

<b>Title</b>	Overview of Conventions and other instruments drawn up under the auspices of UNCITRAL, UNIDROIT and the HCCH
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<b>Objective</b>	To report on the status of the Conventions and other instruments drawn up under the auspices of UNCITRAL, UNIDROIT and the HCCH
<b>Action to be Taken</b>	For Decision <input type="checkbox"/> For Approval <input type="checkbox"/> For Discussion <input type="checkbox"/> For Action / Completion <input type="checkbox"/> For Information <input checked="" type="checkbox"/>
<b>Annexes</b>	N/A
<b>Related Documents</b>	N/A

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# Overview of Conventions and other instruments drawn up under the auspices of UNCITRAL, UNIDROIT and the HCCH<sup>1</sup>

## I. Commercial Law and Finance Law

### A. Banking – Credit – Finance – Insolvency

#### *Conventions*

- 1 United Nations Convention on International Bills of Exchange and International Promissory Notes, adopted on 9 December 1988.<sup>2</sup>
- 2 United Nations Convention on Independent Guarantees and Stand-by Letters of Credit, adopted on 11 December 1995.
- 3 United Nations Convention on the Assignment of Receivables in International Trade, adopted on 12 December 2001.
- 4 UNIDROIT Convention on International Factoring, Ottawa, 28 May 1988.
- 5 UNIDROIT Convention on International Financial Leasing, Ottawa, 28 May 1988.
- 6 UNIDROIT Convention on International Interests in Mobile Equipment, Cape Town, 16 November 2001 (Cape Town Convention) and
  - Protocol to the Cape Town Convention on Matters Specific to Aircraft Equipment, Cape Town, 16 November 2001;
  - Luxembourg Protocol to the Cape Town Convention on Matters Specific to Railway Rolling Stock, Luxembourg, 23 February 2007;
  - Protocol to the Cape Town Convention on Matters Specific to Space Assets, Berlin, 9 March 2012;
  - Protocol to the Cape Town Convention on Matters specific to Mining, Agricultural and Construction Equipment, Pretoria (22 November 2019).

#### *Other*

- 7 UNIDROIT Model Law on Leasing, adopted on 13 November 2008.
- 8 UNIDROIT – Preparation of a UNIDROIT Model Law on Factoring (ongoing project).
- 9 UNIDROIT – Preparation of an instrument on harmonisation of national insolvency laws for the liquidation of banks and rules of cooperation and coordination in cross border cases (ongoing project).
- 10 UNIDROIT – Preparation of Principles on Digital Assets and Private Law (ongoing project).
- 11 UNCITRAL/UNIDROIT - Preparation of a Model Law on Warehouse Receipts (ongoing project).

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<sup>1</sup> Overview prepared by the Permanent Bureau of the HCCH in consultation with the secretariats of UNCITRAL and UNIDROIT, as an update of Work. Doc. No 3 distributed during the Council of April 2007 on General Affairs and Policy of the Conference. Any errors or omissions should be attributed to the Permanent Bureau.

<sup>2</sup> Conventions prepared by UNCITRAL are generally adopted by the General Assembly (exceptions include the United Nations Convention on Contracts for the International Sale of Goods and the Hamburg Rules, which were adopted by diplomatic conference) and model laws, guides or other texts are adopted by the Commission (unless indicated, such as the UNCITRAL Legal Guide on Electronic Funds Transfers, which was prepared by the Secretariat).

