



UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
GENERAL

A/CN.9/108
11 March 1975

ORIGINAL: ENGLISH

UNITED NATIONS COMMISSION ON
INTERNATIONAL TRADE LAW
Eighth session
Geneva, 1 April 1975

PROVISIONAL AGENDA, NOTES ON THE PROVISIONAL AGENDA,
AND TENTATIVE SCHEDULE OF MEETINGS

Note by the Secretary-General

I. PROVISIONAL AGENDA

1. Opening of the session
2. Election of officers
3. Adoption of the agenda; tentative schedule of meetings
4. International sale of goods:
 - (a) Uniform rules governing the international sale of goods
 - (b) General conditions of sale and standard contracts
5. International payments:
 - (a) Draft uniform law on international bills of exchange and international promissory notes;
 - (b) Bankers' commercial credits
 - (c) Bank guarantees (contract and payment guarantees)
 - (d) Security interests in goods
6. International legislation on shipping
7. International commercial arbitration

8. Multinational enterprises
9. Liability for damage caused by products intended for or involved in international trade
10. Training and assistance in the field of international trade law
11. Future work
12. Other business
13. Date and place of the ninth session
14. Adoption of the report of the Commission

II. NOTES ON THE PROVISIONAL AGENDA

Item 1. Opening of the session

The eighth session will be held at the United Nations Office in Geneva and will be opened on Tuesday, 1 April 1975, at 10.30 a.m., by the representative of the Secretary-General, who will also preside over the election of a chairman.

Item 2. Election of officers

Pursuant to a decision taken by the Commission at its first session, the Commission elects a chairman, three vice-chairmen and a rapporteur.

Item 3. Adoption of the agenda, tentative schedule of meetings

A tentative schedule of meetings appears herein as section III.

It is expected that it will not be necessary for the Commission to establish a committee of the whole. Consequently, the tentative schedule of meetings does not make provision for such a committee.

Item 4. International sale of goods

(a) Uniform rules governing the international sale of goods

The Working Group on the International Sale of Goods held its sixth session, at New York, from 27 January to 7 February 1975.

It considered the pending questions in respect of articles 1 to 83 of the revised Uniform Law on the International Sale of Goods as approved or deferred for further consideration at its first five sessions in the light of comments and proposals of representatives (A/CN.9/WG.2/WP.20) and an analysis by the Secretary-General (A/CN.9/WG.2/WP.21 and Add.1 and 2). The Working Group decided that it would complete its work on the law of the international sale of goods at its next session and, at that session, would have a preliminary discussion on the formation and validity of contracts for the international sale of goods so as to give the Secretariat directions as to the studies which the Working Group may wish to undertake in that field.

The Commission will have before it the report of the Working Group on the work of its sixth session (A/CN.9/100). Annex I to the report sets forth the text of the draft Convention on the international sale of goods as approved or deferred for further consideration by the Working Group at its first six sessions.

/...

(b) General conditions of sale and standard contracts

The Commission will have before it a report by the Secretary-General (A/CN.9/98) setting forth in annex I a draft set of general conditions of sale.

Item 5. International payments

(a) Draft uniform law on international bills of exchange and international promissory notes

The Working Group on International Negotiable Instruments held its third session in Geneva from 6 to 17 January 1975. It considered articles 63 to 79 of the preliminary draft uniform law on international bills of exchange and international promissory notes, prepared by the secretariat of the Commission in consultation with interested international organizations and banking and trade institutions (A/CN.9/WG.IV/WP.2).

The Commission will have before it the report of the Working Group on the work of its third session (A/CN.9/99).

(b) Bankers' commercial credits

The Commission will have before it a note by the Secretary-General (A/CN.9/101), setting forth, in annex I, the observations of the International Chamber of Commerce (ICC) in respect of the revision by it of "Uniform Customs and Practice for Documentary Credits". The revised text as adopted by the Executive Committee of ICC in December 1974 is set forth in annex II to the note.

The Commission will also have before it an analysis of the observations received from Governments and banking and trade institutions in respect of "Uniform Customs and Practice for Documentary Credits (1962)" (A/CN.9/101/Add.1). These observations were transmitted to ICC so that it could take them into account in preparing a revised text of "Uniform Customs".

(c) Bank guarantees (contract and payment guarantees)

The above-mentioned note by the Secretary-General (A/CN.9/101) also sets forth, in part II of annex I, the observations of ICC in respect of its work on contract and payment guarantees.

(d) Security interests in goods

The Commission will have before it a report of the Secretary-General on security interests in goods (A/CN.9/102) and a study on security interests in which the legal principles governing security interests in the various legal systems of the world are analysed (ST/LEG/11).

Item 6. International legislation on shipping

The Working Group on International Legislation on Shipping held its seventh session in Geneva from 30 September to 11 October 1974 and its eighth session in New York from 10 to 21 February 1975.

