



**GOVERNING COUNCIL**  
**84<sup>th</sup> session**  
**Rome, 18-20 April 2005**

UNIDROIT 2005  
C.D. (84) 5 rev.  
Original: English  
April 2005

**Item No. 5 on the Agenda: Principles of International Commercial Contracts**

(memorandum prepared by the UNIDROIT Secretariat)

<i>Summary</i>	<i>Promotion and monitoring of the UNIDROIT Principles 2004</i>
<i>Action to be taken</i>	<i>None</i>
<i>Related documents</i>	<i>None</i>

1. The Governing Council, at its 83<sup>rd</sup> session in 2004, in approving the new edition of the Principles of International Commercial Contracts, invited the Secretariat to promote its widest distribution and encouraged the Secretariat to continue, in co-operation with UNILEX, to monitor the use of the Principles by the international legal and business communities (UNIDROIT 2004 - C.D. (83) 24, p. 12).
2. By the end of 2004 three of the official language versions of the UNIDROIT Principles 2004, i.e. English, French and Italian, had been published, while the Spanish language version was under preparation. As to the non-official language versions, a Chinese translation of the integral version of the Principles has been published; Russian, Farsi, Greek, Korean, Romanian and Slovak translations are under preparation. As with respect to the 1994 edition, the official language versions of the UNIDROIT Principles 2004 are being published by the Institute while the other language versions are being published by the translators in their respective countries on the basis of a standard licence agreement with the Institute.
3. An intense publicity campaign is bearing fruit: as of 15 January 2005, 680 copies of the English language version and 45 of the French language version had been sold, while of the Italian language version 104 copies had been sold.
4. The UNIDROIT Principles 2004 have been the source of inspiration for the preparation by Professor Marcel Fontaine (University of Louvain-la-Neuve, Member of the Working Group for the Preparation of the UNIDROIT Principles) of the draft Uniform Act on Contracts for the *Organisation pour l'harmonisation en Afrique du droit des affaires* (OHADA) which was finalised in September 2004. The draft is currently under examination by the competent organs of OHADA.

5. The UNIDROIT Principles 2004 have been presented on a number of occasions to interested business and legal circles. In most cases the participation of UNIDROIT's representatives was financed by the organisers and did not therefore involve any expense on the part of the Institute.

- On the occasion of an international symposium on the Bicentenary of the French Civil Code held in Geneva from 26 to 28 February 2004, P. Widmer (former Director of the Swiss Institute of Comparative Law; Member of the UNIDROIT Governing Council) delivered a paper on "Les Principes UNIDROIT – Une nouvelle forme de 'codification' au niveau transnational".

- On the occasion of an international symposium in honour of Professor Hein Kötz held at the Bucerius School of Law in Hamburg on 14 May 2004, M.J. Bonell (UNIDROIT, Chairman of the Working Group for the Preparation of the UNIDROIT Principles) delivered a paper on "UNIDROIT Principles 2004 – The new edition of the UNIDROIT Principles of International Commercial Contracts". An expanded version of this paper has been published in the *Uniform Law Review* 2004, pp. 5-40.

- On 27 May 2004, on the occasion of an international workshop on "Hard Law / Soft Law" held at the UNIDROIT headquarters under the joint auspices of the Commission on Commercial Law and Practice of the International Chamber of Commerce and UNIDROIT, M.J. Bonell made a presentation on the UNIDROIT Principles 2004.

- On the occasion of the international conference on "Harmonisation, Codification and Europeanisation of Private Law", held in Smolenice (Slovak Republic) on 16 -17 September 2004, P. Schlechtriem (University of Freiburg, Member of the Working Group for the Preparation of the UNIDROIT Principles) made a presentation on the UNIDROIT Principles 2004.

- On 19 November 2004, a conference on the UNIDROIT Principles and their use in practice was held at the Milan Chamber of National and International Arbitration. Papers were presented by M.J. Bonell, E. Brödermann (Attorney, Hamburg), C. Castronovo (Catholic University of Milan), G. Crespi-Reghizzi (University of Pavia), G. De Nova (University of Milan), G. Schiavoni (Vice-President of the Chamber and Observer of the Working Group for the Preparation of the UNIDROIT Principles) and F. Ziccardi (University of Milan).

- On 3 December 2004, the Contract Law Commission of the *Union Internationale des Avocats* held its annual session in Rome. The session was devoted to the UNIDROIT Principles 2004. Papers were presented by H. Kronke (Secretary-General of UNIDROIT), M.J. Bonell and M. Fontaine, the latter reporting on the role of the UNIDROIT Principles in the preparation of the OHADA draft Uniform Act on Contracts.

- On 10 December 2004, an international Colloquium on the UNIDROIT Principles 2004 was held at the International Court of Arbitration of the International Chamber of Commerce, Paris. Papers were presented by H. Kronke on "An Overview of the New Chapters of the UNIDROIT Principles 2004", E. Jolivet (General Counsel, ICC International Court of Arbitration) on "UNIDROIT Principles in Recent ICC Awards", C. Ramberg (Gothenburg University) on "E-commerce", F. Reynolds (Worcester College, Oxford) on "Authority of Agents", W. Wiegand (University of Berne) on "Assignment", P. Bernardini (LUISS University, Rome) on "Limitation Periods", K.P. Berger (University of Cologne) on "Set-off", G. von Mehren (Squire, Sanders & Dempsey LLP, Cleveland, Ohio) on "Third-party Rights" and F. Bortolotti (University of Turin) on "Current Contract Practice and UNIDROIT Contract Principles – ICC Model Contracts – ITC Model Contracts". The UNIDROIT Secretariat was represented by the Secretary-General, M.J. Bonell and F. Mestre.

- Other events planned in the near future for the promotion of the UNIDROIT Principles 2004 are a Seminar organised by the Loyola University School of Law in New Orleans, Louisiana, on 8

---

April 2005 and a Conference of the International Association of Legal Science to be held in Beijing from 20 to 22 October 2005.

6. Monitoring of the use in practice of the UNIDROIT Principles continues on a systematic basis. UNILEX, the database of international caselaw and bibliography on the United Nations Convention on Contracts for the International Sale of Goods (CISG) and the UNIDROIT Principles

<<http://www.unilex.info>>, is being constantly updated with the most recent decisions and bibliographical references. By the end of 2004, the total number of court decisions and arbitral awards referring in one way or another to the UNIDROIT Principles and contained in UNILEX, was 91, while the number of bibliographic references was 562. As usual, each new decision is included in the database in the form of an abstract in English, and where available, the full text in the original language and is then classified, as are the bibliographical references, so as to permit its retrieval by date, country and issue. It is expected that in the near future the I.C.C. International Court of Arbitration will publish some 30 additional arbitral awards referring to the UNIDROIT Principles which have been rendered in the years 2002-2004.

---

[ [Documents 84<sup>th</sup> session Governing Council \(2005\): Main page](#) ]