- 12 UNCITRAL Legal Guide on Electronic Funds Transfers, completed in 1987.
- 13 UNCITRAL Model Law on International Credit Transfers, adopted on 15 May 1992.
- 14 UNCITRAL Model Law on Cross-Border Insolvency, adopted on 30 May 1997.
- 15 UNCITRAL Legislative Guide on Insolvency Law, adopted on 25 June 2004.
- 16 UNCITRAL Legislative Guide on Secured Transactions, adopted on 14 December 2007.
- 17 UNCITRAL Legislative Guide on Secured Transactions: Supplement on Security Rights in Intellectual Property, adopted on 29 June 2010.
- 18 UNCITRAL Practice Guide on Cross-Border Insolvency Cooperation, adopted on 1 July 2009.
- 19 UNCITRAL Legislative Guide on Insolvency Law, Part three: Treatment of enterprise groups in insolvency, adopted on 1 July 2010.
- 20 UNCITRAL Model Law on Cross-Border Insolvency: The Judicial Perspective, adopted on 1 July 2011.
- 21 UNCITRAL Model Law on Recognition and Enforcement of Insolvency-Related Judgments, adopted on 2 July 2018.
- 22 Joint publication of “UNCITRAL, Hague Conference and UNIDROIT Texts on Security Interests - Comparison and analysis of major features of international instruments relating to secured transactions”, May 2012.
- 23 UNCITRAL Guide on the Implementation of a Security Rights Registry, adopted on 16 July 2013.
- 24 Guide to Enactment and Interpretation of the UNCITRAL Model Law on Cross-Border Insolvency, adopted on 18 July 2013.
- 25 UNCITRAL Legislative Guide on Insolvency Law, Part four: Directors’ obligations in the period approaching insolvency, adopted on 18 July 2013.
- 26 UNCITRAL Model Law on Secured Transactions, adopted on 1 July 2016 and Guide to Enactment adopted on 20 July 2017.
- 27 UNCITRAL Model Law on Electronic Transferable Records, adopted on 13 July 2017.
- 28 UNCITRAL document “Recognizing and Preventing Commercial Fraud: Indicators of Commercial Fraud”, completed in 2013.
- 29 UNCITRAL Legislative Guide on Key Principles of a Business Registry, adopted on 27 June 2018.
- 30 UNCITRAL Practice Guide to the UNCITRAL Model Law on Secured Transactions, adopted on 12 July 2019.
- 31 UNCITRAL Model Law on Enterprise Group Insolvency and its Guide to Enactment, adopted on 15 July 2019.
- 32 Additional section of part four of the UNCITRAL Legislative Guide on Insolvency Law addressing the obligations of directors of enterprise group companies in the period approaching insolvency, adopted on 15 July 2019.
- 33 Digest of Case Law on the Model Law on Cross-Border Insolvency, completed in 2021.

## **B. Capital markets and securities**

### *Conventions*

- 1 HCCH Convention of 5 July 2006 on the Law Applicable to Certain Rights in Respect of Securities held with an Intermediary.
- 2 UNIDROIT Convention on Substantive Rules for Intermediated Securities (Geneva Securities Convention), Geneva, 9 October 2009.

### *Other*

- 3 UNIDROIT Principles on the Operation of Close-Out Netting Provisions, 2013.
- 4 UNIDROIT Legislative Guide on Intermediated Securities, 2017.

## **C. Procurement and infrastructure development**

- 1 UNCITRAL Legal Guide on Drawing Up International Contracts for the Construction of Industrial Works, adopted on 14 August 1987.
- 2 UNCITRAL Model Law on Procurement of Goods and Construction with Guide to Enactment, adopted on 16 July 1993.
- 3 UNCITRAL Model Law on Procurement of Goods, Construction and Services with Guide to Enactment, adopted on 15 June 1994.
- 4 UNCITRAL Legislative Guide on Privately Financed Infrastructure Projects, adopted on 29 June 2000.
- 5 UNCITRAL Model Legislative Provisions on Privately Financed Infrastructure Projects, adopted on 7 July 2003.
- 6 UNCITRAL Model Law on Public Procurement, adopted on 1 July 2011.
- 7 Guide to Enactment of the UNCITRAL Model Law on Public Procurement, adopted on 28 June 2012.
- 8 Guidance on procurement regulations to be promulgated in accordance with article 4 of the UNCITRAL Model Law on Public Procurement, adopted on 19 July 2013.
- 9 Glossary of procurement-related terms used in the 2011 UNCITRAL Model Law on Public Procurement, adopted on 19 July 2013.
- 10 UNCITRAL Model Legislative Provisions on Public-Private Partnerships, adopted on 10 July 2019.
- 11 UNCITRAL Legislative Guide on Public-Private Partnerships, adopted on 10 July 2019.

## **D. Law of contracts**

### *Conventions*

- 1 United Nations Convention on the Use of Electronic Communications in International Contracts, adopted on 23 November 2005.

