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UNITED NATIONS COMMISSION ON  
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New York, 12 April 1976

PROVISIONAL AGENDA, ANNOTATIONS THERETO, AND  
TENTATIVE SCHEDULE OF MEETINGS

Note by the Secretary-General

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## II. ANNOTATIONS TO THE PROVISIONAL AGENDA

### Item 1. Opening of the session

The ninth session will be held at United Nations Headquarters in New York from 12 April to 7 May 1976. The session will be opened on Monday, 12 April 1976, 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

In planning the work of its ninth session, the Commission, at its eighth session, decided that a Committee of the Whole should be established which would meet during the first two weeks of the ninth session (12 to 23 April 1976), to consider the revised set of arbitration rules for optional use in ad hoc arbitration relating to international trade (UNCITRAL Arbitration Rules). Under that decision, the Commission itself would consider the draft Convention on the Carriage of Goods by Sea, as well as other matters on its agenda. In accordance with the procedure followed at its second and third sessions, the Commission may wish to establish two Committees of the Whole, and allocate to Committee I the consideration of the draft Convention on the Carriage of Goods by Sea (item 6 of the agenda) and to Committee II the consideration of the draft UNCITRAL Arbitration Rules (item 7 of the agenda). Part III sets forth a tentative schedule of meetings that takes into account such allocation.

### Item 4. International sale of goods

#### (a) Draft Convention on the International Sale of Goods

The Working Group on the International Sale of Goods held its seventh session in Geneva from 5 to 16 January 1976. At that session, the Working Group completed its consideration of pending questions and approved the text of a draft convention on the international sale of goods. The Working Group also considered its programme of work in respect of the formation and validity of contracts for the international sale of goods.

The Commission will have before it the report of the Working Group on the work of its seventh session (A/CN.9/116).

At its eighth session, the Commission requested the Secretary-General to transmit the draft convention on the international sale of goods, when completed by the Working Group, to Governments and interested international organizations for their comments and to prepare an analysis of such comments for consideration

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by the Commission at its tenth session (Geneva, 1977). The final text was transmitted to Governments and international organizations in March 1976, with the request that any comments be submitted by 15 November 1976.

(b) Formation and validity of contracts

At its eighth session, the Commission considered whether:

- (i) The proposed convention on the international sale of goods and the rules to be adopted in respect of the formation and validity of contracts for the international sale of goods should be incorporated in a single convention; or
- (ii) The rules on the formation and validity of contracts for the international sale of goods should be the subject-matter of a separate convention. The Commission also considered whether, in case the latter course were adopted,

a. Such separate convention should be submitted to the conference of plenipotentiaries at which the convention on the international sale of goods would be considered; or

b. Such separate convention should be submitted to a different conference.

The Commission, at its eighth session, decided to defer any decision on these questions until the present session.

The Working Group on the International Sale of Goods, in paragraph 13 of its report to the Commission (A/CN.9/116), has outlined the approach it intends to take in respect of its work on uniform rules governing the formation and validity of contracts, as follows:

"The Working Group ... was of the unanimous view that, at its next session, it should begin work on uniform rules governing the formation of contracts and should make an attempt to formulate such rules on a broader basis than the international sale of goods. If, in the course of its work, it should prove that the principles underlying contracts of sale and other types of contract could not be treated in the same text, the Group would direct its work towards contracts of sale only. The Working Group was further of the view that it should consider whether some or all of the rules on validity could appropriately be combined with rules on formation."

The Working Group requested the Secretariat to inform representatives on the Commission of its proposed work programme so as to obtain their views thereon at the present session of the Commission. A letter to this effect was addressed to representatives by the Secretary of the Commission on 25 February 1976.

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The Commission may wish to consider:

- (i) Whether the Working Group on the International Sale of Goods should be empowered to proceed with its intended work programme in respect of the formation and validity of contracts, as outlined in paragraph 13 of its report to the Commission and, if so,
- (ii) Whether the decision on the questions outlined under (ii) a. and b. above should be deferred until the tenth session when the Commission will consider the draft convention on the international sale of goods in the light of the comments received from Governments and interested international organizations and when the Working Group on the International Sale of Goods will have reached a conclusion about the relationship between the proposed convention on the international sale of goods and the proposed uniform rules on the formation and validity of contracts.

