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**Current activities of international organizations related to
the harmonization and unification of international trade law**

Note by the Secretariat*

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* The submission of this document was delayed due to need to finalize consultations.



I. Introduction

1. In resolution 34/142 of 17 December 1979, the General Assembly requested the Secretary-General to place before the United Nations Commission on International Trade Law a report on the legal activities of international organizations in the field of international trade law, together with recommendations as to the steps to be taken by the Commission to fulfil its mandate of coordinating the activities of other organizations in the field.

2. In resolution 36/32 of 13 November 1981, the General Assembly endorsed various suggestions by the Commission to implement further its coordinating role in the field of international trade law.¹ Those suggestions included presenting, in addition to a general report of activities of international organizations, reports on specific areas of activity focusing on work already under way and areas where unification work was not under way but could appropriately be undertaken.²

3. This general report, prepared in response to resolution 34/142, is the fifth in a recent series, which the Secretariat proposes to update and revise on an annual basis for the information of the Commission. The first paper (A/CN.9/584, May 2005) and related papers on electronic commerce (A/CN.9/579) and insolvency (A/CN.9/580/Add.1) were prepared for the thirty-eighth session of the Commission. The second paper (A/CN.9/598, April 2006) and related papers on procurement (A/CN.9/598/Add.1) and security interests (A/CN.9/598/Add.2) were prepared for the thirty-ninth session of the Commission. The third paper (A/CN.9/628 and A/CN.9/628/Add.1, May 2007) were prepared for the fortieth session of the Commission. The fourth paper (A/CN.9/657 and A/CN.9/657/Add.1) and a related paper on public procurement law (A/CN.9/657/Add.2) were prepared for the forty-first session of the Commission. The present paper and addenda focuses on activities of international organizations primarily undertaken since preparation of the fourth paper, while A/CN.9/707/Add.1 relates solely to current activities of international organizations related to the harmonization of cross-border insolvency law. This fifth paper in the series is again based upon publicly available material and consultations sought with the listed organizations. This paper does not repeat information contained in the previous papers unless necessary to facilitate understanding of a particular issue.

II. General coordination in the United Nations

4. The United Nations has in recent years taken greater steps aimed at improved and more effective coordination amongst its various bodies, and the UNCITRAL Secretariat actively participates in those general coordination activities. The following paragraphs list some of the more recent examples of such general coordination activities.

5. Pursuant to resolutions 61/39 and 62/70, the General Assembly requested the Secretary-General to prepare an inventory of the current rule of law activities of the

¹ *Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 17 (A/36/17)*, paras. 93-101.

² *Ibid.*, para. 100.

United Nations. The interim and final reports (A/62/261 and A/63/64) submitted to the General Assembly on 15 August 2007 and 12 March 2008 respectively, contain information regarding the inventory of current activities of the organs, offices, departments, funds and programmes within the United Nations system devoted to the promotion of the rule of law at the national and international levels. The UNCITRAL Secretariat played an active role in ensuring that its activities were properly reflected in this inventory of United Nations rule of law activities.

6. Section II of the final report on the rule of law at the national and international levels (A/63/64) contains an inventory of the current rule of law activities of the United Nations which includes, under the auspices of the Office of Legal Affairs (International Trade Law Division), a number of activities undertaken by the UNCITRAL Secretariat. Those activities concern the promotion of treaties and other international instruments and international standards, activities relating, among other things, to capacity-building and dissemination of information, provision of technical assistance in the preparation of national legal instruments to implement international law and monitoring, collecting information and reporting on domestic implementation of international law.³

7. The UNCITRAL Secretariat has also contributed to the preparation of the annual reports of the Secretary-General on strengthening and coordinating United Nations rule of law activities (see A/63/226 for 2008 and A/64/298 for 2009) and to the creation of a rule of law website (<http://www.unrol.org>) which was launched in November 2009. Finally, the UNCITRAL Secretariat has played an active role on the Task Force of the Office of Legal Affairs that was given the task of preparing a draft Guidance Note on the Rule of Law at the International Level. The Guidance Note is in the process of being finalized and will be published on the rule of law website in due course.