### *Other*

- 2 HCCH Principles on Choice of Law in International Commercial Contracts, adopted on 19 March 2015.

- 3 UNIDROIT Principles of International Commercial Contracts (3rd ed., 2010); basis for the draft OHADA Uniform Act on Contract Law.
- 4 UNIDROIT Principles of International Commercial Contracts (4<sup>th</sup> ed., 2016).
- 5 Model Clauses for Use by Parties of the UNIDROIT Principles of International Commercial Contracts, 2013.
- 6 UNCITRAL - Uniform Rules on Contract Clauses for an Agreed Sum Due upon Failure of Performance, adopted in 1983.
- 7 UNCITRAL - Recommendation on the Legal Value of Computer Records, adopted in 1985.
- 8 UNCITRAL Model Law on Electronic Commerce with Guide to Enactment 1996, with additional Article 5 bis as adopted in 1998.
- 9 UNCITRAL Model Law on Electronic Signatures with Guide to Enactment, adopted on 5 July 2001.
- 10 UNCITRAL – Promoting confidence in electronic commerce: legal issues on international use of electronic authentication and signature methods, completed in 2007.
- 11 UNCITRAL/ UNIDROIT /HCCH Tripartite Legal Guide to Uniform Legal Instruments in the Area of International Commercial Contracts (with a focus on sales), 2020.

## **E. Intellectual Property**

- 1 WIPO-HCCH Guide on “When Private International Law Meets Intellectual Property Law – A Guide for Judges” (October 2019).

## **F. Specific contracts**

### **a. Sales and countertrade transactions**

#### *Conventions*

- 1 HCCH Convention of 15 June 1955 on the law applicable to international sales of goods.
- 2 HCCH Convention of 22 December 1986 on the Law Applicable to Contracts for the International Sale of Goods.
- 3 United Nations Convention on Contracts for the International Sale of Goods, adopted on 11 April 1980.
- 4 United Nations Convention on the Limitation Period in the International Sale of Goods (as amended by 1980 Protocol), adopted on 12 June 1974.
- 5 UNIDROIT Convention relating to a Uniform Law on the International Sale of Goods, adopted at The Hague on 1 July 1964.
- 6 UNIDROIT Convention relating to a Uniform Law on the Formation of Contracts for the International Sale of Goods, adopted at The Hague on 1 July 1964.

#### *Other*

- 7 Declaration relating to the scope of the Hague Convention of 15 June 1955 on the law applicable to international sales of goods whereby the Convention “does not prevent States Parties from applying special rules on the law applicable to consumer sales”, adopted on 25 October 1980.
- 8 HCCH Articles of 25 October 1980 on the Law Applicable to Certain Consumer Sales.

- 9 UNCITRAL Legal Guide on International Countertrade Transactions, adopted on 12 May 1992.
- 10 Principles of Reinsurance Contract Law, PRICL Project Group in cooperation with UNIDROIT, 2019.

**b. Agency**

- 1 HCCH Convention of 14 March 1978 on the Law Applicable to Agency.
- 2 UNIDROIT International Convention on Travel Contracts (CCV), Brussels, 23 April 1970.
- 3 UNIDROIT Convention on Agency in the International Sale of Goods, Geneva, 17 February 1983.

**c. Franchising**

- 1 UNIDROIT Guide on International Master Franchise Agreements of 1998 (2nd ed., 2007).
- 2 UNIDROIT Model Franchise Disclosure Law, adopted on 25 September 2002.

**d. Carriage of goods**

*Conventions*

- 1 UN / ECE Convention of 19 May 1956 on the Contract for the International Carriage of Goods by Road (CMR), as amended by the 1978 and 2008 Protocols, prepared by UNIDROIT.
- 2 United Nations Convention on the Carriage of Goods by Sea (the “Hamburg Rules”), adopted on 31 March 1978.
- 3 United Nations Convention on the Liability of Operators of Transport Terminals in International Trade, adopted on 19 April 1991.
- 4 United Nations Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea (the “Rotterdam Rules”), adopted on 11 December 2008.

*Other*

- 5 UNCITRAL - Unit of Account Provision and Provisions for the Adjustment of the Limit of Liability in International Transport and Liability Conventions, adopted on 28 July 1982.

