procedure - the Reporters’ models for the implementation of the Principles - the purposes of which included seeing how the Principles could be implemented, also regionally. The possibility of developing Principles of Transnational Civil Procedure for Europe based on the ALI/UNIDROIT Principles had been discussed within the framework of an institutional co-

operation with the newly founded European Law Institute. It was categorised as, on the one hand, a promotion of the ALI/UNIDROIT Principles and, on the other, as the implementation of a regional model that might open the door to further regional implementations. In 2013 the Governing Council had recommended the approval of this project by the General Assembly, which had indeed approved the project, albeit lowering its priority.

73. A first joint ELI/UNIDROIT Workshop had been held in October 2013 in Vienna, with the title “*From Transnational Principles to European Rules of Civil Procedure*”. A Memorandum of Understanding had subsequently been signed by the ELI and UNIDROIT. A Steering Committee had been set up for the project on the preparation of European rules of civil procedure, composed of representatives of the two Institutes. The Steering Committee was due to meet the following week and would examine preliminary questions of methodology, in particular the leading role of the ALI/UNIDROIT Principles. The idea of focussing on three topics had emerged already in Vienna, namely the service of documents, interim measures and evidence. The reporters for these three topics were also invited to participate in the Steering Committee meeting. Working Groups would be set up for the three topics. By 2015 a report was expected on the feasibility of preparing European Principles on the basis of the ALI/UNIDROIT Principles.

74. *Mr Gabriel* expressed his satisfaction that the General Assembly had approved this project but regretted that they had lowered its level of priority. It was a project that required relatively few resources, as it built on the ALI/UNIDROIT Principles and was a project appropriate for co-operation with other organisations. He would prefer raising the level of priority of the project. *Mr Király* also expressed his surprise at the lowering of the priority of the project by the Assembly.

75. The *representative of Canada* agreed with *Mr Gabriel* and wondered to what extent the project considered the technological, electronic, aspects of civil procedure, in particular for the service of documents or evidence. The *Deputy Secretary-General* stated that the Working Groups would certainly take electronic developments into account, especially the Groups on evidence and service of documents.

76. *Ms Bouza Vidal* wondered if there had been any contacts with the European Union. The *Deputy Secretary-General* stated that the European Union had shown a keen interest already at the Workshop in Vienna, two persons from European institutions participating.

77. *Ms Shi* wondered to what extent the project was relevant for other regions of the world, for example Asia. The *Secretary-General* observed that it was regrettable that it was not possible to develop rules for all regions at the same time. The ALI/UNIDROIT Principles had been developed with American jurisdictions in mind, the present project would apply to Europe, maybe in the future Principles would be developed for Africa or Asia. The title of the ALI/UNIDROIT Principles seemed to indicate that they applied only in the transnational context, whereas if read, it quickly became apparent that they contained rules for fair, efficient civil procedure independently of the context, domestic or international. As they became known, they would become a good international standard for the assessing of the quality of civil procedures, domestic as well as international.

78. *Mr Moreno* suggested that UNIDROIT explore the possibility of joining efforts with the *American Association of Private International Law (ASADIP)* on their initiative for rules on civil procedure.

79. *Mr Minogue* referred to the Hague Conference on Private International Law and the conventions it had prepared on evidence and service abroad and wondered how it would be possible for the two organisations to continue working on these subjects without there being a conflict between the two. Secondly, in the interest of the regional implementation of the ALI/UNIDROIT Principles, he wondered what opportunities there were to promote regional co-

operation and for the regional assumption of particular standards that would facilitate the adoption of substantive rules in a conventional sense.

80. *The Secretary-General* stressed the smooth co-operation existing between the Hague Conference and UNIDROIT, indicating that they had been invited also to the meetings of this project. It was hoped that they would be able to participate in the work of the Working Groups. As regarded the issue of global versus regional, and regional implementation or regional co-operation, he recalled that Article 1 of the Statute of UNIDROIT provided for the possibility of working at both universal and regional levels. The ELI was a suitable body in Europe, whereas in other parts of the world there was no single institute that could serve as a correspondent. The priority of the project had been lowered because one delegation at the General Assembly had proposed it and the others had not objected, probably because they had had no instructions in this regard. If the Council decided that it wanted the priority to be raised to medium again, a document would be prepared for the General Assembly requesting this modification.

81. *Mr Gabriel* indicated that in his opinion the Council should make that recommendation to the General Assembly. *Ms Broka* supported this suggestion.

82. *The Council expressed its interest in furthering this project, which it saw as another example of a promising co-operation between organisations. The Council decided to recommend to the General Assembly that the level of priority of this project be increased at least to medium level of priority and instructed the Secretariat to prepare a document for the General Assembly containing this recommendation.*

***Item 9 on the agenda: Promotion of UNIDROIT instruments (C.D. (93) 8)***

83. *Ms Schneider* (UNIDROIT Secretariat) presented this item on the agenda, referring to the Strategic Plan of the Organisation and the increased attention devoted to the promotion of instruments. She stated that at the present time, promotion was even one of the criteria to decide whether or not a subject should be included in the Work Programme. Synergies were increasingly being put in place with other organisations, such as the FAO, IFAD, UNESCO or ELI. The importance of promotion was reflected in the high priority it had been awarded. The role of UNIDROIT as Depositary made a special promotion of the Cape Town Convention and its Protocols and the Geneva Convention on Intermediated Securities necessary. She described the initiatives to publicise UNIDROIT instruments, the conferences held and to be held, publications, the Cape Town Convention Academic Project and the reporting system in place for the Cape Town system, and others. She recalled that the Geneva Convention on Intermediated Securities itself requested that the Institute promote the Convention to the greatest extent possible and stated that, due to the complexity of this instrument, the Secretariat endeavoured to create a network of experts that could help in explaining it. She also described the numerous initiatives relating to the protection of cultural property and the most recent developments relating to the *1973 Washington Convention on the Form of an International Will*. The year 2015 would be the twentieth anniversary of the adoption of the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects and the intention was to organise an event to celebrate this, just as the twentieth anniversary of the Principles was being celebrated in 2014.