Item 5. International payments

Draft uniform law on international bills of exchange and international promissory notes

The Working Group on International Negotiable Instruments held its fourth session in New York from 2 to 12 February 1976. It considered articles 79 to 86 and 1 to 11 of the preliminary draft uniform law on international bills of exchange and international promissory notes (A/CN.9/WG.IV/WP.2), and thereby completed the first reading of the draft provisions.

The Commission will have before it the report of the Working Group on the work of its fourth session (A/CN.9/117).

Item 6. International legislation on shipping

(a) Draft convention on the carriage of goods by sea

At its seventh session, the Commission requested the Secretary-General to transmit the final text of the draft convention, upon its adoption by the Working Group on International Legislation on Shipping, to Governments and interested international organizations for their comments and to prepare an analysis of such comments for consideration of the Commission at its present session. At its eighth session, the Commission decided to devote the major part of its present session to the consideration of the draft convention in the light of the comments received.

The Commission will have before it the following documents:

- (i) A/CN.9/109: comments by Governments and international organizations on

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the draft convention on the carriage of goods by sea. This document also reproduces the text of the draft convention (pp. 4 to 19).

- (ii) A/CN.9/110: analysis of the comments by Governments and international organizations on the draft convention on the carriage of goods by sea.
- (iii) A/CN.9/115: draft provisions concerning implementation, reservations and other final clauses for the draft Convention on the Carriage of Goods by Sea. These draft provisions have been prepared by the Secretariat in response to a request made to it by the Working Group on International Legislation on Shipping at the Group's eighth session. The Working Group has not considered these draft provisions.
- (iv) A/CN.9/105: report of the Working Group on International Legislation on Shipping on the work of its eighth session.
- (v) Documents of the United Nations Conference on Trade and Development
  - TD/B/C.4/ISL/19: bills of lading - comments on a draft convention on the carriage of goods by sea prepared by the UNCITRAL Working Group on International Legislation on Shipping - report by the UNCTAD Secretariat;
  - TD/B/C.4/ISL/19/Supp.2: bills of lading - draft convention on the carriage of goods by sea: background comments prepared by the UNCTAD secretariat;
  - TD/B/C.4/ISL/21: report of the UNCTAD Working Group on International Shipping Legislation on the first part of its fifth session.
- (vi) The Secretariat will also place before the Commission copies of the 1975 table 1 and table 2 of Lloyd's Register of Shipping in view of the fact that the draft provisions in document A/CN.9/115 (see (iii) above) make the entry into force of the convention depend on contracting States having a specified tonnage of shipping and such tonnage is to be determined by reference to one of the tables of Lloyd's Register of Shipping.

(b) Decision of the Commission

If the Commission, at the present session, adopts a draft convention on the carriage of goods by sea, it may wish to request the Secretary-General:

- (i) To prepare, in consultation with the Rapporteur of the Commission, a commentary on the provisions of the draft convention that would include both an explanation of the provisions approved by the Commission and references to reservations by members of the Commission to such provisions;

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- (ii) To circulate the draft convention, together with the commentary thereon, to Governments and interested international organizations for comments and proposals; and
- (iii) To prepare an analytical compilation of those comments and proposals and to submit this compilation to Governments and interested international organizations.

The Commission may also wish to consider which procedure for final adoption of the proposed convention it should recommend to the General Assembly. The General Assembly has used two methods for the adoption of international rules by States:

- (i) To convene an international conference of plenipotentiaries to consider draft articles and to conclude a convention; and
- (ii) To conclude a convention within the framework of the General Assembly by having the Sixth Committee or another competent body prepare a final draft for approval by a resolution of the General Assembly that declares the convention open for signature.

The Secretariat will make available to the Commission a note which it submitted to the Commission at its fifth session (A/CN.9/R.12), entitled "Alternative methods for the final adoption of the draft convention on prescription (limitation) in the field of international sale of goods" which mutatis mutandis applies to the methods for adoption of the draft convention now under consideration.

(c) Future work

At its eighth session, the Commission considered the future status of the Working Group on International Legislation on Shipping and agreed that it would revert to its programme of work in the field of international legislation on shipping after it had completed its work on the draft Convention on the Carriage of Goods by Sea.

