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**GOVERNING COUNCIL  
100<sup>th</sup> session (B)  
Rome, 22-24 September 2021**

UNIDROIT 2021  
C.D. (100) B Misc 2  
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### **SUMMARY CONCLUSIONS**

***Item 1 on the agenda: Adoption of the annotated draft agenda (C.D. (100) B.1 rev.)***

1. The Governing Council adopted the agenda as proposed in document C.D. (100) B.1 rev.

***Item 2 on the agenda: Appointment of the First and Second Vice-Presidents of the Governing Council (C.D. (100) B.1 rev.)***

2. In the absence of the doyen of the Governing Council, Mr Arthur Hartkamp, the Council temporarily appointed Mr Henry Gabriel, as First Vice President, and Mr Hans Georg Bollweg, as Second Vice President, for the second part of the 100<sup>th</sup> session.

***Item 3 on the agenda: Reports***

***(a) Annual Report 2020 (C.D. (100) B.2)***

3. The Council took note of the Secretary-General's report on the activities of the Institute during 2020. The Council expressed its appreciation to the Secretariat staff for its dedication and hard work in the implementation of the Institute's mandate, as shown by the numerous activities undertaken despite the difficulties caused by the COVID-19 pandemic.

***(b) Report on the UNIDROIT Foundation (C.D. (100) B.3)***

4. The Council took note of the report by the President of the UNIDROIT Foundation and thanked the Foundation for its continued support, in particular for the work conducted towards the development of a methodology on economic assessments and the results achieved in the area of best practices on electronic registries.

***Item 4 on the agenda: Update and determination of scope of certain projects on the 2020-2022 Work Programme***

***(a) Bank Insolvency (C.D. (100) B.4)***

5. The Council took note of the exploratory work conducted and the feasibility report prepared by the Secretariat since the 100<sup>th</sup> Governing Council meeting held in April/May 2021.

6. The Council approved the proposed scope of the project, subject to existing regulatory standards and underlining its focus on smaller banks, agreed to assign the project a high priority status, and authorised the Secretariat to establish a Working Group.

**(b) Legal Structure of Agricultural Enterprises** ([C.D. \(100\) B.5](#))

7. The Council took note of the progress made for the definition of the scope of the Legal Structure of Agricultural Enterprises Project, decided in favour of upgrading the project to high priority, and allowed the Secretariat to establish a Working Group whose main task in the work leading to the next session of the Governing Council should focus on a more detailed definition of the project's scope.

**Item 5 on the agenda: Model Law on Factoring** ([C.D. \(100\) B.6](#))

8. The Council took note of the progress made by the Working Group on developing a Model Law on Factoring.

**Item 6 on the agenda: Model Law on Warehouse Receipts** ([C.D. \(100\) B.7](#))

9. The Council took note of the progress made since its 99<sup>th</sup> session by the Working Group on developing a joint UNCITRAL/UNIDROIT Model Law on Warehouse Receipts. The Council authorised the proposed extension of the project for one calendar year, with the presentation of the first complete draft at its 102<sup>nd</sup> session, in May/June 2023.

**Item 7 on the agenda: Best Practices for Effective Enforcement** ([C.D. \(100\) B.8](#))

10. The Council took note of the progress of the project on Best Practices for Effective Enforcement since the Governing Council's 99<sup>th</sup> session held in September 2020.

**Item 8 on the agenda: Digital Assets and Private Law** ([C.D. \(100\) B.9](#))

11. The Governing Council took note of the progress made by the Digital Assets and Private Law Working Group.

**Item 9 on the agenda: International Interests in Mobile Equipment**

**(a) Extraordinary activities regarding the Cape Town Convention and the Aircraft Protocol** (oral presentation)

12. The Governing Council took note of the extraordinary activities undertaken regarding the Cape Town Convention and the Aircraft Protocol in the context of the COVID-19 pandemic.

**(b) Implementation and status of the Luxembourg Rail Protocol and of the Space Protocol** ([C.D. \(100\) B.10](#))

13. The Council welcomed the information provided by the Secretariat on the Institute's depositary functions and on the activities undertaken for the promotion of the implementation of both the Luxembourg Rail Protocol and the Space Protocol.

**(c) Implementation and status of the Protocol on Matters specific to Mining, Agricultural and Construction Equipment (MAC Protocol)** ([C.D. \(100\) B.11](#))

14. The Governing Council took note of the progress made by the Preparatory Commission and the Secretariat on the implementation of the MAC Protocol.