84. *Mr Sánchez Cordero* stated that he wished to express his thanks to the People's Republic of China which was organising an important conference in September 2014 at which the 1995 UNIDROIT Convention and the Model Legislative Provisions prepared jointly with UNESCO would be discussed.

85. *Ms Shi* suggested that to promote UNIDROIT instruments in China more Chinese experts should be involved in the rule-making process. She also suggested that UNIDROIT partner with a competent authority in China to promote UNIDROIT instruments. She informed the Council that the Chinese

Ministry of Commerce had just set up a new research centre on the unification of commercial law at her university (*China University of International Business and Economics*) one task of which was to promote both UNIDROIT and UNCITRAL instruments in China. It would also be able to seek competent Chinese experts to participate in international law-making activities. She suggested that the Centre might also, for example, publish the UNIDROIT Principles of International Commercial Contracts in Chinese and organise conferences in China together with UNIDROIT.

86. The *Secretary-General* thanked Ms Shi for her comments and offer of assistance. He indicated that contract farming was one area for which there had been difficulties in finding a Chinese expert was, and that her help in this regard would be greatly appreciated.

87. Mr Neels supported the idea of promoting UNIDROIT instruments in all parts of the world. To facilitate this process, the Dean of the Faculty of Law of the University of Johannesburg proposed to organise a conference at the University in 2015, of which the University could be partial sponsor and host.

88. Mr Komarov indicated that a few days before the meeting of the Governing Council Russia had acceded to the *UNIDROIT Convention on International Factoring*.

89. The *representative of the Hague Conference on Private International Law* conveyed to the Council the commitment of the Hague Conference to continue the very constructive co-operation it had with UNIDROIT and UNCITRAL and to contribute in the context of UNIDROIT projects with its expertise in private international law. She referred to the last meeting of the Secretaries General of the three institutions when the joint promotion of their instruments on international commercial contracts, which it was hoped would be of interest in particular to developing countries desirous of reforming their contract laws, had been considered.

90. Mr Kanda wondered if the Principles on Close-Out Netting should also be promoted. The *Secretary-General* indicated that they were routinely promoted in the Committee on Emerging Markets and that he was also in contact with the multilateral financial organisations exploring the possibility of including the Netting Principles as part of their package for assessing the quality of financial markets regulations in the countries to which they provided assistance. The difficulty was that those organisations usually did not endorse documents of other organisations as such, but they could include them in the package they used. The International Monetary Fund was also open to that idea.

91. The Council noted the initiatives of the Secretariat to promote UNIDROIT instruments and stressed their importance.

**Item 10 on the agenda: Correspondents (C.D. (93) 9)**

92. Introducing this item on the agenda, Ms Schneider (UNIDROIT Secretariat) recalled the origins of the network of correspondents. Their main role was to provide information on legislation, and on developments in legislation, in their respective countries. Over the years, their number had increased, with appointments being proposed at each session of the Council. At its session in 2006, the Council had come to the realisation that the situation had deteriorated, the relations between the Institute and the correspondents being minimal. A Sub-committee of the Council chaired by Mr Gabriel had been created to examine the question and to revitalise the network. In 2007, two decisions had been taken by the Council: first, the appointment as a correspondent would no longer be indefinite, but for three years renewable. Second, the tasks of the correspondents had been better defined. In 2013 the Sub-committee had reported to the Council, giving rules for the appointment and renewal of the correspondents. The correspondents had been contacted and the Sub-committee

now proposed to the Council to renew those that had indicated an interest in remaining a correspondent for three years counting from June 2013 and to place the others in the new category of *emeritus* correspondents.

93. *Mr Gabriel* stressed that the Sub-committee was asking the Council to recognise the contribution made by a number of correspondents in the past by creating the category of *emeritus* correspondents. *Mr Tricot* felt that the proposal elegantly expressed the gratitude of the Institute for the work done in the past, while at the same time laying down rules for recruitment in the future.

94. *Mr Király* observed that the proposal, which had the advantage of ensuring that the correspondents were active, also had the consequence that there were no correspondents from a vast area, roughly from the Eastern border of Germany to Japan. He suggested that new members be recruited from the areas left without correspondents.

95. *Mr Neels*, while agreeing with the proposal of the Sub-committee, pointed out that the active correspondents from Africa and Asia combined would form only 15% of the correspondents. He offered to assist in finding correspondents from the African region.

96. Replying to a question by *Ms Shi* regarding Chinese correspondents and where a list of correspondents could be found, *Ms Schneider* indicated that China had had only one correspondent, who now was in the category of *emeritus* correspondents. She proposed that the Report on the Governing Council session include appendices listing the functions of the correspondents and the rules for their appointment and renewal,<sup>1</sup> as well as a list of active correspondents (whose appointment would run from 1 June 2013 to 30 April 2016)<sup>2</sup> and a list of *emeritus* correspondents with their countries of origin.<sup>3</sup>

97. *The Council expressed appreciation for the work conducted by the Sub-committee of the Council on the network of correspondents of the Institute. It approved the conclusion of the Sub-committee to divide the correspondents into two categories, one being the active correspondents appointed for a three-year period, the other the emeritus correspondents, who had contributed greatly to the work of UNIDROIT in past years.*

98. *The Council requested information on the present members of the two categories and agreed to seek and propose new correspondents from geographical areas presently deprived of correspondents.*

#### **Item 11 on the agenda: Library and research activities (C.D. (93) 10)**

99. *Ms Maxion* (UNIDROIT Library) introduced this item on the agenda by referring to document C.D. (93) 10, which described the Library, its collections and its role, both for the work of the Institute and for visiting scholars. She thanked both UNCITRAL and the Hague Conference for their constructive co-operation. Over the last few years, the Library had made the transition to a modern, efficient library, with access to five commercial databases (WestLaw, HeinOnline, JurisClasseur/Lexis-Nexis, Beck Online, JurisPlus). *Ms Maxion* thanked the President for his initiative of obtaining extra-budgetary funds for the Library. A contribution in kind had been received also in 2013 from the *Max Planck Institute for Comparative and International Private Law* in Hamburg, and from the *University of Luzern*. *Ms Maxion* illustrated the different visitors to the Library, which included the scholars

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<sup>1</sup> See Appendix III.