III. Harmonization and unification of international trade law

A. International commercial contracts

Hague Conference on Private International Law⁴

8. Further to preparatory work carried out by the Permanent Bureau since 2006, the Council on General Affairs and Policy of the Hague Conference on Private International Law (the Hague Conference) decided that work should continue for the benefit of the promotion of party autonomy in the field of international commercial contracts. To that end, the Council invited the Permanent Bureau in 2009 to form a Working Group consisting of experts in the field of private international law, international commercial law and international arbitration law and to continue its exploration of the development of a draft non-binding instrument concerning choice of law in international business-to-business contracts. The Working Group held its first meeting in The Hague on 21-22 January 2010, at which

³ For a complete list of UNCITRAL's rule of law activities as reflected in the final report, see A/63/64, paras. 46, 47, 48, 50, 62, 63, 79, 103, 109, 110, 160, 161, 227, 228, 236, 255, 274, 290, 291, 333, 413, 414, 415, 448, 466 and 467.

⁴ www.hcch.net.

the UNCITRAL Secretariat participated as an observer, in order to exchange views on the development and possible scope of a future draft instrument. The Permanent Bureau is setting up a restricted electronic discussion platform to facilitate discussions on the draft instrument amongst the members of the Working Group, and that platform is expected to soon be operational. The Permanent Bureau will coordinate further research and the drafting of proposals on issues examined by the Working Group in January 2010, as well as make preparations for the second meeting of the Working Group, scheduled from 15-17 November 2010.

International Institute for the Unification of Private Law⁵

9. Pursuant to the recommendation of the Governing Council of the International Institute for the Unification of Private Law (Unidroit), the Principles of International Commercial Contracts (PICC), first published in 1994, are included as an ongoing project in the work programme of the Institute. Subsequent to the adoption of the second enlarged edition of the PICC in 2004, in 2005 the Governing Council set up a new Working Group with the task of preparing a third edition of the PICC, including new chapters on the unwinding of failed contracts, illegality, plurality of obligors and/or obligees, conditional obligations and termination of long term contracts for just cause. The Working Group, composed of eminent experts representing the major legal systems and/or regions of the world as well as observers from international organizations, including the UNCITRAL Secretariat, has held four sessions in Rome, in 2006, 2007, 2008 and, most recently, in May 2009. Draft chapters have been prepared on each of the five topics suggested for inclusion in the new edition. However, the draft chapter on termination of long term contracts for just cause was thought to be at a less refined stage than the other draft chapters and the decision was made not to include it in the third edition of the PICC, but to include it in a possible fourth edition. The 5th session of the Working Group is scheduled for May 2010.

B. Microfinance

10. Further to a request made by the Commission at its forty-second session,⁶ the Secretariat has prepared a study on microfinance in the context of international economic development, in close coordination with the main organizations already active in that field. The study, which is before the Commission at its forty-third session (A/CN.9/698), provides an overview of the issues relating to the regulatory and legal framework of microfinance, including information from the Bank for International Settlements (BIS) — Basel Committee on Banking Supervision, the Consultative Group to Assist the Poor (CGAP), the G-20 Financial Inclusion Experts Group — Access through Innovation Sub-Group, the Inter-American Development Bank (IDB), the International Development Law Organization (IDLO), and the International Monetary Fund (IMF).

⁵ www.unidroit.org.

⁶ *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 17 (A/64/17)*, paras. 432-433.

C. International carriage of goods

General

11. The UNCITRAL Convention on contracts for the international carriage of goods wholly or partly by sea, known as the “Rotterdam Rules”, which aims at harmonizing and modernizing the legal framework that governs modern container transport, was adopted by the United Nations General Assembly in December 2008.⁷ As authorized in the resolution adopting the Convention, a ceremony for the opening for signature of the Convention was held in Rotterdam, the Netherlands, on 23 September 2009. That event was preceded by a Colloquium on the Rotterdam Rules, held from 21-22 September 2009 in Rotterdam in coordination with the Comité Maritime International (CMI) and the Government of the Netherlands, the City of Rotterdam and Port of Rotterdam Authority. Other events promoting the Convention have been coordinated with the CMI and other organizations (see A/CN.9/695/Add.1), including Unidroit, which devoted a separate volume of its Uniform Law Review to a collection of articles on the Rotterdam Rules.⁸

12. The Rotterdam Rules, which, at the time of writing, have been signed by 21 States representing over 25 per cent of world trade volume, have been characterized as a “maritime plus” convention in light of their application to door-to-door contracts of carriage. Their scope of application could therefore include certain inland transport ancillary to the international maritime leg.

