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Item No. 16 on the agenda : The Uniform Law Data Base

(memorandum prepared by the Secretariat)

<i>Summary</i>	<i>The document illustrates developments in the preparation of the UNILAW data base</i>
<i>Action to be taken</i>	<i>(1) Determine priority status; (2) Cf. paragraph 7</i>
<i>Related documents</i>	<i>None</i>

DISCUSSION LEADING PARAMETERS AS PROPOSED BY THE SECRETARIAT

Priority	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	high	medium	low	to be determined

I. Strategic Plan

Yes, because of (1) UNIDROIT'S potential as the world's leading source of knowledge and information on international uniform private law (cf. Strategic Objective No. 2) and (2) the potential benefit of the data base to all those who need and work with international uniform private law, in particular developing countries and economies in transition (cf. Strategic Objective No. 11).

II. Work Programme 2006 - 2008

Yes

Staffing implications

To maintain the present rate of treatment of the data and documents: 0.4 Research Officer. If the Council considers that the rate of insertion should be increased, staff time will need to be allocated to the project.

Budget implications

Substantive work carried out by 0.4 Research Officer. Assistance with document processing funded by extra-budgetary resources (circa 17,000 euros per year). If the Council considers the priority to be given should be medium or above, budgetary allocations will need to be made.

1. Work on UNILAW, the UNIDROIT data base on uniform law, progressed steadily in 2005. The state of work at the end of February 2006 is the following:

A. *1956 Convention on Contracts for the International Sale of Goods (CMR)*

- ◆ 1224 cases from 18 countries, the European Union and an Arbitral Tribunal have been collected and registered;
- ◆ more than a further 100 cases have been retrieved and are awaiting registration;
- ◆ 313 cases have been inserted in the Administration data base. Of these, 206 have been treated and are visible to the public. Even if not all have summaries, they have all been linked to the relevant issues, keywords, and articles of the Convention;
- ◆ 28 case summaries (in English) are awaiting editing, following which the cases will be linked to the issues, keywords, and articles of the Convention and made visible to the public;
- ◆ the assistance of Mr Malcolm Clarke, Professor of Law at the University of Cambridge, has been enlisted to obtain permission from the publishers to reproduce the full text of cases from the United Kingdom;
- ◆ the assistance of Mr Gábor Palásti, Department of European Law and Private International Law, Faculty of Law of the University of Miskolc (Hungary) has been enlisted to prepare case summaries on Hungarian cases;
- ◆ 374 bibliographical references have been inserted in the data base, linked to keywords, articles of the Convention and bibliographical areas.

B. *2001 Cape Town Convention on International Interests in Mobile Equipment and Protocol thereto on Matters specific to Aircraft Equipment*

- ◆ the texts of both Convention and Protocol have been inserted in the Administration data base awaiting treatment;
- ◆ the analysis of the instruments is underway, with a view to (a) the preparation of issues to be linked to the provisions and (b) the extrapolation of keywords;
- ◆ a bibliography of 150 entries, including entries on the Convention, the Aircraft Protocol, the draft Rail Protocol and the preliminary draft Space Asset Protocol, as well as general entries on security interests, is being classified with a view to its insertion in the data base and linking to keywords, articles of the instruments and bibliographical areas.

C. *1929 Warsaw Convention for the Unification of Certain Rules Relating to International Carriage by Air / 1999 Montreal Convention for the Unification of Certain Rules for International Carriage by Air*

- ◆ the assistance of Mr Malcolm Clarke has been enlisted for the preparation of issues to be linked to the text of the Conventions;
- ◆ 172 cases from 15 countries have been collected on the Warsaw Convention and registered;
- ◆ work on the bibliography has also started.

D. *Other Conventions*

- ◆ cases are collected as they are published in the legal periodicals available in the UNIDROIT library. Their registration is underway. Similarly, the bibliographical references are also prepared with a view to their classification.

E. Interns

2. In 2005 no intern came to the Institute to work on the UNILAW data base. *Ms Gabriele Koziol* (Austria), an independent researcher working on the Cape Town Convention, time permitting prepared a few case summaries on the CMR. It is hoped that she will produce more case summaries for us.

3. *Mr Leo Van den hole* (Belgium), an intern in 2002 and now with LeBoeuf Lamb Green & MacRae LLP in Brussels, is interested in continuing to contribute case summaries to the data base. Recently the first 28 arrived. He has undertaken to prepare case summaries also for cases from the Netherlands.

F. General Observations

4. The preparation of the data to be inserted in the data base is a long process. The data needs to be collected, cases must be scanned and proof-read when no electronic version is accessible, summaries prepared and translated, translations checked, issues identified and linked, keywords identified and linked. Then the data must be inserted in the data base. It must be inserted twice, as the data base is in two languages.

5. A major difficulty is the preparation of case summaries. Few young lawyers express an interest in collaborating with the data base, perhaps understandably as the data base suffers from a lack of funds and is therefore not in a position to contribute to fund those who come to Rome. In this scenario deep appreciation must be expressed to the *Uniform Law Review* which places the case summaries it publishes at the disposal of the data base.

6. Currently no staff member is working full time on this project. Of the staff members of the Institute one officer (*Ms Lena Peters*) devotes part of her time to the data base. The Uniform Law Foundation has seconded *Ms Judit Kisely* to work on the data base, which she does part-time. If the data base is to develop more quickly, it is necessary for more resources to be devoted to it. As the budget of the Institute does not have sums allocated to the data base, funding must be found outside the Institute.

ACTION TO BE TAKEN

7. (1) *The Governing Council is invited to determine the priority status of work on the data base in light of the staffing and budget implications.*

(2) *In particular, the Council is invited to determine to which extent work on the data base is to be funded under the ordinary budget.*

(3) *Council members are invited to:*

- ◆ *contribute to the data base by having case summaries prepared for cases from the courts of their countries;*
- ◆ *assist the Secretariat in retrieving data to be inserted in the data base;*
- ◆ *assist the Secretariat to identify potential sources of funding for the data base.*