<sup>2</sup> See Appendix IV.

<sup>3</sup> See Appendix V.

awarded a scholarship by the Scholarships Programme, interns and independent researchers. In 2014 the Uniform Law Foundation, now UNIDROIT Foundation, had agreed to fund three scholarships, one more was funded by the Government of the Netherlands, six by the Transnational Law and Business University (TLBU) (Korea) and one by members of the Governing Council.

100. *Mr Moreno* wondered whether the electronic resources available to UNIDROIT were available to users outside the Institute. *Ms Maxion* indicated that the commercial databases were not available outside the Institute, what was available was the electronic catalogue of the Library, which was accessible through the website.

101. *Mr Vrellis* expressed strong support for all efforts to keep the Library fully functional and suggested that a co-operation could be envisaged between UNIDROIT and the *Institut Hellenique de Droit International et étranger*, not only as regarded the Library, but also as regarded the Uniform Law Review and the promotion of UNIDROIT instruments.

102. *Mr Neels* stressed the importance of scholarships from the perspective of emerging countries. He wondered whether the fact that the scholarships were funded by other entities meant that fewer people would receive the scholarships. The *Secretary-General* indicated that he had proposed to move the scholarships from the regular Budget of the Institute because he had felt that it was one item that would attract the interest of private donors. The scholars received the same amount as before, the Foundation had agreed to provide funds for the amount UNIDROIT had had on its Budget.

103. *Ms Sandby-Thomas* asked about the trend in visiting numbers. *Ms Maxion* observed that the general trend in all libraries was for the number of visitors to decrease, given the opportunity to search electronic sources from home. However, the number of visitors to the UNIDROIT Library had held its own, possibly because of the importance of monographs.

104. *The Council took note of developments in the Library, its policies and acquisitions, and expressed its appreciation for its promotion of research through the Scholarships Programme.*

**Item 12 on the agenda: UNIDROIT information resources and policy (C.D. (93) 11)**

105. *Ms Peters* (UNIDROIT Secretariat) introduced this item on the agenda, referring to document C.D. (93) 11, which illustrated developments as regarded the sources of information produced by the Institute. With regard to the *Uniform Law Review*, which since 2013 was published by Oxford University Press (OUP), an important element was that the Review was both a paper journal and accessible in electronic format on the OUP site of the Review. Another very important fact was that 848 complimentary copies of the electronic version of the Uniform Law Review had been distributed in developing countries, many of which were countries that the Review had never reached before. The most important of the monographs to have been published recently were the *Official Commentaries to the Cape Town Convention and its Protocols* authored by Sir Roy Goode. The *UNIDROIT Principles of International Commercial Contracts* had been published in Arabic, as well as Persian and other translations were underway. Small booklets with only the texts of the instruments had also been printed and were used for promotional purposes. The new website had become operative on 10 January 2014, enquiries were underway as regarded the possibility of holding conferences through the website in streaming and subsequently posting the registration of the conferences on the website, possibly with the speakers as well as the users in different countries.

106. *Ms Veneziano* stressed that the Review was now a peer review journal, which was of importance to those contributing. *Mr Neels* wanted to know if the Uniform Law Review was accredited with the *International Bibliography of Social Sciences* and if not, whether this could be arranged, as

publishing in publications accredited by the IBSS was important for academics in some countries to obtain sponsorships. *Ms Peters* indicated that a series of options were being examined to make sure that the Review was accredited with all the different bodies that handled such matters, so as to ensure that those that wrote for the Review received the academic credits they required. This would be discussed at the meeting with the OUP due to be held at the beginning of June.

107. *Ms Sandby-Thomas* wondered if there were any data on the number of visitors to the website and whether there was a target and plans of how to achieve that target. *Ms Peters* indicated that a whole system was being put in place, including information on where the users came from. The three weeks from 8 to 29 April had seen 11,278 users, 62,99% of which were new, visualising 61,867 pages of the site.

108. *The Council took note of developments in the information resources of the Institute (Uniform Law Review, other publications, website) and of the efforts underway to develop electronic alternatives.*

***Item 13 on the agenda: Work Programme for the triennial period 2014 – 2016***

*(C.D. (93) 12)*

109. *The Secretary-General* presented the Work Programme for the triennial period 2014 – 2016 (document C.D. (93) 12). It was the same Work Programme that the Governing Council in 2013 had recommended that the General Assembly adopt, and that the General Assembly subsequently had adopted. It was presented at this session of the Council as there were fourteen new members. Secondly, there was the issue of the priority given to the projects. There had already been two projects for which the Council wished the General Assembly to be asked to re-visit the priority it had assigned to them in 2013.

