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Phone and fax numbers will change

From: Burman, Harold S [mailto:BurmanHS@state.gov]
Sent: Wednesday, November 28, 2007 2:49 PM
To: John Sebert
Cc: Harriet.lansing@courts.state.mn.us; Stewart, David P; Carlson, Mary H; Dennis, Michael J
Subject: FW: status list

John, attached is a partial list. We can add to this and refine it as we go along, and in particular add the dates of conference calls/meetings or other proposed action points as they emerge.

Hal

1 List of upcoming international private law (PIL) project activities

Consumer protection and consumer markets:

OAS CIDIP-VII (seventh OAS Specialized Conference on private International law project: Three proposals, Brazilian draft treaty on choice of law and applicable law Canadian draft model law on applicable law and jurisdiction, focused on e-commerce, and a US FTC-backed proposal on small claims courts, class actions ar related matters. Support for, along with translation changes to, the 2004 OAS Mexico City Convention on law applicable to contracts will also be on the table.

Consultation ongoing. Conference call and public meeting schedule for 08 TBD.

Commercial finance:

Uncitral Legislative Guide on secured finance:

Expected to be concluded mid-December 07 at the UN in Vienna

Consultations by conference call January/February 08 on potential implementation opportunities, and whether to support preparation of a model law based on the legislative guide, and if so, by whom.

Secured finance and IP rights: follow-on project to the above.

Public meeting with IP groups Nov. 28. Initial experts meeting late January 2008 in Vienna to consider scope of work. Conference call schedule for January, possible US meeting schedule TBD. First formal Uncitral Working Group in NYC May 2008.

OAS CIDIP-VII project on electronic registries for secured financing of moveable interests.

Would implement the 2002 OAS Inter-American Model Law, which reflects UCC basics. Conference call schedule, US meeting schedule TBD; expect work to get underway by mid-2008 or earlier.

Unidroit draft model law on leasing:

Pared down model law aimed at equipment and other commercial leasing for countries without modern commercial law, including lesser-developed countries. Completion aimed at end of 08. Conference call schedule TBD, possible US meeting schedule, next date of 2d Unidroit meeting TBD.

Unidroit Cape Town convention rail finance (Luxembourg) protocol, concluded Feb 2007

Implementation phase in process to set up international finance registry along lines

of UCC 9. Bids for registrar operator to be issued Jan/Feb 08.

Unidroit Cape Town convention draft protocol on outer space assets finance:

Industry/government meeting March 2007 in Germany. Resumed inter-governmental meeting summer/fall 2008. Conclusion possibly by end of 2008 or early 2009.

Uncitral Assignments Convention:

NCCUSL/ALI review and recommendations completed, with participation of Canadian and Mexican counterparts. Ratification documentation expected to be prepared for inter-agency clearance before end 2007 or early 2008.

Uncitral Convention on L/C law:

NCCUSL/ALI review underway with participation of Canadian and Mexican counterparts.

International family law

Child Support:

Hague Convention was adopted, and signed by the United States, on November 2, 2007. NCCUSL Drafting Committee is working on amendments to UIFSA. L/PII and HHS are hoping to move forward with ratification process late summer/fall 2008.

Child Custody and Access:

1996 Hague Convention on the Protection of Children: Department of State is proceeding with plans for the United States to sign this Convention. Dec.7, 2007 meeting in Washington, DC with NCCUSL and other stakeholders to discuss this Convention. There is currently a NCCUSL Study Group, which the State Department has recommended should become a Drafting Group so that necessary changes to the UCCJEA could be made. Time frame for this project: flexible, but we would like to be in a position to move forward with ratification in 2009.

Transportation law

Carriage of goods by sea, and other related overland modes of transportation:

Uncitral draft convention on carriage of goods by sea [and related overland carriage]

Working Group meeting Vienna, Jan. 2008. Expected final Commission approval at the June/July 2008 Plenary session NYC

Investment securities

Hague 2006 Convention on law applicable to intermediated securities:

NCCUSL review underway; expected to be completed in near future. Inter-agency clearance for transmission to the Senate anticipated not later than first quarter 2008

Unidroit draft convention on substantive rules for cross-border transfers of interests:

Diplomatic conference to conclude the Convention scheduled for September 2008 in Geneva. USG and securities/financial community positions on the draft provisions to be considered February 2008.

Electronic Commerce

2005 Uncitral convention on e-commerce:

Expected to be signed by US mid-January. Issues attendant to possible ratification to be considered mid-2008.

Proposals for future work:

To be considered within US in January/February 2008, including work on transferability of rights; electronic import-export channeling through "single windows"; related customs documentation; and recognition of cross-border electronic signatures. Possible decision as to future work at Uncitral Plenary session July 2008.

No further work authorized

Prevention of cross-border commercial fraud

Uncitral reports circulated for comment and discussion of possible further work. Initial review by conference call (dates TBD) February 2008.

Business insolvency law

Uncitral project on treatment of corporate groups domestically and in cross-border cases:

Third working group meeting at the UN in NYC March 2008. No agreement yet as to whether any recommendations will be formulated as an annex to the 2004 Uncitral Legislative Guide to insolvency law reform.

Uncitral project on “protocols” between courts and bankruptcy authorities of different countries on cross-border cases:

Report to be issued Jan/Feb 08; discussion at a working group meeting in NYC March 08.

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Dispute resolution and judicial/arbitration process

(Status and timing to be separately provided)

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Hague Choice of Court

Uncitral Working Group II on commercial arbitration:

New York and Panama Conventions

E-apostilles and cross-border notarization