Item 7. International commercial arbitration

The Commission, at its eighth session, considered a preliminary draft set of arbitration rules for optional use in ad hoc arbitration relating to international trade, and requested the Secretary-General to prepare a revised draft of these rules for consideration by the Commission at its present session.

The Commission will have before it the following documents:

- (a) A/CN.9/112: revised set of arbitration rules for optional use in ad hoc arbitration relating to international trade (UNCITRAL arbitration rules);
- (b) A/CN.9/112/Add.1: commentary on the draft UNCITRAL arbitration rules;

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(c) A/CN.9/113: Alternative draft provisions for the draft UNCITRAL arbitration rules;

(d) A/CN.9/114: Note on a schedule of fees of arbitrators.

The Commission, upon adopting the UNCITRAL Arbitration Rules, may wish to invite the General Assembly to recommend these rules for use in international trade arbitration.

Item 8. Ratification of or adherence to conventions concerning international trade law

The Commission, at its seventh session, decided to maintain on its agenda the question of the ratification of or adherence to conventions concerning international trade law and "to re-examine this question at its ninth session with special reference to the state of ratification then obtaining in respect of the Convention on the Limitation Period in the International Sale of Goods".

The Commission will have before it a note by the Secretary-General concerning the state of signatures and of ratification of the Convention on the Limitation Period in the International Sale of Goods as at 31 March 1976 (A/CN.9/118).

Item 9. Training and assistance in the field of international trade law

The Commission, at its eighth session, requested the Secretary-General to organize, in connexion with its tenth session, the second international symposium on international trade law and to submit to it, at its ninth session, a report setting forth suggestions regarding possible themes for that symposium. The Commission will have before it a note by the Secretary-General setting forth such suggestions (A/CN.9/111).

The Commission will also have before it, for information, the text of a resolution adopted by the participants in the first symposium held in Geneva in connexion with the eighth session of the Commission (A/CN.9/121).

Item 10. 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 ninth and tenth sessions. The Working Groups have, in their reports on the work of their latest session, made the following recommendations:

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(i) Working Group on the International Sale of Goods

The Working Group decided to request the Commission to schedule the eighth session to begin in New York on Tuesday 4 January 1977 and to end on Friday 14 January 1977.

(ii) Working Group on International Negotiable Instruments

The Working Group was agreed that consideration of the time and place for the Group's fifth session should be left for decision by the Commission at its ninth session.

(b) Agenda for the tenth session of the Commission

The Commission, at its eighth session, decided that it would consider the draft convention on the international sale of goods, together with the observations thereon from Governments and interested international organizations, at its tenth session. It is estimated that the Commission will need four to five weeks to complete its consideration of the draft convention. The Commission will also have before it, at its tenth session, a report on security interests in goods and a report on liability for damage caused by products intended for or involved in international trade. In addition, there will be held, in connexion with the Commission's tenth session, the second UNCITRAL symposium on international trade law.

The Commission may wish to decide on the duration of its tenth session and whether it would be appropriate to deal with matters other than the draft convention on the international sale of goods in a Committee of the Whole that would meet during the session.

Item 11. Other business

(a) The Commission may wish, under this item, to take note of General Assembly resolution 3494 (XXX) of 15 December 1975 on the report of the United Nations Commission on International Trade Law on the work of its eighth session. Copies of this resolution and of the report of the Sixth Committee (A/10420) will be made available at the present session.

Attention may be drawn to paragraph 8 of the operative part of the resolution, in which the General Assembly "calls upon the United Nations Commission on International Trade Law to take account of the relevant provisions of the resolutions of the sixth and seventh special sessions of the General Assembly that lay down the foundations of the new international economic order, bearing in mind the need for United Nations organs to participate in the implementation of those resolutions". A background paper on the "relevant provisions of the resolutions of the sixth and seventh special sessions of the General Assembly" will be placed before the Commission at the present session (A/CN.9/122).

(b) The Secretariat intends to inform the Commission of any developments in the work programme of other United Nations bodies in the field of multinational enterprises which may be of interest to it.