110. As regarded the project on Long-Term Contracts, *Mr Gabriel* observed that if its scope were expanded to deal with investment contracts, it would be impossible for the Group to finish in one or two meetings. There were many ancillary questions that were included in investment contracts and his fear was that expanding the project to investment contracts might have consequences they had not realised when it was discussed. He continued to say that it was feasible for work to progress rapidly if it were recognised that the question of long-term contracts was built into basic contract principles as a unified, unique question, which could be covered by the Principles, that is if they did proceed as suggested, which he understood to be within the Budget. This would mean having a Study Group meet once, possibly twice, to deal with the question of long-term contracts. He suggested leaving the question of investment contracts, which were not a mere sub-set to long-term contracts, to a possible different project.

111. *The Secretary-General* observed that the General Assembly had approved a project called "Issues related to long-term contracts", there had been no indication that that would include investment contracts. He suggested the confusion might have been caused by the wording of the recommendation in para. 42 of document C.D.(93) 3, which referred to experts in investment contracts. Ideally, a draft might be prepared that was sufficiently mature to present to the Council at its 2015 session.

112. *The Council considered the information provided in document C.D.(93) 12 and decided to request the Secretariat to prepare a document to submit to the General Assembly transmitting the request and recommendation of the Governing Council that the priority assigned to the projects on Long-term contracts and Transnational civil procedure – formulation of regional rules, be raised.*

**Item 14 on the agenda: Preparation of the draft Budget for the 2015 financial year**

(C.D. (93) 13)

113. The *Secretary-General* presented the draft Budget for the 2015 financial year (document C.D. (93) 13). He explained the procedure for the benefit of the new Council members.

114. The *representative of Canada* indicated that, although perceived as cumbersome, the procedure for the adoption of the Budget was transparent and inclusive and permitted States to become aware of the resource issues the Institute might be facing. She expressed appreciation for the efforts of the *Secretary-General* to achieve economies but also to spend money where it needed to be spent in terms of re-achieving the balance between priorities in the Work Programme and money that could be allocated to those projects.

114. The *Secretary-General* explained that at the end of every year a document was prepared for the General Assembly with the intent of showing member States how the resources had been spent by providing a break-down of the Budget by project and line of activity of UNIDROIT, which also allowed them to ascertain consistency between the allocation of resources and the order of priority assigned by the General Assembly.

115. *The Council took note of the draft Budget for the 2015 financial year.*

**Item 15 on the agenda: Date and venue of the 94<sup>th</sup> session of the Governing Council (C.D.**

(93) 1)

116. *The Council agreed that the 94<sup>th</sup> session of the Governing Council should be held from 6 to 8 May 2015, at the seat of UNIDROIT in Rome.*

**Item 16 on the agenda: Any other business**

117. *Ms Sandby-Thomas* suggested including video-conferencing as an item for the 94<sup>th</sup> session of the Governing Council. Possibly also the question of online access to the Library.

118. The *Deputy Secretary-General* observed that work on videoconferencing had already started; a system had been put in place that was better than the one available the year before, and was being used if, for example, it was necessary to hold a lecture. Multi-conferencing was also being studied as an option. As regarded the second point, it was slightly different, given that the problem was not a technological one, but one of intellectual property and of the policies of the databases which were commercial databases. The idea of open access to certain academic materials was spreading, and was important especially for the evaluation of academics, but was not the norm. It was a general problem, not one of the technological ability to access.

119. At the end of the Council session, *Mr Hartkamp*, as First Vice-President of the Council, observed that Council members could be satisfied with the results of the meeting. They had discussed a Work Programme with a list of projects that was impressive by any standard, particularly for a small organisation with limited resources. The increased co-operation with other organisations also greatly increased the effectiveness of the work of the Institute.

120. No further points being raised, the meeting closed at 16.30 hrs.

**APPENDIX I  
ANNEXE I**LIST OF PARTICIPANTS /  
*LISTE DES PARTICIPANTS*(Rome, 7 – 10 May 2014 / *Rome, 7 – 10 mai 2014*)**MEMBERS OF THE GOVERNING COUNCIL  
MEMBRES DU CONSEIL DE DIRECTION**

Mr Alberto MAZZONI	President of UNIDROIT / <i>Président d'UNIDROIT</i>
Ms Stefania BARIATTI	Professor of International Law School of Law Università degli Studi di Milano Milan (Italy)
Mr Radu Bogdan BOBEI	Attorney; Professor Faculty of Law University of Bucharest Bucharest (Romania)
Mr Hans-Georg BOLLWEG	Head of Division Federal Ministry of Justice Berlin (Germany)
Ms Núria BOUZA VIDAL	Professor of Private International Law Pompeu Fabra University School of Law Law Department Barcelona (Spain)
Ms Baiba BROKA	Minister of Justice Riga (Latvia)
Mr B. Bahadır ERDEM	Professor of Law İstanbul Üniversitesi Hukuk Fakültesi; Lawyer İstanbul (Turkey)

---

Mr Henry D. GABRIEL	Visiting Professor of Law School of Law Elon University Greensboro, North Carolina (United States of America)
Mr Arthur Severijn HARTKAMP	former Procureur-Général at the Supreme Court of The Netherlands; Professor of European Private Law Radboud University, Nijmegen Den Haag (The Netherlands)
Mme Monique JAMETTI	Vice-directrice Office fédéral de la justice Berne (Suisse)
Mr Hideki KANDA	Professor Graduate Schools for Law and Politics The University of Tokyo Tokyo (Japan)
Mr Miklós KIRÁLY	Professor of Law Dean of the Faculty of Law Eötvös Loránd University Budapest (Hungary)
Mr Alexander S. KOMAROV	Professor Head of International Private Law Chair Russian Academy of Foreign Trade Moscow (Russian Federation)
Mr Antti T. LEINONEN	Director of Legislation Law Drafting Department (Civil Law) Ministry of Justice Helsinki (Finland)
Mr Byung-Hwa LYOU	President and Professor of Law TLBU Graduate School of Law Seoul (Republic of Korea)
Mr Matt MINOGUE	First Assistant Secretary Attorney-General's Department Barton (Australia) <i>representing Mr Roger Wilkins</i>