**(d) UNIDROIT candidacy for the role of Supervisory Authority of the MAC International Registry to be established under the MAC Protocol (C.D. (100) B.12)**

15. The Governing Council discussed (i) the suitability of UNIDROIT undertaking the role of Supervisory Authority of the International Registry to be established under the MAC Protocol, and, to a limited extent, (ii) how the Supervisory Authority functions could be incorporated into UNIDROIT's governance structure. No consensus was reached on these matters. The Governing Council requested that the Secretariat prepare further detailed information on the specific tasks that would be required from the Governing Council, should UNIDROIT be appointed as Supervisory Authority, and an analysis of a dual system, with a new international entity created to perform the role of Supervisory Authority and UNIDROIT as secretary to the said entity.

**Item 10 on the agenda: Principles of Reinsurance Contracts (C.D. (100) B.13)**

16. The Council took note of the Secretariat's report on the status and development of the project on the Principles for Reinsurance Contracts (PRICL).

**Item 11 on the agenda: Update on the publication of the Legal Guide on Agricultural Land Investment Contracts (ALIC Legal Guide) (C.D. (100) B.14)**

17. The Governing Council took note of the information provided by the Secretary-General regarding the publication of the ALIC Legal Guide and congratulated UNIDROIT and the International Fund for Agricultural Development (IFAD) for the jointly developed instrument.

**Item 12 on the agenda: International protection of cultural property (C.D. (100) B.15)**

18. The Governing Council took note with appreciation of the activities undertaken and partnerships developed for the promotion of the UNIDROIT instruments in this field.

19. The Council also took note of the further work on private art collections.

**Item 13 on the agenda: UNIDROIT instruments in the COVID-19 pandemic (C.D. (100) B.16)**

20. The Governing Council took note of the progress made in the Secretariat's initiatives and work in preparing a series of guidance documents aimed at providing broader awareness of UNIDROIT's instruments, such as the UNIDROIT Principles of International Commercial Contracts (UPICC) and the Principles of Reinsurance Contract Law (PRICL), and the important role they can play in facilitating the economic recovery from the COVID-19 pandemic.

21. The Council also acknowledged the progress made by the Secretariat, in partnership with the Food and Agriculture Organization of the United Nations (FAO), the International Chamber of Commerce Italy (ICC Italy) and the International Fund for Agricultural Development (IFAD), on the development of a guidance document providing best practices and lessons learned from the COVID-19 pandemic and similar disastrous events, drawn from national legal frameworks and practice, in order to strengthen the legal framework underpinning contract farming and food supply chain governance in general.

**Item 14 on the agenda: Promotion of UNIDROIT instruments ([C.D. \(100\) B.17](#))**

22. The Council took note of the Secretariat's report on the numerous activities undertaken to promote UNIDROIT's instruments since the Governing Council's 99<sup>th</sup> session held in September 2020.

**Item 15 on the agenda: UNIDROIT Library and research activities ([C.D. \(100\) B.18](#))**

23. The Council took note of developments in the Library under unprecedented circumstances imposed by the global pandemic, and expressed its appreciation for its promotion of research through the Research Scholarship and Internship Programme.

**Item 16 on the agenda: UNIDROIT information resources and policy ([C.D. \(100\) B.19](#))**

24. The Council took note of developments in the information resources and policy of the Institute, including paper-based and electronic publications in the Uniform Law Review, social media and the website.

**Item 17 on the agenda: Proposal by the Secretary-General of new appointment procedure for Correspondents (2022-2025) ([C.D. \(100\) B.20](#))**

25. The Council approved the plan proposed by the Secretary-General for the new appointment procedure for Correspondents.

**Item 18 on the agenda: Whistle-blower and anti-retaliation policy ([C.D. \(100\) B.21](#))**

26. The Governing Council took note of the draft Whistleblower and Antiretaliation Policy prepared by the Secretariat and stated it had no objection to its immediate application, if necessary, pending final completion of certain matters in the forthcoming revision of the Regulations.

**Item 19 on the agenda: UNIDROIT Academy ([C.D. \(100\) B.22](#))**

27. The Governing Council welcomed the proposal to create the UNIDROIT Academy with appreciation and endorsed the initiative.

**Item 20 on the agenda: UNIDROIT new website ([C.D. \(100\) B.23](#))**

28. The Governing Council expressed its appreciation and congratulations to the Secretariat for the newly launched UNIDROIT website, its new features and the new hosting service.

**Item 21 on the agenda: Date and venue of the 101<sup>st</sup> session of the Governing Council**

29. The Council agreed that the 101<sup>st</sup> session of the Governing Council should be held from 25–27 May 2022, at the seat of UNIDROIT in Rome.