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UNITED NATIONS COMMISSION
ON INTERNATIONAL TRADE LAW
Working Group on International
Contract Practices
Eleventh session
New York, 18-29 January 1988

PROVISIONAL AGENDA

1. Election of officers
2. Adoption of the agenda
3. Formulation of uniform legal rules on the liability of operators of transport terminals
4. Other business
5. Adoption of the report

Notes on the provisional agenda

The Commission decided to include the topic of liability of operators of transport terminals in its programme of work at its sixteenth session (1983).
1/. At its seventeenth session (1984), the Commission assigned to its Working Group on International Contract Practices the task of formulating uniform legal rules on that topic. It further decided that the mandate of the Working Group should be to base its work on document A/CN.9/252 and on the preliminary draft Convention on Operators of Transport Terminals which had been prepared by the International Institute for the Unification of Private Law (UNIDROIT), and the Explanatory Report thereto, and that the Working Group should also consider issues not dealt with in the UNIDROIT preliminary draft Convention, as well as any other issues which it considered to be relevant. 2/

1/ Report of the United Nations Commission on International Trade Law on the work of its sixteenth session, Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 17 (A/38/17), para. 115.

2/ Report of the United Nations Commission on International Trade Law on the work of its seventeenth session, Official Records of the General Assembly, Thirty-ninth Session, Supplement No. 17 (A/39/17), para. 113.

The Working Group commenced its work on this topic at its eighth session, held at Vienna from 3 to 13 December 1984, by engaging in a comprehensive consideration of the issues arising in connection with the liability of operators of transport terminals. 3/ At its ninth session, held in New York from 6 to 17 January 1986, the Working Group engaged in an initial discussion of draft articles of uniform legal rules on the liability of operators of transport terminals that had been prepared by the Secretariat (A/CN.9/WG.II/WP.56). It also prepared texts of draft articles 1, 2, 3 and 4, with accompanying notes, to serve as a basis for further consultations by delegations and for the future work of the Working Group. 4/

At its tenth session, held at Vienna from 1 to 12 December 1986, the Working Group, on the basis of revised draft articles 5 to 15 and new draft articles 16 and 17 that had been prepared by the Secretariat (A/CN.9/WG.II/WP.58), prepared texts of draft articles 5 to 17. It also reviewed the texts of draft articles 1, 2 and 3 which it had prepared at its ninth session. It did not have time to consider the text of draft article 4 prepared at its ninth session. 5/ The Working Group has decided to settle the form which the uniform rules should take after it establishes the substance and content of the rules.

The Working Group consists of the following States: Algeria, Argentina, Australia, Austria, Brazil, Central African Republic, Chile, China, Cuba, Cyprus, Czechoslovakia, Egypt, France, German Democratic Republic, Hungary, India, Iran (Islamic Republic of), Iraq, Italy, Japan, Kenya, Lesotho, Libyan Arab Jamahiriya, Mexico, Netherlands, Nigeria, Sierra Leone, Singapore, Spain, Sweden, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, and Yugoslavia.

Item 1. Election of officers

The Working Group, in accordance with normal practice, may wish to elect a Chairman and a Rapporteur.

Item 3. Formulation of uniform legal rules on the liability of operators of transport terminals

The Working Group will have before it a note by the Secretariat containing revised texts of draft articles 1 to 3 and 5 to 17 of uniform legal rules on the liability of operators of transport terminals based upon the discussions and decisions of the Working Group at its tenth session (A/CN.9/WG.II/WP.60) and the text of draft article 4 prepared by it at its

3/ A/CN.9/260.

4/ A/CN.9/275.

5/ A/CN.9/287.

ninth session. The Working Group may wish to use that note as a basis for its work at the present session.

The following documents will be made available at the session:

(a) The report of the Secretary-General entitled "Liability of operators of transport terminals" (A/CN.9/252), which was submitted to the seventeenth session of the Commission (the text of the UNIDROIT preliminary draft Convention is set forth in annex II to that document);

(b) The notes by the Secretariat entitled "Liability of operators of transport terminals: issues for discussion by the Working Group" (A/CN.9/WG.II/WP.52 and Add.1) and "Liability of operators of transport terminals: additional issues for discussion by the Working Group" (A/CN.9/WG.II/WP.53), which were before the Working Group at its eighth session as Working Papers (the Explanatory Report to the UNIDROIT preliminary draft Convention is set forth in the annex to A/CN.9/WG.II/WP.52/Add.1);

(c) The report of the Working Group on the work of its eighth session (A/CN.9/260);

(d) The notes by the Secretariat entitled "Liability of operators of transport terminals: certain factual and legal aspects of operations performed by operators of transport terminals" (A/CN.9/WG.II/WP.55) and "Liability of operators of transport terminals: draft articles of uniform rules on the liability of operators of transport terminals and comments thereon" (A/CN.9/WG.II/WP.56), which were before the Working Group at its ninth session as Working Papers;

(e) The report of the Working Group on the work of its ninth session (A/CN.9/275);

(f) The note by the Secretariat entitled "Liability of operators of transport terminals: revised draft articles 5 to 15 and new draft articles 16 and 17 of uniform rules on the liability of operators of transport terminals" (A/CN.9/WG.II/WP.58), which was before the Working Group at its tenth session as a Working Paper;

(g) The report of the Working Group on the work of its tenth session (A/CN.9/287).

Item 5. Adoption of the report

The Working Group may wish to adopt, at the close of its session, a report for submission to the twenty-first session of the Commission (to be held from 11 to 22 April 1988 in New York).

Meetings

The session of the Working Group will take place from 18 to 29 January 1988 at United Nations Headquarters, New York. Meetings will be scheduled from 18 to 22 January, from 25 to 27 January and on 29 January 1988. No meeting will be scheduled for Thursday, 28 January 1988, in order to allow for preparation of the draft report of the Working Group. Meeting hours will be from 10:00 a.m. to 1:00 p.m. and 3:00 p.m. to 6:00 p.m., except on Monday, 18 January, when the meeting will commence at 10:30 a.m.