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**Item No. 13 on the agenda: Uniform Law Review / *Revue de droit uniforme*  
and other publications**

(Secretariat memorandum)

<i>Summary</i>	<i>Report on progress made</i>
<i>Action to be taken</i>	<i>Take note of the progress made and the work underway</i>
<i>Mandate</i>	<i>Resolution of the Governing Council No. 2 (B)(5) adopted at its 34<sup>th</sup> session (15 April 1954); Decision of the Governing Council at its 51<sup>st</sup> session (29 – 31 May 1972)</i>
<i>Priority level</i>	<i>High</i>
<i>Status</i>	<i>On time</i>
<i>Related documents</i>	<i>/</i>

**A. THE UNIFORM LAW REVIEW / *REVUE DE DROIT UNIFORME***

***Introduction – A new Editorial Board***

1. Secretariat document C.D. (88) 14 submitted to the 88<sup>th</sup> session of the Governing Council presented a detailed survey of the most important aspects of the Review, mainly for the benefit of the new members of the Council. This document will therefore concentrate on only the new aspects introduced in the course of the past year, and on certain prospects for the near future.

2. In 2009 a new Editorial Board was set up for the Review, with the President as Director, the Secretary-General and Ms Zanobetti, Deputy Secretary-General, as joint Editors-in-Chief, Ms Lena Peters as Associate Editor-in-Chief, and with the participation of all the officers and the Head of the library. The publication of the Review is possible thanks to the competent and precious contribution of Ms de Seume, Assistant to the Editors-in-Chief, and to the contribution of all the members of the Secretariat, each of whom collaborates in the different stages of the production of the Review as corresponds to his or her sphere of competence (editing, translating, formatting, mailing, sale and promotion).

### ***Contents of the Review in 2009***

3. The volume published in 2009, which comprised 1089 pages, continued the mission set for this tool: to be the vehicle which permits the Organisation to promote knowledge of the work of the organisations devoted to the preparation of rules of law, and naturally in the first instance of its own work. Thus, this volume contains the text of the *UNIDROIT Model Law on Leasing*, adopted in autumn 2008, preceded by a presentation by Mr Stanford and accompanied by four articles which illustrate its most important aspects.

4. The section "Articles", which is very rich, covers both the general aspects of the harmonisation of law (to be noted in particular an in-depth study by the Secretary-General which opens the first issue of the year) and specific aspects. Many articles are devoted to UNIDROIT instruments as well as to subjects which could form the object of future work.

5. The section "Uniform Law Instruments" contains the English and French texts of the *Model Law on Leasing* and three other instruments, all recently adopted: two ICAO Conventions (one on "*Compensation for Damage to Third Parties, Resulting from Acts of Unlawful Interference Involving Aircraft*", the other on "*Compensation for Damage Caused by Aircraft to Third Parties*") and the *United Nations Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea* (the Rotterdam Rules). The texts are preceded by presentations that the Secretariat entrusted to experts which had directly followed the negotiations for these instruments. Issue number 4 contains ten articles on the different aspects of the Rotterdam Rules, written by ten experts on maritime law from different countries which were members of the delegations which, under the auspices of UNCITRAL, prepared the Convention.

6. The section with "News" on uniform law as usual contains not only news on UNIDROIT, but also news from other organisations that deal with uniform law, thanks to the collaboration of officers of those organisations. The Section on "Bibliography" contains the "Uniform Law Bibliography", compiled by the UNIDROIT librarian, as well as "Book Reviews & Notices". It should be recalled that this section permits the Library to receive books sent free by publishers and authors with a view to their being reviewed in the Review.

### ***Contents Of the 2010 volume of the Review***

7. In 2010, the Editorial Board intends to publish, in English and French, the *Geneva Convention on Substantive Rules for Intermediated Securities*, the text of which became definitive in February 2010, accompanied by an introduction written by the Secretary-General. A special issue will be devoted to a presentation of its most important aspects, the contributions being entrusted to experts, and will be published after the finalisation of the Official Commentary. The Review will publish a certain number of the contributions on secured transactions presented at a colloquium held at UNCITRAL in March 2010, in which the Secretary-General participated. UNIDROIT has also received an offer to publish the General Report and the National Reports on the subject of the "Harmonization of Finance Leases by UNIDROIT" which will be presented at the XVIII<sup>th</sup> Congress of the International Academy of Comparative Law, which will be held in summer 2010 in Washington.