13. A number of different organizations have as a mandate the pursuit of various objectives relating to the unimodal transport of goods, including a legislative mandate, while others are considering intermodal or multimodal transport instruments or arrangements. In light of the “maritime plus” nature of the Convention, the Commission may wish to take note of the summary of the current work and activities of those organizations, which appears below. In its efforts to assist States in the negotiation of the Rotterdam Rules and in their consideration of whether to become party to them, the Secretariat has closely monitored the activities of such other organizations, with a view to ensuring the integrity of the Convention and its inter-operability with other international initiatives.

14. The Commission may also wish to note that the Rotterdam Rules provide the legal basis for electronic bills of lading, called “electronic transport records” in the Convention. As such, the Commission may wish to note the evolution of the paperless transport environment with respect to other electronic initiatives as outlined in the paragraphs below. Again, the Secretariat has carefully monitored such developments and, in some cases, has participated in discussions relating to those initiatives.

⁷ UNGA Resolution 63/122.

⁸ Uniform Law Review, NS – Vol. XIV, 2009-4.

1. Transport by sea**(a) UNCTAD⁹**

15. UNCTAD released in December 2009 its Review of Maritime Transport 2009, which provides a detailed account of main developments affecting world seaborne trade (which accounts for more than 80 per cent of international trade in goods), freight markets and rates, ports, surface transport, logistics services as well as world fleet-related issues, including ownership, control, age, tonnage and productivity. Of particular interest is the recognition of the importance of UNCITRAL's most recent convention, the Rotterdam Rules, which is specifically highlighted as an important legal development in the sector.

16. Overall, the 2009 Review of Maritime Transport indicates that while the global financial crisis and economic downturn have slowed growth generally, the amount of seaborne trade in 2009 nonetheless increased, although at a slower rate than in the past. Several key developments set out in the 2009 edition are worthy of note in light of the Rotterdam Rules: in 2008, world seaborne trade in loaded goods increased by 3.6 per cent (compared with a 2007 growth rate of 4.5 per cent) to reach 8.17 billion tons; at the beginning of 2009, the world fleet expanded by 6.7 per cent from 2008, reaching 1.19 billion deadweight tons. Further, in 2008, world container port throughput increased by only 3.5 per cent to reach 506 million twenty-foot equivalent units (TEUs). Finally, freight rates have fallen from their 2008 highs, and trade volumes in the bulk cargo and liner sectors saw dramatic declines from late 2008 into 2009. The tanker market volume was slightly more resilient in 2008, but was also in decline by mid-2009.

(b) European Commission¹⁰

17. Noting that 90 per cent of the freight exchanges of Europe with the rest of the world are seaborne, and the overall importance of the shipping sector to the economic health of the European Union in general, the European Commission released in January 2009 its maritime transport policy for 2018.¹¹ The strategic recommendations made in the policy paper concern seven main issues: ensuring the competitiveness of European shipping; human factors, such as improving the employment conditions of seafarers; implementation of "greener" maritime transport; ensuring a safe and secure system; focusing on a comprehensive international regulatory framework for shipping; recognizing the importance to Europe of short sea shipping and ports and providing measures to support those industries; and improving innovation and technological development.

⁹ www.unctad.org.

¹⁰ <http://ec.europa.eu>.

¹¹ The study on which the policy is based is entitled, "Benchmarking strategic options for European shipping and for the European maritime transport system in the horizon 2008-2018", found at http://ec.europa.eu/transport/maritime/policy/index_en.htm.