At its seventh session, the Working Group considered the following topics: contents and legal effect of documents evidencing the contract of carriage; the validity and effect of letters of guarantee; and the definition of the terms "contract of carriage" and "consignee". The Working Group used the report of the Secretary-General entitled "Fourth report of the Secretary-General on responsibility of ocean carriers for cargo: bills of lading" (A/CN.9/96/Add.1) as its working document. The Working Group adopted draft provisions on these topics. It also decided that its future work should be carried out with a view to establishing a new convention on carrier responsibility.

At its eighth session, the Working Group considered the following topics: basic rule on the exoneration of the shipper from liability; notice of loss, damage or delay; dangerous goods; relationship of the proposed draft convention with other conventions; and general average. The Working Group adopted draft provisions on the topics set forth above, completed the second reading of the draft convention, and adopted a text of a draft convention on the carriage of goods by sea.

The Commission will have before it the reports of the Working Group on its seventh session (A/CN.9/96) and its eighth session (A/CN.9/105).

The Working Group has thus completed the mandate entrusted to it by a decision taken by the Commission at its fourth session. According to that decision:

"The rules and practices concerning bills of lading, including those rules contained in the International Convention for the Unification of Certain Rules of Law relating to Bills of Lading (the Brussels Convention, 1924) and in the Protocol to amend that Convention (the Brussels Protocol, 1968) shall be examined with a view to revising and amplifying the rules as appropriate, and that a new convention may, if appropriate, be prepared for adoption under the auspices of the United Nations."

At its seventh session, the Commission requested the Secretary-General to transmit the final text, upon its adoption by the Working Group, to Governments and interested international organizations for their comments and to prepare an analysis of such comments for consideration of the Commission at its ninth session.

The final text was transmitted to Governments and interested international organizations on 18 March 1975, with the request that any comments be submitted by 15 November 1975.

/...

In view of the fact that the Working Group on International Legislation on Shipping has completed its mandate, the Commission may wish to consider:

- (i) Whether the Working Group should be dissolved;
- (ii) Whether the Working Group should, for the time being, be kept in existence in view of the fact that the Commission may, at some later stage, wish to refer back to the Working Group specific questions for further consideration;
- (iii) Whether the Working Group should be given a new mandate in view of the fact that the Commission, at its second session, included, at the request of the General Assembly, international legislation on shipping among the priority items in its programme of work;
- (iv) Whether to postpone its decision concerning the Working Group and revert to its programme of work in the field of international legislation on shipping after it has completed its work on the draft convention on the carriage of goods by sea.

Item 7. International commercial arbitration

The Commission will have before it a report of the Secretary-General (A/CN.9/97) setting forth a preliminary draft set of arbitration rules for optional use in ad hoc arbitration relating to international trade, and two notes (A/CN.9/97/Add.1 and 2) setting forth the observations received in respect of the preliminary draft and suggested modifications thereto.

Item 8. Multinational enterprises

The Commission will have before it a report of the Secretary-General (A/CN.9/104), prepared in response to a decision taken by the Commission at its sixth session.

Item 9. Liability for damage caused by products intended for or involved in international trade

The Commission will have before it a report of the Secretary-General (A/CN.9/103), prepared in response to a decision taken by the Commission at its seventh session.

Item 10. Training and assistance in the field of international trade law

The Commission will have before it a note by the Secretary-General (A/CN.9/107) on the arrangements made with respect to the "International Symposium on the Role of Universities and Research Centres in the Teaching, Dissemination and Wider Appreciation of International Trade Law", to be held from 14 to 18 April 1975.

/...

Item 11. Future work(a) Sessions of working groups

The Commission may wish to agree upon a schedule of sessions of its working groups for the period between its eighth and ninth sessions. The working groups have, in their reports on the work of their latest session, made the following recommendations:

(i) Working Group on the International Sale of Goods:

The Working Group decided to recommend to the Commission that its seventh session should be held in Geneva for two weeks early in 1976, preferably between 5 and 16 January.

(ii) Working Group on International Negotiable Instruments:

The Working Group gave consideration to the timing of its fourth session. The Group was of the opinion that, in view of the progress achieved at the present session, its fourth session should be held as soon as possible. Some representatives expressed the view that the fourth session should be held in 1975. Others were of the opinion that consideration of the time and place for the fourth session should be left for decision by the Commission at its forthcoming session, which will convene on 1 April 1975.

(b) Agenda for the ninth session of the Commission

The Commission, at its seventh session, decided that it would consider the draft convention on the carriage of goods by sea, together with the observations thereon from Governments and interested international organizations, at its ninth session. It is estimated that the Commission will need three weeks to complete its consideration of the draft convention. The Commission may wish to consider when it will deal with the other topics included in its work programme. It would appear that the following possibilities are open to the Commission:

- (i) The ninth session should have a duration of four weeks, of which three weeks would be devoted to the consideration of the draft convention on the carriage of goods by sea and one week to other matters;
- (ii) The ninth session, of a duration of four to five weeks, should be held in two parts. The first part, of a duration of three weeks, should be devoted exclusively to the consideration of the draft convention on the carriage of goods by sea, and the second part, of a duration of one to two weeks and to be held later in 1976, should be devoted to other matters on the Commission's agenda. In considering this possibility, the Commission may wish to take into account the probability that many States members of the Commission will be represented at the meetings devoted to the draft convention by experts other than those attending the "normal" sessions.