### ***The production and mailing of the Review***

8. As regards the production and distribution of the Review, it must be stressed that even if the number of subscriptions shows a slight decrease, (232 in 2008, 229 in 2009) as a result of the savings that all institutions, and therefore several libraries, seek to make, there is a counter-

tendency in the number of exchanges which is increasing, thereby placing new periodicals at the disposal of the users of the library. As already suggested in the document prepared for the 88<sup>th</sup> session of the Council, a certain number of subscriptions could have ceased as a result of the agreement with HeinOnline, which permits the consultation of the Review on-line, even if with two years delay with respect to its publication. The royalties paid by HeinOnline to the Institute increased to US\$ 4,323.58 in 2008 (referring to 2007). Even if the royalties for 2009 (referring to 2008) have not yet been transmitted to the Institute, it may be foreseen that this sum will, at a strictly economic level, compensate the amount lost as a result of the decrease in subscriptions.

9. Good news concerns the cost of mailing. Thanks to an agreement concluded with the *Poste Italiane*, made possible as a result of the privatisation of its management, the cost of the mailing of each issue of the Review has decreased considerably. In 2008 it totalled approximately 14,000 euro (it must however be recalled that one issue of 2008 was particularly heavy), in 2009 it totalled 6,000 euro.

### ***The On-Line Version of the Review***

10. Members of the Council are reminded that an electronic version of the Uniform Law Review / *Revue de droit uniforme*, is accessible on-line. Access to basic information, the Table of Contents, as well as to a certain number of leading articles, is free, whereas for a complete consultation a password is necessary. The question of the commercial utilisation of the on-line version of the Review is still open.

## **B. OTHER PUBLICATIONS CONCERNING UNIDROIT INSTRUMENTS**

### ***UNIDROIT Principles on International Commercial Contracts – 3rd Edition***

11. With a view to the publication of the third edition of the Principles, the Secretariat will finalise the English and French versions in the course of the second half of 2010, as well as their formatting. It will also make contacts with a view to the translation of the new edition into other languages.

### ***Cape Town Convention and Aircraft Protocol***

12. The Secretariat expects to prepare the French version of the revised edition of the Official Commentary on the Cape Town Convention and Aircraft Protocol prepared by Professor Sir Roy Goode and published in June 2008.

### ***ALI/UNIDROIT Principles of Transnational Civil Procedure***

13. The English volume published by Cambridge University Press containing the text of the *ALI/UNIDROIT Principles of Transnational Civil Procedure* with comments, as well as the ALI Rules with comments, is being translated into different languages (the text of the Principles is available on the website of UNIDROIT in Chinese, German, Japanese and Turkish, as well as in English and French).

14. Following the publication in 2008 of the volume in Persian (translated by Professor Majid Pour-Ostad and published by The S.D. Institute of Law (Research & Study), Tehran), two other linguistic versions will shortly be published: the *Russian* version prepared by Professor Elena Vinogradova, Principal Researcher of the Institute of State and Law of the Russian Academy of Sciences, and by Dr Maria Filatova, Associate Professor at the Russian Foreign Trade Academy,

under the supervision of Professor Alexander Komarov, Director of the Department of Private Law of the Russian Foreign Trade Academy (Moscow) and honorary member of the UNIDROIT Governing Council, and the *Spanish* version which was prepared by Dr Inés de San Martín (Attorney, Assistant Professor at the University of Buenos Aires, Argentina) and reviewed by Dr Aída Kemelmajer de Carlucci, Judge of the Supreme Court of Mendoza (Argentina), and member of the ALI-UNIDROIT Study Group on the preparation of the Principles of Transnational Civil Procedure. The Russian version will be distributed in Russia and in the CIS States by Infotropic Media LLC and the Spanish version will be distributed in the whole of Latin America and possibly also in Spain.

### ***Model Law on Leasing***

15. The Secretariat has prepared the English and French versions of the Official Commentary on the *Model Law on Leasing* which should be published in the course of 2010. Translations into other languages are expected.

### ***Geneva Convention on Intermediated Securities***

16. When the Official Commentary on the *Geneva Convention on Intermediated Securities* has been approved in accordance with the procedure approved by the Diplomatic Conference which adopted the Convention, the Secretariat will finalise the English and French versions of the Commentary with a view to their publication.

### ***Booklet containing the Unidroit Instruments***

17. The Secretariat intends to publish a series of booklets, each of which will contain the text of an UNIDROIT instrument, with a view to the promotion of the instruments.

## **C. ACTES ET DOCUMENTS D'UNIDROIT**

18. The *UNIDROIT Proceedings & Papers 1997 – 2009* on CD-ROM have been published by the Secretariat and distributed free of charge to Depository Library which collect UNIDROIT documentation in the member States of the Organisation, as well as to the members of the Governing Council.