2. Transport by land

(a) UNECE¹²

18. At the 99th session of the UNECE Working Party on Road Transport (SC.1) in October 2005, an editorial committee, comprising a representative of the UNCITRAL Secretariat, was established to finalize the drafting of the text of an additional Protocol to the Convention on the Contract for the International Carriage of Goods by Road¹³ (Geneva, 19 May, 1956) (CMR) with a view to facilitating the possible use of electronic consignment notes. At its 102nd session in May 2008, the 53 current Contracting Parties to the CMR were invited to sign the Additional Protocol to the CMR as adopted by the Inland Transport Committee in February 2008. Following a signing ceremony on 27 May 2008, the Additional Protocol to the CMR was opened for signature. Eight countries have signed the Protocol, and three have ratified it. The Protocol, which will allow for the first time the use of electronic consignment notes in international road transport, will enter into force ninety days after five States have deposited their instruments of ratification or accession.

19. The 72nd annual session of the UNECE Inland Transport Committee was held in February 2010. Delegates to the session recognized that better infrastructure planning, efficient border-crossing and transit procedures, technologically progressive vehicle construction norms and a greater role for environmentally friendly modes such as rail and inland navigation were all necessary steps to improving current and future European transport.

(b) Intergovernmental Organization for International Carriage by Rail (OTIF)¹⁴

20. Following the entry into force on 1 July 2006 of The Uniform Rules concerning the Contract for International Carriage of Goods by Rail, Appendix to the Convention concerning International Carriage by Rail (CIM-COTIF),¹⁵ as amended by the Protocol of Modification of 1999 (the Vilnius Protocol), Member States continue to ratify and accede to the Protocol, which is currently in force in 38 States.

3. Inland waterway transport

(a) UNECE¹⁶

21. The Budapest Convention on the Contract for the Carriage of Goods by Inland Waterway (CMNI Convention), adopted at a Diplomatic Conference organized jointly by CCNR, Danube Commission and UNECE (Budapest, 25 September-3 October 2000), entered into force on 1 April 2005. It currently has 13 Contracting Parties. The CMNI Convention governs the contractual liability of parties to the contract for the carriage of goods by inland waterway and provides for the limitation of the carrier's liability.

¹² www.unece.org.

¹³ Entry into force: 2 July 1961, United Nations, *Treaty Series*, vol. 399, p. 189. Source: <http://www.untreaty.org>.

¹⁴ www.otif.org.

¹⁵ Budapest, 22 June, 2001. Entered into force 1 April 2005.

¹⁶ www.unece.org.

22. The 72nd annual session of the UNECE Inland Transport Committee held in February 2010 focused on transport on inland waterways, and included a round table dedicated to inland navigation, which was said to have the potential to relieve congested roads and provide better financial value with less pollution. Delegates emphasized the need for strategic investment and regulatory reforms, as well as integration of the fragmented market to tap into the potential economic and environmental benefits of transport by inland waterway.

4. Transport by air

(a) International Air Transport Association¹⁷

23. The International Air Transport Association (IATA) is implementing an industry-wide “e-freight” programme involving carriers, freight forwarders, ground handlers, shippers and customs authorities, with the goal of reducing the use of paper documents in the air freight supply chain by moving to a simpler, paper-free, electronic environment. The project began in 2005 as an industry action group including six top global cargo carriers, the World Customs Organization (WCO) and Freight Forward International, and is aligned with the WCO’s and United Nations’ global e-customs initiatives. The e-freight programme has been implemented on key trade routes linking 24 countries including 127 airports, with 36 more countries en route to full implementation. Locations that account for 81 per cent of all international air freight are expected to be e-freight capable by the end of 2010. It is expected that 20 of the paper documents required per shipment will be eliminated in 2010, representing greatly improved savings and efficiency.

5. Intermodal or multimodal transport

(a) UNECE¹⁸

24. The UNCITRAL Secretariat participated in the fifty-second session (Geneva, 12-13 October 2009) of the UNECE Working Party on Intermodal Transport and Logistics, and provided participants with information on the origin, main innovations, and status of the Rotterdam Rules, explaining their character as a “maritime plus” convention. Following an exchange of views on the possible impact and advantages of the Rotterdam Rules, particularly in respect of European intermodal transport, the Working Party decided to continue its consideration of civil liability regimes to increase the competitiveness of intermodal transport within Europe. Further, the fifty-third session of the Working Party, which was to take place in March 2010, was postponed to October 2010, in order to permit implementation of the newly proposed procedural and substantive features agreed in October 2009. In particular, the new features will establish an informal expert group to focus on the roles of government and industry in intermodal transport on European inland waterways and coastal shipping, as well as review the infrastructure and benchmarks for the European Agreement on Important International Combined Transport Lines and Related Installations.