**e. Law of torts**

*Conventions*

- 1 HCCH Convention of 4 May 1971 on the Law Applicable to Traffic Accidents.
- 2 HCCH Convention of 2 October 1973 on the Law Applicable to Products Liability.

**f. Law of trusts**

- 1 HCCH Convention of 1 July 1985 on the Law Applicable to Trusts and on their Recognition.

## II. Resolution in Civil and Commercial matters

### A. Administrative and judicial co-operation and access to justice

#### *Conventions*

- 1 HCCH Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents, including ongoing work on the electronic Apostille Program (e-APP, which promotes the issuance and use of e-Apostilles and operation of online e-Registers of Apostilles).
- 2 HCCH Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters.
- 3 HCCH Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters.
- 4 HCCH Convention of 25 October 1980 on International Access to Justice.

#### *Other*

- 5 Work on a possible Convention on the Co-operation in respect of protection of tourists and visitors abroad (ongoing).
- 6 Practical Handbook on the Operation of the Service Convention (4<sup>th</sup> edition, January 2016).
- 7 Practical Handbook on the Operation of the Evidence Convention (4<sup>th</sup> edition, December 2020).
- 8 Guide to Good Practice on the Use of Video-Link under the Evidence Convention (April 2020)
- 9 The ABCs of Apostilles (2010).
- 10 How to join and implement the Hague Apostille Convention - A Brief Guide for Countries Interested in Joining the Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents (April 2011).
- 11 Handbook on the practical operation of the Apostille Convention (April 2013).

### B. International litigation

#### *Conventions*

- 1 HCCH Convention of 1 February 1971 on the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters, including the Additional Protocol.
- 2 HCCH Convention of 30 June 2005 on Choice of Court Agreements.
- 3 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, Rome, 24 June 1995.
- 4 HCCH Convention of 2 July 2019 on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters

#### *Other*

- 5 ALI / UNIDROIT Principles of Transnational Civil Procedure, adopted in 2004.
- 6 UNESCO / UNIDROIT Model Provisions on State Ownership of Undiscovered Cultural Objects, 2011.
- 7 Joint ELI / UNIDROIT Model European Rules of Civil Procedure, 2020.



- 8 Implementation Checklist - HCCH Convention of 30 June 2005 on Choice of Court Agreements (2012).
- 9 UNIDROIT – Preparation of an instrument on Best Practices for Effective Enforcement (ongoing project).

### **C. Arbitration**

#### *Conventions*

- 1 Convention on the Recognition and Enforcement of Foreign Arbitral Awards (the “New York Convention”), adopted on 10 June 1958.
- 2 United Nations Convention on Transparency in Treaty-based Investor-State Arbitration, adopted on 10 December 2014.
- 3 United Nations Convention on International Settlement Agreements Resulting from Mediation, adopted on 20 December 2018.

#### *Other*

- 4 UNCITRAL Arbitration Rules, adopted on 28 April 1976, revised in 2010, with a new article 1, paragraph 4, as adopted in 2013.
- 5 UNCITRAL Conciliation Rules, adopted on 23 July 1980.
- 6 Recommendations to assist arbitral institutions and other interested bodies with regard to arbitrations under UNCITRAL Arbitration Rules, adopted in 1982.
- 7 UNCITRAL Notes on Organizing Arbitral Proceedings, adopted on 7 July 2016
- 8 UNCITRAL Model Law on International Commercial Conciliation with Guide to Enactment and Use, adopted on 24 June 2002.
- 9 UNCITRAL Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation, 2018 (amending the UNCITRAL Model Law on International Commercial Conciliation, 2002), adopted on 25 June 2018.
- 10 UNCITRAL Model Law on International Commercial Arbitration 1985 with amendments as adopted on 7 July 2006.
- 11 UNCITRAL – Recommendation regarding the interpretation of article II (2) and article VII (1) of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958), adopted on 7 July 2006.
- 12 Recommendations to assist arbitral institutions and other interested bodies with regard to arbitration under the UNCITRAL Arbitration Rules as revised in 2010, adopted on 2 July 2012.
- 13 UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration, effective date: 1 April 2014.
- 14 UNCITRAL Secretariat Guide on the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (September 2016).