(c) The Commission's attention is drawn to the Secretary-General's report on current activities of other international organizations (A/CN.9/119).

(d) Volume V of the Yearbook of the Commission was issued in English in October 1975. Copies will be made available to representatives on the Commission.

Item 12. Date and place of the tenth session

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 tenth session of the Commission is therefore expected to be held in Geneva. Information regarding dates available for that session will be supplied by the Secretariat.

Item 13. 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, 1/ the report of the Commission is introduced to the General Assembly by the Chairman of the Commission or by another officer designated by him.

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1/ A/7408, para. 3.

III. TENTATIVE SCHEDULE OF MEETINGS

A. Meetings of the Commission

Monday, 12 April	a.m.	Opening of the session Election of the Chairman Adoption of the agenda; tentative schedule of meetings
	p.m.	Election of the Vice-Chairmen and the Rapporteur
Tuesday, 4 May	)	International sale of goods
	)	Negotiable instruments
	p.m.)	International symposium
	)	Adoption of the reports of the Committees of the Whole
Wednesday, 5 May	a.m.)	Ratification of or adherence to conventions
	)	Future work
	p.m.)	Other business
Thursday, 6 May	a.m.)	No meetings unless required
	p.m.)	(Preparation of Commission's report)
Friday, 7 May	a.m.)	Adoption of the report of the Commission
	p.m.)	Date and place of tenth session

B. Meetings of Committee I

Monday, 12 April	)	Election of the Chairman
	p.m.)	Election of the Rapporteur
	)	Draft convention on the carriage of goods by sea, Article 1
Tuesday, 13 April	a.m.	Articles 1 and 2
	p.m.	Articles 2 and 3
Wednesday, 14 April	a.m.	Articles 4 and 5
	p.m.	Article 5
Thursday, 15 April	a.m.	Article 5
	p.m.	Article 5
Friday, 16 April	a.m.	Article 6
	p.m.	Article 6

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B. Meetings of Committee I (continued)

Monday, 19 April	a.m.	Articles 7 and 8
	p.m.	Articles 8 and 9
Tuesday, 20 April	a.m.	Articles 9 and 10
	p.m.	Article 10
Wednesday, 21 April	a.m.	Article 11
	p.m.	Article 12
Thursday, 22 April	a.m.	Article 13
	p.m.	Articles 14 and 15
Friday, 23 April	a.m.	Article 15
	p.m.	Article 16
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Monday, 26 April	a.m.	Article 17
	p.m.	Article 17
Tuesday, 27 April	a.m.	Articles 18 and 19
	p.m.	Articles 19 and 20
Wednesday, 28 April	a.m.	Article 21
	p.m.	Article 21
Thursday, 29 April	a.m.	Article 22
	p.m.	Article 22
Friday, 30 April	a.m.	Article 23
	p.m.	Articles 23, 24 and 25
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Monday, 3 May	a.m.)	Final clauses
	p.m.)	
Tuesday, 4 May	a.m.	Adoption of the report to the Commission

C. Meetings of Committee II

Monday, 12 April	)	Election of the Chairman
	p.m.)	Election of the Rapporteur
	)	Draft UNCITRAL Arbitration Rules, Article 1

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C. Meetings of Committee II (continued)

Tuesday, 13 April	a.m.	Articles 2, 3 and 4
	p.m.	Articles 4, 5 and 6
Wednesday, 14 April	a.m.	Article 7
	p.m.	Articles 8 and 9
Thursday, 15 April	a.m.	Articles 10, 11 and 12
	p.m.	Articles 13 and 14
Friday, 16 April	a.m.	Articles 15, 16 and 17
	p.m.	Articles 17 and 18
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Monday, 19 April	a.m.	Articles 19 and 20
	p.m.	Articles 21, 22 and 23
Tuesday, 20 April	a.m.	Articles 24, 25 and 26
	p.m.	Articles 27 and 28
Wednesday, 21 April	a.m.	Articles 28 and 29
	p.m.	Articles 30, 31 and 32
Thursday, 22 April	a.m.	Articles 33 and 34
	p.m.	Writing of the report (if necessary, a further meeting of the Committee may be held)
Friday, 23 April	a.m.)	Adoption of the report to the Commission
	p.m.)	