¹⁷ www.iata.org.

¹⁸ www.unece.org.

(b) Regional multimodal discussions — UNESCWA¹⁹ and the League of Arab States²⁰

25. The regional multimodal initiatives that had previously been reported²¹ as being underway under the auspices of the United Nations Economic and Social Commission for Western Asia (UNESCWA) and the League of Arab States (the Arab League) are not currently proceeding.

(c) European Commission²²

26. A study conducted for the European Commission's Directorate-General for Energy and Transport was released in June 2009.²³ The study assesses the details and added value of the establishment of a single European transport document and liability regime for all carriage of goods, irrespective of mode, with regard to their ability to facilitate multimodal freight transport. Consultations with EU Member States have been taking place since the publication of the study, and while it is intended to be one of the pieces of information that the Commission is assembling before making a decision on whether or not to proceed with a legislative proposal, no such decision has yet been made.

D. Security interests

General

27. Coordination is continuing to ensure that comprehensive and consistent guidance is offered to States in the area of secured transactions law.

28. In accordance with the decision of the Commission at its forty-second session,²⁴ an international colloquium on secured transactions was held in Vienna, from 1 to 3 March 2010. The purpose of the colloquium was to obtain the views and advice of experts with regard to possible future work in the area of security interests. A summary of the UNCITRAL texts on security interests was provided and the importance of implementation of such texts was emphasized. Topics for future work included: a Supplement to the Guide covering certain types of securities not covered by the Unidroit Convention on Substantive Rules for Intermediated Securities; regulations on registration of security rights; a model law on secured transactions based on the recommendations of the UNCITRAL Legislative Guide on Secured Transactions; a contractual guide on secured financing; and a contractual guide on intellectual property licensing. Experts from governments, international organizations and the private sector participated in this three-day event and the discussions provided a basis for the note prepared by the Secretariat on future work on security interests (see A/CN.9/702). The Colloquium also provided an opportunity to ensure effective coordination with relevant international

¹⁹ www.escwa.un.org.

²⁰ www.arableagueonline.org.

²¹ See A/CN.9/657, para. 28.

²² <http://ec.europa.eu>.

²³ The report is available at http://ec.europa.eu/transport/strategies/studies/doc/2009_05_19_multimodal_transport_report.pdf.

²⁴ *Official Records of the General Assembly, Sixty-fourth session, Supplement No. 17 (A/64/17)*, paras. 317-319.

organizations, including the World Bank, WIPO and Unidroit. Selected papers presented at the Colloquium will be published in coordination with Unidroit in an upcoming issue of its Uniform Law Review.

29. Further to meetings held among the secretariats of the Hague Conference on Private International Law, the International Institute for the Unification of Private Law (Unidroit) and UNCITRAL,²⁵ a paper dealing with the interrelationship among the texts on security interests by those organizations is being prepared. The paper will assist States considering the implementation of those texts by summarizing ways in which these texts may be adopted to establish a modern comprehensive and consistent legislative regime on secured transactions.

1. Unidroit²⁶

(a) Unidroit Convention on Substantive Rules for Intermediated Securities (Geneva, 2009)

30. The Diplomatic Conference to adopt a Convention on Substantive Rules regarding Intermediated Securities was held in two sessions, under the auspices of Unidroit, at the invitation of the Government of Switzerland, in Geneva, from 1 to 12 September 2008 and from 5 to 9 October 2009. The Convention was adopted and opened for signature on 9 October 2009. The UNCITRAL Secretariat was an active participant in both sessions of the Diplomatic Conference to ensure, as far as possible, consistency between the draft Convention and the UNCITRAL Legislative Guides on Insolvency Law and Secured Transactions. At the time of writing, the Convention has received one signatory.

(b) Unidroit Model Law on Leasing (2008)

31. On 13 November 2008, the Joint Session of the Unidroit General Assembly and the Unidroit Committee of governmental experts for the finalization and adoption of a draft model law on leasing formally adopted the Unidroit Model Law on Leasing.