### **D. Online Dispute Resolution**

- 1 UNCITRAL Technical Notes on Online Dispute Resolution, adopted on 5 July 2016.

### III. International Protection of Children and of Vulnerable Adults, and Family Maintenance

#### A. International protection of children

##### *Conventions*

- 1 HCCH Convention of 2 October 1973 on the Law Applicable to Maintenance Obligations.
- 2 HCCH Convention of 2 October 1973 on the Recognition and Enforcement of Decisions Relating to Maintenance Obligations.
- 3 Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction.
- 4 HCCH Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption.
- 5 HCCH Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children.
- 6 HCCH Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance.
- 7 HCCH Protocol of 23 November 2007 on the Law Applicable to Maintenance Obligations.

##### *Other*

- 8 Guide to Good Practice under the 1980 HCCH Child Abduction Convention, in six parts: I Central Authority Practice (2003); II Implementing Measures (2003); III Preventive Measures (2005); IV Enforcement (2010); V Mediation (2012); and VI Article 13(1)(b) (March 2020) [and a range of other practical materials].
- 9 Transfrontier Contact Concerning Children, General Principles and Guide to Good Practice under the HCCH 1980 Child Abduction and 1996 Protection of Children Conventions (2008).
- 10 The Implementation and Operation of the 1993 HCCH Intercountry Adoption Convention, Guide to Good Practice, Guide No 1 (2008).
- 11 Accreditation and Adoption Accredited Bodies: General Principles and Guide to Good Practice, Guide No 2 under the 1993 HCCH Intercountry Adoption Convention (2013).
- 12 Practical Handbook on the Operation of the 1996 HCCH Child Protection Convention (2014).
- 13 General Principles on Direct Judicial Communication in Family Law Matters (2013).
- 14 Practical Handbook for Caseworkers under the 2007 HCCH Child Support Convention (2014).
- 15 Practical Handbook for Competent Authorities: the 2007 HCCH Child Support Convention, the 2007 HCCH Protocol on Applicable Law (Maintenance) and the 2009 European Union Maintenance Regulation (2013).
- 16 Implementation Checklist under the 2007 HCCH Child Support Convention (2009).
- 17 Ongoing HCCH work on the private international law issues surrounding the status of children, including issues arising from international surrogacy arrangements (Parentage / Surrogacy Project).
- 18 Ongoing HCCH work on recognition and enforcement of agreements in family matters involving children (Family Agreements Involving Children Project).

## **B. International protection of vulnerable adults**

- 1 HCCH Convention of 13 January 2000 on the International Protection of Adults.
- 2 Draft Implementation Checklist under the 2000 HCCH Protection of Adults Convention (ongoing).

## **C. International family and family property relations**

### *Conventions*

- 1 HCCH Convention of 1 June 1970 on the Recognition of Divorces and Legal Separations.
- 2 HCCH Convention of 14 March 1978 on Celebration and Recognition of the Validity of Marriages.
- 3 HCCH Convention of 14 March 1978 on the Law Applicable to Matrimonial Property Regimes.  
See also *supra* J.

## **D. International inheritance**

### *Conventions*

- 1 HCCH Convention of 5 October 1961 on the Conflicts of Laws Relating to the Form of Testamentary Dispositions.
- 2 HCCH Convention of 2 October 1973 Concerning the International Administration of the Estates of Deceased Persons.
- 3 HCCH Convention of 1 July 1985 on the Law Applicable to Trusts and on their Recognition (see *supra* F).
- 4 HCCH Convention of 1 August 1989 on the Law Applicable to Succession to the Estates of Deceased Persons.
- 5 UNIDROIT Convention providing a Uniform Law on the Form of an International Will, Washington, DC, 26 October 1973.

## **IV. Private Law and Agricultural development**

- 1 UNIDROIT/FAO/IFAD Legal Guide on Contract Farming (May 2015).
- 2 UNIDROIT – Legal Guide on Agricultural Land Investment Contracts, approved by UNIDROIT in 2020.
- 3 UNIDROIT – Preparation of an UNIDROIT/FAO/IFAD instrument on Legal Structure of Agricultural Enterprises (ongoing project).