---

Mr José Antonio MORENO RODRÍGUEZ	Professor of Law; Attorney Asunción (Paraguay)
Mr Jan Lambert NEELS	Professor of Private International Law University of Johannesburg Wilgeheuwel (South Africa)
Ms Monika PAUKNEROVÁ	Professor of Private International Law and International Commercial Law Faculty of Law Charles University Prague 1 (Czech Republic)
Mr Wojciech POPIOŁEK	Associate Professor of Law; Lawyer ADP Popiołek Advocates and Advisers, Law Firm Katowice (Poland)
Mr Jorge SÁNCHEZ CORDERO	Director of the Mexican Center of Uniform Law Professor Notary public Mexico City (Mexico)
Mr Álvaro SANDOVAL BERNAL	Ambassador de Colombia en Egipto Embajada de Colombia en Egipto El Cairo (Egypt)
Ms SHI Jingxia	Professor of Law Dean, School of Law China University of International Business & Economics (UIBE), Director of UIBE International Law Institute (ILI) Beijing (People's Republic of China)
Ms Rachel SANDBY-THOMAS	Solicitor and Director-General Legal Services Group Department of Business, Innovation and Skills London (United Kingdom)
Monsieur Daniel TRICOT	Président de l'Association française des docteurs en droit (AFDD) ; Arbitre et médiateur en affaires Soc. DTAM Paris (France)

Mr Spyridon VRELLIS

Emeritus Professor of Law;  
Director  
Hellenic Institute of International and Foreign Law  
Athens (Greece)

**OBSERVERS / OBSERVATEURS:**

FOOD AND AGRICULTURE ORGANIZATION /  
*ORGANISATION POUR L'ALIMENTATION  
ET L'AGRICULTURE*

Mr Carlos DA SILVA  
Senior Economist  
Rome (Italy)

Ms Caterina PULTRONE  
International Legal Consultant  
Rome (Italy)

INTERNATIONAL DEVELOPMENT LAW  
ORGANIZATION / *ORGANIZATION  
INTERNATIONALE DE DROIT DU  
DEVELOPPEMENT*

Mr David SADOFF  
General Counsel  
Rome (Italy)

INTERNATIONAL FUND FOR AGRICULTURAL  
DEVELOPMENT / *FONDS INTERNATIONAL  
DE DÉVELOPPEMENT AGRICOLE*

Mr Liam CHICCA  
Senior Counsel  
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HAGUE CONFERENCE ON PRIVATE  
INTERNATIONAL LAW / *CONFERENCE  
DE LA HAYE DE DROIT INTERNATIONAL  
PRIVE*

Ms Marta PERTEGÁS  
First Secretary  
The Hague (The Netherlands)

UNITED NATIONS COMMISSION ON  
INTERNATIONAL TRADE LAW /  
*COMMISSION DES NATIONS UNIES POUR  
LE DROIT COMMERCIAL INTERNATIONAL*

Mr Renaud SORIEUL  
Director  
International Trade Law Division  
Vienna (Austria)

WORLD FARMERS' ORGANISATION

Mr Marco MARZANO  
Executive Director  
Rome (Italy)

Mr Paul BODENHAM  
Legal Counsel  
Rome (Italy)

Ms Luisa VOLPE  
Policy Officer  
Rome (Italy)

Mr Don WALLACE, Jr  
Professor  
International Law Institute  
Washington (United States of America)

Mr Jeffrey WOOL  
Secretary-General  
Aviation Working Group  
President of the Uniform Law Foundation / *Président de la Fondation de droit uniforme*

**UNIDROIT MEMBER STATES / ETATS MEMBRES D'UNIDROIT**

ARGENTINA / ARGENTINE  
Mr Martin VIA  
First Secretary  
Embassy of Argentina in Italy

AUSTRIA / AUTRICHE  
Ms Gerda VOGL  
Minister  
Embassy of Austria in Italy

Ms Gudrun MATT  
First Secretary  
Embassy of Austria in Italy

BRAZIL / BRESIL  
Mr Leandro ZENNI ESTEVÃO  
Head of Political Office  
Embassy of Brazil in Italy

Mr Wilson ALVARENGA DOS SANTOS  
Attaché (Political)  
Embassy of Brazil in Italy

CANADA  
Ms Kathryn SABO  
General Counsel / Avocate générale  
International Private Law Section / Section du droit privé international  
Department of Justice Canada / Ministère de la Justice  
Ottawa, Ontario (Canada)

HOLY SEE / SAINT-SIEGE  
Mlle Anne-Julie KERHUEL  
Officielle de la Section pour les Relations avec les Etats de la Secrétairerie d'Etat  
Cité du Vatican

IRELAND / IRELANDE	Mr Eóin DUGGAN Deputy Head Mission Embassy of Ireland in Italy
LUXEMBOURG	M. Michel GRETHEN Premier Secrétaire Ambassade du Luxembourg en Italie
MALTA	Ms Maya SCHEMBRI Alternate Permanent Representative Embassy of Malta in Italy
PAKISTAN	Mr Ishtiak Ahme AKIL Deputy Head of Mission Embassy of the Islamic Republic of Pakistan in Italy
SLOVAK REPUBLIC / REPUBLIQUE SLOVAQUE	Ms Lubica MIKUSOVA Third Secretary Embassy of the Slovak Republic in Italy
SOUTH AFRICA / AFRIQUE DU SUD	Mr Theunis KOTZE State Law Adviser (IL) Department of International Relations and Co- operation Pretoria (South Africa)
URUGUAY	H.E. Mr Gustavo ALVAREZ Embajador, Secretario General Ministerio de Relaciones Exteriores Montevideo (Uruguay)
<b>UNIDROIT</b>	
Mr José Angelo ESTRELLA FARIA	Secretary-General / <i>Secrétaire Général</i>
Mrs Anna VENEZIANO	Deputy Secretary-General / <i>Secrétaire Général adjoint</i>
Mr Michael Joachim BONELL	Consultant
Ms Frédérique MESTRE	Senior Officer / <i>Fonctionnaire principale</i>
Ms Lena PETERS	Senior Officer / <i>Fonctionnaire principale</i>
Ms Marina SCHNEIDER	Senior Officer / <i>Fonctionnaire principale</i>
Ms Bettina MAXION	Librarian / <i>Bibliothécaire</i>