(c) Protocols to the Convention on International Interests in Mobile Equipment (Cape Town Convention)

Preliminary draft Protocol to the Convention on Matters specific to Space Assets

32. The Unidroit Governing Council appointed a Steering and Revisions Committee to advance the work on the preliminary draft Protocol on Matters specific to Space Assets. The Steering Committee held two meetings, the first in Berlin, at the invitation of the Government of Germany, from 7 to 9 May 2008 and the second in Paris, at the invitation of the European Centre for Space Law, on 14 and 15 May 2009. Following these meetings and consultation with the Chairman of the Committee of governmental experts, who had also acted as Chairman of the Steering Committee, the third session of the Committee of governmental experts was convened in Rome from 7 to 11 December 2009. The fourth session of the Committee of governmental experts is scheduled for May 2010.

²⁵ A/CN.9/657/Add.1, paras. 1-2.

²⁶ www.unidroit.org.

Possible future Protocol to the Convention on Matters specific to Agricultural, Construction and Mining Equipment

33. Preliminary studies are underway to assess the need for a protocol on secured financing of agricultural, construction and mining equipment.

2. European Commission²⁷

(a) Study on the law applicable to third-party effects of assignments of receivables

34. The European Commission is conducting consultations in order to prepare a study on the law applicable to third-party effects of assignments of receivables. The UNCITRAL Secretariat will continue its dialogue with the European Commission with a view to avoiding conflicts between the Convention and any future European Commission instrument on the matter.

3. World Intellectual Property Organization²⁸

35. An information and coordination meeting was held by World Intellectual Property Organization (WIPO) in Geneva on 9 March 2009 with the participation of members of the UNCITRAL Secretariat and experts on intellectual property financing. The progress made by Working Group VI and possible future work by WIPO was discussed at both that meeting and the March 2010 UNCITRAL Colloquium.

4. The Hague Conference²⁹

36. The work of the Hague Conference on security interests in the past year focused on post-Convention activities in respect of the 2006 Hague Convention on the Law Applicable to Certain Rights in Respect of Securities (Hague Securities Convention).

37. In addition, the Permanent Bureau of the Hague Conference was involved in the preparation of the conflict-of-laws chapter of the draft Supplement to the UNCITRAL Legislative Guide on Secured Transactions on security rights in intellectual property.

5. Organization of American States³⁰

38. The Seventh Inter-American Specialized Conference on Private International Law (CIDIP-VII) was convened in Washington D.C. from 7 to 9 October 2009. The Conference approved the Model Registry Regulations under the Model Inter-American Law on Secured Transactions. The UNCITRAL Secretariat participated in the deliberations of CIDIP-VII.

6. World Bank

39. The UNCITRAL Secretariat has provided comments to the Investment Climate Advisory Service (FIAS) of the World Bank Group on a revised version of the

²⁷ ec.europa.eu.

²⁸ www.wipo.int.

²⁹ www.hcch.net.

³⁰ www.oas.org.

OHADA Uniform Securities Act, with a view to ensuring consistency with the UNCITRAL Legislative Guide on Secured Transactions. With the same goal in mind, the UNCITRAL Secretariat has also provided comments to FIAS on the World Bank Toolkit on Secured Transactions.

E. Electronic commerce

40. At its fortieth session, in 2007, the Commission requested the Secretariat to continue to closely monitor legal developments in the field of electronic commerce legislation.³¹ Accordingly, an update on the relevant activities of international organizations related to the harmonization and unification of international trade law in the field of electronic commerce will be provided in the separate document to be submitted for the consideration of the Commission (A/CN.9/692, Possible future work on electronic commerce).

41. In particular, reference is made to the WCO-UNCITRAL Joint Legal Task Force on Coordinated Border Management incorporating the International Single Window (the “Joint Legal Task Force”). The Joint Legal Task Force was constituted pursuant to the Commission’s request that the Secretariat should engage actively with the World Customs Organization (WCO) and the United Nations Centre for Trade Facilitation and Electronic Business (UN/CEFACT), and with the involvement of experts, in the study of the legal aspects involved in implementing a cross-border single window facility with a view to formulating a comprehensive international reference document on legal aspects of creating and managing a single window (A/CN.9/678, paras. 6-12). A report on the progress of the work of the Joint Legal Task Force is included in the separate document submitted to the Commission, (see A/CN.9/692).