/...

- (iii) Consideration of matters other than the draft convention on the carriage of goods by sea should be postponed until 1977. If this were decided, it would be desirable that the Commission outline a two-year work programme for its secretariat. One disadvantage would be that certain matters which would be ready for decision or other action by the Commission in 1976, such as the UNCITRAL Arbitration Rules and, possibly, the Draft Convention on the International Sale of Goods, would be left pending.

(c) Membership of the Working Group on the International Sale of Goods

In its report on the work of its sixth session, the Working Group on the International Sale of Goods states that it will complete its work on the draft convention on the international sale of goods and approve the text thereof at its seventh session, and that it expects to be able to hold at that session a preliminary discussion on the establishment of uniform rules governing the formation and the validity of contracts for the international sale of goods. 1/

At its seventh session, in filling vacancies that had occurred in the Working Group on the International Sale of Goods, the Commission noted the following in its report (A/9617, para. 84):

"With regard to the filling of the vacancies in the Working Group on the International Sale of Goods, it was understood that the nomination of Czechoslovakia in the place of Iran would in no way prejudice the representation of regional groups in that Working Group or any other Working Group and that a member of the group of Asian States, could, in the future, reoccupy the seat vacated by Iran. It was also understood that Czechoslovakia would be nominated for the duration of the Working Group's work on a uniform law on the international sale of goods and that the composition of the Working Group would be reconsidered when new tasks would be undertaken by it."

Item 12. Other business

(a) The Commission may wish, under this item, to take note of General Assembly resolution 3316 (XXIX) of 14 December 1974 on the report of the United Nations Commission on International Trade Law on the work of its seventh session. Copies of this resolution and of the report of the Sixth Committee (A/9920) will be available at the eighth session.

(b) The Commission may also wish to take note of General Assembly resolution 3317 (XXIX) of 14 December 1974 on the United Nations Conference on Prescription (Limitation) in the International Sale of Goods. Copies of this resolution will also be available.

(c) The Commission's attention is drawn to the Secretary-General's report on current activities of other international organizations (A/CN.9/106).

1/ The Commission referred these matters to the Working Group on the International Sale of Goods by a decision taken at its seventh session.

/...

Item 13. Date and place of the ninth session ^{2/}

In accordance with paragraph 6 of General Assembly resolution 2205 (XXI), the sessions of the Commission are held alternately in New York and in Geneva. The ninth session of the Commission is therefore expected to be held in New York. Information regarding dates available for that session will be supplied by the Secretariat.

Item 14. Adoption of the report of the Commission

The General Assembly, in paragraph 10 of resolution 2205 (XXI), decided that the Commission should submit an annual report, including its recommendations, to the General Assembly, and that the report should be submitted simultaneously to the United Nations Conference on Trade and Development for comments. Under a decision by the Sixth Committee, ^{3/} the report of the Commission is introduced to the General Assembly by the Chairman of the Commission or by another officer designated by him.

^{2/} See also the comments under item 11.

^{3/} A/7408, para. 3.

III. TENTATIVE SCHEDULE OF MEETINGS

Tuesday 1 April 1975	a.m. Opening of the session Election of Chairman Adoption of the agenda
	p.m. Election of Vice-Chairmen and Rapporteur Uniform rules governing the international sale of goods General conditions of sale
Wednesday 2 April	a.m. General conditions of sale (cont.)
	p.m. General conditions of sale (cont.)
Thursday 3 April	a.m. Negotiable instruments Bankers' commercial credits
	p.m. Bankers' commercial credits (cont.)
Friday 4 April	a.m. Bankers' commercial credits (cont.) Bank guarantees
	p.m. International legislation on shipping
Monday 7 April	a.m. Security interests in goods
	p.m. Security interests in goods (cont.)
Tuesday 8 April	a.m. Security interests in goods (cont.)
	p.m. Liability of producers
Wednesday 9 April	a.m. Liability of producers (cont.)
	p.m. Arbitration
Thursday 10 April	a.m. Arbitration (cont.)
	p.m. Arbitration (cont.)
Friday 11 April	a.m. Arbitration (cont.)
	p.m. Arbitration (cont.)

/...

Monday
14 April

a.m. Work of other international organizations
Future work; working methods

p.m. Multinational enterprises

Tuesday
15 April

a.m. Multinational enterprises (cont.)

p.m. Multinational enterprises (cont.)

Wednesday
16 April

a.m. Multinational enterprises (cont.)
Other business

p.m. Training and assistance in international
trade law (will be devoted to symposium)

Thursday
17 April

a.m.)

) No meeting unless required

p.m.)

/preparation of Commission's report;
symposium/

Friday
18 April

a.m. Adoption of the report of the Commission
Date and place of ninth session

p.m. Symposium (cont.)