**APPENDIX II****REVISED ANNOTATED AGENDA**

1. Adoption of the annotated draft agenda (C.D. (93) 1)
2. Appointments (C.D. (93) 1)
  - (a) First and Second Vice-Presidents of the Governing Council
  - (b) Members *ad honorem* of the Governing Council
  - (c) Members of the Permanent Committee
3. Reports
  - (a) Annual Report 2013 (C.D. (93) 2)
  - (b) Report on the Uniform Law Foundation
4. International Commercial Contracts - Possible future work on long-term contracts (C.D. (93) 3)
5. International Interests in Mobile Equipment
  - (a) Implementation and status of the Luxembourg Rail Protocol and of the Space Protocol (C.D. (93) 4(a))
  - (b) Possible preparation of other Protocols to the Cape Town Convention, in particular on agricultural, mining and construction equipment (C.D. (93) 4(b))
6. Transactions on Transnational and Connected Capital Markets - Principles and Rules Capable of Enhancing Trading in Securities in Emerging Markets (C.D. (93) 5)
7. Private Law and Agricultural Development - Preparation of a Legal Guide on Contract Farming (C.D. (93) 6)
8. Transnational civil procedure - formulation of regional rules (C.D. (93) 7)
9. Promotion of UNIDROIT instruments (C.D. (93) 8)
10. Correspondents (C.D. (93) 9)
11. Library and research activities (C.D. (93) 10)
12. UNIDROIT information resources and policy (C.D. (93) 11)
13. Work Programme for the triennial period 2014 – 2016 (C.D. (93) 12)
14. Preparation of the draft budget for the 2015 financial year (C.D. (93) 13)

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15. Date and venue of the 94<sup>th</sup> session of the Governing Council (C.D. (93) 1)
  16. Any other business
  17. International Colloquium “20 Years of UNIDROIT Principles of International Commercial Contracts: Experiences and Prospects” (9 and 10 May 2014)

## ANNOTATIONS

### Item No. 2 – Appointments

#### (a) First and Second Vice-Presidents of the Governing Council

1. Since 1977, the Governing Council has at its annual session elected a First and a Second Vice-President who, in accordance with Article 11 of the Regulations of the Institute, hold office until the following session. At present, the post of First Vice-President is occupied by the *doyen* of the Council and that of Second Vice-President by one of the most senior Council members, the latter on the basis of the criterion of rotation since 1994.

#### (b) Members *ad honorem* of the Governing Council

2. It is a well-established tradition that, at the first Council session held after their membership has ceased, former members of the Governing Council are appointed members of the Governing Council *ad honorem* in recognition of their services to the Institute.

3. The Governing Council is invited to appoint the following as members *ad honorem*: Chief Michael Kaase Aondoakaa, Mr Antonio Paulo Cachapuz de Medeiros, Mr Sergio Carbone, Mr Sergiu Deleanu, Mr Michael B. Elmer, Mr Ian Govey, Mr Attila Harmathy, Mr Ricardo Luis Lorenzetti, Mr Mo John Shijian, Mr Didier Opertti Badan, Ms Kathryn Sabo, Mr Biswanath Sen, Mr Stanislaw Soltysinski, Mr Itsuro Terada and Mr Ioannis Voulgaris.

#### (c) Members of the Permanent Committee

4. According to Article 7(1) of the Statute, the Permanent Committee “shall consist of the President and five members appointed by the Governing Council from among its own members”. Pursuant to Article 7(2) of the Statute, the members of the Permanent Committee shall hold office for five years and shall be eligible for re-election. Various powers are conferred on the Permanent Committee by the Regulations of the Institute and in particular the drawing up of the agenda of the General Assembly (Article 1(2)), the ensuring of the continuity of the Institute's operation in accordance with the instructions of the Governing Council (Article 17(1)), the appointment, nomination and promotion of certain categories of the staff (Articles 40, 41 and 42) and the taking of disciplinary measures concerning staff members (Article 62).

5. Neither the Statute nor the Regulations set forth criteria for the composition of the Permanent Committee. Until 2008, the practice followed by the Governing Council was to appoint its five most senior members to the Permanent Committee. At its 88<sup>th</sup> session (Rome, 20-23 April 2009), the Governing Council, noting that more than 2/3 of its members had been elected in 2003 and 2008, agreed to deviate from the previous practice and appointed a Permanent Committee with a majority of members elected in those two years. The Governing Council thus re-appointed the *doyen* of the Council, Mr Arthur Hartkamp, and appointed the following new members of the Permanent Committee: Mr Hans-Georg Bollweg, Mr Ian Govey, Mr Jorge Sánchez Cordero and Ms Rachel Sandby Thomas.

**Item No. 12 – Work Programme for the triennial period 2014 – 2016**

6. Pursuant to Article 11(2) of the Statute of UNIDROIT, the Governing Council draws up the Work Programme of the Institute and makes a proposal to the General Assembly which is then called upon to approve it (Article 5(3) of the Statute). The General Assembly adopted the Work Programme for the triennial period 2014 - 2016 at its 72<sup>nd</sup> session on 5 December 2013 (cf. UNIDROIT 2013 – A.G. (72) 9, Appendix III).