F. Sale of goods

1. Organization for the Harmonization of Business Law in Africa

42. The Organization for the Harmonization of Business Law in Africa (OHADA), with the support of the World Bank Group’s multi-donor Investment Climate Advisory Service (FIAS), is in the process of reviewing the eight existing OHADA uniform acts to take into account economic and legal developments subsequent to their adoption. This exercise aims at improving the quality and effectiveness of the OHADA legal and institutional framework, thus fostering trade and investment in OHADA member States.

43. After completing a diagnostic assessment of six of the eight Uniform Acts, recommendations were made for their modernization based on the findings of that assessment. Currently, the review exercise is in its second phase, with the goal of supporting OHADA with the adoption of amendments to the Uniform Acts based on the recommendations made during the assessment phase.

³¹ *Official Records of the General Assembly, Sixty-second Session, Supplement No. 17 (A/62/17)*, part I, para. 195.

44. Among the uniform acts under review is the Uniform Act on General Commercial Law (the Act). The Act is considered a fundamental component of the OHADA legal system as it contains several provisions of general application in the commercial law field. It also contains provisions on the contract for sale of goods closely inspired by those contained in the United Nations Convention on Contracts for the International Sale of Goods, 1980 (CISG).

45. The draft amendments to the provisions of the Act relating to sale of goods are inspired by, among other sources, prevailing international legislative standards, including the CISG. Therefore, the adoption of the draft amendments, in their current form, could contribute to further aligning the provisions on sale of goods of the Act with the corresponding provisions of the CISG.

46. The draft amendments are to be circulated to OHADA member States for comment and discussed at a Plenary Council of OHADA National Commissions, so that the OHADA Council of Ministers may eventually deliberate on them.

47. In a separate exercise, OHADA, in cooperation with Unidroit, has prepared a draft uniform act on contract law, which could apply also to contracts for the sale of goods. This draft act is inspired by the Unidroit Principles of International Commercial Contracts that in turn were, at least in part, influenced in the relevant parts by the CISG. A Colloquium on the draft uniform act on contract law took place in Ouagadougou, Burkina Faso, on 15-17 November 2007. The UNCITRAL Secretariat was invited at that Colloquium and had the opportunity to refer to the importance of ensuring legal harmonization both at the regional and at the global level, including by further promoting the adhesion of OHADA member States to the CISG.

2. European Union

48. The mandate of the European Union requires facilitation of cross-border transactions in the internal market, including by establishing a conducive contract law environment. In light of the experience acquired by adopting measures relating to specific contracts or sectors, a more comprehensive approach has been undertaken, referred to as the Common Frame of Reference (CFR). The CFR intends to support the revision of existing, and the preparation of new, legislation in the area of contract law by providing fundamental principles of contract law, definitions of key concepts and model provisions.

49. As an academic document, the CFR is inspired by the Principles of European Contract Law and by the Unidroit Principles of International Commercial Contracts, and therefore also, at least in part, by the CISG. The European Union provides regular updates on the developments related to the CFR and other academic projects currently being considered in the field of contract law.³² Moreover, the CFR has also attracted significant interest from the academic community.

3. Global Sales Law Online Survey

50. The Global Sales Law Project was designed to provide researchers and practitioners with a comprehensive compilation of basic research in the field of

³² http://ec.europa.eu/consumers/cons_int/safe_shop/fair_bus_pract/cont_law/index_en.htm.

international sales law.³³ An online survey was prepared by the Global Sales Law Project with a view to collecting data on practice in the field of international sale of goods.

51. The results of the survey may be useful for monitoring the application and uniform interpretation of the CISG and of the Convention on the Limitation Period in the International Sale of Goods, 1974 (amended in 1980). The Secretariat has supported the Global Sales Law online survey, whose results will be shared for independent use. A report on the results of the online survey will be submitted to the Commission at its forty-fourth session.

³³ <http://www.globalsaleslaw.org/>.