7. The Governing Council, in its new composition, may wish to examine and discuss the new Work Programme and the priorities assigned to the subjects.

**Item No. 15 – Date and venue of the 94<sup>th</sup> session of the Governing Council**

8. The Governing Council may wish to consider holding its 94<sup>th</sup> session on 6 to 8, 20 to 22 or 27 to 29 May 2015.

**APPENDIX III****FUNCTIONS OF CORRESPONDENTS, CONDITIONS OF APPOINTMENT AND REAPPOINTMENT****Functions of the UNIDROIT correspondents**<sup>4</sup>

1. To participate, upon the invitation of the President, in UNIDROIT study groups;
2. to supply, at the request of the Secretariat, information on national law, on developments at the international (and regional) level in the areas of interest to UNIDROIT and on any legal instruments under preparation, and to suggest new topics for future study;
3. to promote UNIDROIT instruments in business, professional and academic circles by means of the publication of articles in the press and by organizing or participating in meetings intended to disseminate the work of the Institute, both past and present;
4. to contribute to the *Uniform Law Review* (articles, case law, news on congresses, book reviews, etc.) and to supply input for the UNIDROIT database on uniform law;
5. as regards correspondents from non-member States, to act as go-betweens with their Governments.

**Recommendations regarding appointment and reappointment of UNIDROIT correspondents**

1. Appointments are for three-year renewable terms.
2. To be appointed or reappointed, the correspondent must state how he or she intends to contribute to the work of UNIDROIT.
3. Reappointment is not automatic. Correspondents will be contacted before their terms expire asking whether they wish to be reappointed. They must respond within two months of the request. This should be clarified in the letter from the Institute so that the correspondents understand the obligation to respond.
4. Correspondents who are inactive for a substantial time will not be asked if they would wish to be reappointed, and will not be reappointed.
5. Appointment letters should indicate that the correspondent is expected to remain active, and long-term inactivity may result in removal.
6. Correspondents will be asked to keep their contact information updated.

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<sup>4</sup> Established in 1996 and recalled in 2013.

## APPENDIX IV

## CORRESPONDENTS OF THE INSTITUTE / CORRESPONDANTS DE L'INSTITUT

1 June 2013 to 30 April 2016 / 1<sup>er</sup> juin 2013 au 30 avril 2016

	<b>Name / Nom</b>	<b>Country / Pays</b>	<b>Mandat(e)</b>
1	BOUTIN I. Gilberto	Panama	1.VI.2013 – 30.IV.2016
2	CASTILLO-TRIANA Rafael	Colombia / <i>Colombie</i>	1.VI.2013 – 30.IV.2016
3	CRESPI REGHIZZI Gabriele	Italy / <i>Italie</i>	1.VI.2013 – 30.IV.2016
4	DARANKOUM Sibidi Emmanuel	Burkina Faso	1.VI.2013 – 30.IV.2016
5	DEKOVEN Ronald	USA	1.VI.2013 – 30.IV.2016
6	DEL DUCA Louis	USA	1.VI.2013 – 30.IV.2016
7	DESCHAMPS Michel	Canada	1.VI.2013 – 30.IV.2016
8	DROBNIG Ulrich	Germany / <i>Allemagne</i>	1.VI.2013 – 30.IV.2016
9	FAUVARQUE-COSSON Bénédicte	France	1.VI.2013 – 30.IV.2016
10	FERRAND Frédérique	France	1.VI.2013 – 30.IV.2016
11	FINN Paul Desmond	Australia / <i>Australie</i>	1.VI.2013 – 30.IV.2016
12	FONTAINE Marcel	Belgium / <i>Belgique</i>	1.VI.2013 – 30.IV.2016
13	FRESNEDO DE AGUIRRE Cecilia	Uruguay	1.VI.2013 – 30.IV.2016
14	FURMSTON Michael P.	United Kingdom / <i>Royaume-Uni</i>	1.VI.2013 – 30.IV.2016
15	GARCÍA PUJOL Ignacio	Chile / <i>Chili</i>	1.VI.2013 – 30.IV.2016
16	GARRO Alejandro	Argentina / <i>Argentine</i>	1.VI.2013 – 30.IV.2016
17	HERBER Rolf	Germany / <i>Allemagne</i>	1.VI.2013 – 30.IV.2016
18	IZADI Bijan	Iran	1.VI.2013 – 30.IV.2016
19	KEMELMAJER de CARLUCCI Aída R.	Argentina / <i>Argentine</i>	1.VI.2013 – 30.IV.2016
20	KÖNKKÖLÄ Mikko	Finland / <i>Finlande</i>	1.VI.2013 – 30.IV.2016
21	KOZUKA Souichirou	Japan / <i>Japon</i>	1.VI.2013 – 30.IV.2016
22	LANDO Ole	Denmark / <i>Danemark</i>	1.VI.2013 – 30.IV.2016
23	LEAL ANGARITA Manuel	Colombia / <i>Colombie</i>	1.VI.2013 – 30.IV.2016
24	LEFEBVRE Guy	Canada	1.VI.2013 – 30.IV.2016
25	MARCHISIO Sergio	Italy / <i>Italie</i>	1.VI.2013 – 30.IV.2016

26	MOONEY Charles W., Jr.	USA	1.VI.2013 - 30.IV.2016
27	MORAN BOVIO David	Spain / <i>Espagne</i>	1.VI.2013 - 30.IV.2016
28	MOURA RAMOS Rui Manuel	Portugal	1.VI.2013 - 30.IV.2016
29	OYEKUNLE Tinuade	Nigeria	1.VI.2013 - 30.IV.2016
30	ÖZSUNAY Ergun	Turkey / <i>Turquie</i>	1.VI.2013 - 30.IV.2016
31	PETER Fritz	Switzerland / <i>Suisse</i>	1.VI.2013 - 30.IV.2016
32	PROTT Lyndel V.	Australia / <i>Australie</i>	1.VI.2013 - 30.IV.2016
33	RAMBERG Jan	Sweden / <i>Suède</i>	1.VI.2013 - 30.IV.2016
34	REICHELTE Gerte	Austria / <i>Autriche</i>	1.VI.2013 - 30.IV.2016
35	RIVERA Julio César	Argentina / <i>Argentine</i>	1.VI.2013 - 30.IV.2016
36	ROSEN Howard	United Kingdom / <i>Royaume-Uni</i>	1.VI.2013 - 30.IV.2016
37	SÁNCHEZ-GAMBORINO Francisco José	Spain / <i>Espagne</i>	1.VI.2013 - 30.IV.2016
38	SIEHR Kurt	Germany / <i>Allemagne</i>	1.VI.2013 - 30.IV.2016
39	SONO Kazuaki	Japan / <i>Japon</i>	1.VI.2013 - 30.IV.2016
40	STÜRNER Rolf	Germany / <i>Allemagne</i>	1.VI.2013 - 30.IV.2016
41	SYNVET Hervé	France	1.VI.2013 - 30.IV.2016
42	VEYTIA Hernany	Mexico / <i>Mexique</i>	1.VI.2013 - 30.IV.2016
43	WALLACE Don, Jr.	USA	1.VI.2013 - 30.IV.2016
44	WINSHIP Peter	USA	1.VI.2013 - 30.IV.2016
45	WOOD Philip R.	United Kingdom / <i>Royaume-Uni</i>	1.VI.2013 - 30.IV.2016
46	WOOL Jeffrey	USA	1.VI.2013 - 30.IV.2016
47	ZIMMERMANN Reinhard	Germany / <i>Allemagne</i>	1.VI.2013 - 30.IV.2016

### **Institutional correspondents / *Correspondants institutionnels***

1	FRESHFIELDS BRUCKHAUS DERINGER	United Kingdom / <i>Royaume-Uni</i>	1.VI.2013 - 30.IV.2016
2	JENNER & BLOCH	USA	1.VI.2013 - 30.IV.2016
3	MAX-PLANCK-INSTITUT FÜR AUSLÄNDISCHES UND INTERNATIONALES PRIVATRECHT - HAMBURG	Germany / <i>Allemagne</i>	1.VI.2013 - 30.IV.2016

## APPENDIX V

**EMERITUS CORRESPONDENTS / CORRESPONDANTS EMERITES**

	<b>Name / Nom</b>	<b>Country / Pays</b>
1	AZZIMAN Omar	Morocco / Maroc
2	BEL HAJ HAMOUDA Ajmi	Tunisia / Tunisie
3	BERAUDO Jean-Paul	France
4	BERTHE Abdoul Wahab	Mali
5	BEY El Mokhtar	Tunisia / Tunisie
6	BOELE-WOELKI Katharina	The Netherlands / Pays-Bas
7	BOJARS Juris	Latvia / Lettonie
8	BOSS Amelia Helen	USA
9	BOUDAHRAIN Abdellah	Morocco / Maroc
10	BURMAN Harold S.	USA
11	CAŁUS Andrzej	Poland / Pologne
12	CHARFEDDINE Mohamed Kamel	Tunisia / Tunisie
13	CHIAVARELLI Emilia	Italy / Italie
14	CRAWFORD James Richard	United Kingdom / Royaume-Uni
15	CUMING Ronald C.C.	Canada
16	DATE-BAH Samuel Kofi	Ghana
17	DE NOVA Giorgio	Italy / Italie
18	DIAZ BRAVO Arturo	Mexico / Mexique
19	EL KOSHERI Ahmed S.	Egypt / Egypte
20	FEDCHUK Valery D.	Russian Fed. / Féd. de Russie
21	FERRARINI Guido	Italy / Italie
22	GHATTAS Iskandar	Egypt / Egypte
23	GOLDRING John L.	Australia / Australie
24	HARTONO Sunaryati, S.H	Indonesia / Indonésie
25	HAUCK Brian	USA
26	HAZARD Geoffrey C., Jr	USA
27	HIROSE Hisakazu	Japan / Japon
28	HUANG Danhan	China / Chine
29	ILLESCAS ORTIZ Rafael	Spain / Espagne
30	JAUFFRET-SPINOSI Camille	France
31	JAYME Erik	Germany / Allemagne
32	KAHN Philippe	France

33	KASIRER Nicholas	Canada
34	KOZOLCHYK Boris	USA
35	KRAMER Ernst A.	Switzerland / <i>Suisse</i>
36	KREUZER Karl	Germany / <i>Allemagne</i>
37	LIEBMAN Lance	USA
38	MARKESINIS Basil S.	United Kingdom / <i>Royaume-Uni</i>
30	MASKOW Dietrich	Germany / <i>Allemagne</i>
40	McKENDRICK Ewan G.	United Kingdom / <i>Royaume-Uni</i>
41	NESGOS Peter D.	USA
42	ORTIZ SOBALVARRO Alfonso	Guatemala
43	PAMBOUKIS Charalambos	Greece / <i>Grèce</i>
44	SCHIPANI Sandro	Italy / <i>Italie</i>
45	SIQUEIROS José Luis	Mexico / <i>Mexique</i>
46	SUCHARITKUL Sompong	USA
47	SVIDRON Ján	Slovakia / <i>Slovaquie</i>
48	WEINBERG DE ROCA Inés M.	Argentina / <i>Argentine</i>
49	ZEIDMAN Philip	USA
50	ZIEGEL Jacob	Canada
51	ZUMBO Frank	Australia / <i>Australie</i>