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

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II. NOTES ON THE PROVISIONAL AGENDA

Item 1. Opening of the session

The Commission, at its fifth session, decided that its sixth session should be held in Geneva from 2 to 13 April 1973, with the possibility of an extension until 18 April 1973.

The sixth session will be held at the United Nations Office at Geneva (Palais des Nations) and will be opened on 2 April 1973, 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 contemplates that the Commission may find it possible to terminate the work of the sixth session on 13 April 1973.

It is expected that it will not be necessary for the Commission to set up 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 Commission at its fourth session decided that "until the new text of a uniform law or the revised text of ULIS has been completed, the Working Group should submit a progress report on its work to each session of the Commission". 1/

1/ Report of the United Nations Commission on International Trade Law on the work of its fourth session (1971), Official Records of the General Assembly, Twenty-sixth Session, Supplement No. 17 (A/8417), para. 92.1 (c).

The Working Group on the International Sale of Goods held its fourth session in New York from 22 January to 2 February 1973. It considered articles 18 to 59 of ULIS and decided that at its next session it would consider articles 60 to 90.

The Commission will have before it the progress report of the Working Group on the work of its fourth session (A/CN.9/75). Annexed to that report are (a) the revised text of the articles that were considered at the fourth session (annex I) and (b) a report of the Secretary-General on articles 18-55 of ULIS (annex II), which was submitted to the Working Group at its fourth session.

(b) General conditions of sale and standard contracts

The Commission at its fifth session requested the Secretary-General "to submit to the Commission at its sixth session his final study on the feasibility of developing general conditions embracing a wider scope of commodities and, to the extent feasible, to commence the preparation of guidelines on this subject and of a draft set of such general conditions". 2/

The Commission will have before it a study prepared in response to the above request (A/CN.9/78). The study also indicates the present status of the work on the preparation of a draft set of such general conditions.

At the fifth session the Commission also decided "to defer final action until the sixth session on the promotion of the general conditions drawn up under the auspices of the Economic Commission for Europe". 3/ In this connexion the Commission may wish to decide whether further measures to promote these general conditions might best be considered at a later stage, after further progress in its work on a draft set of "general" general conditions.

Item 5. International payments

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

The Commission at its fifth session set up a Working Group on International Negotiable Instruments and requested it to prepare a final draft uniform law on international bills of exchange and international promissory notes. The Working Group held its first session in Geneva from 8 to 19 January 1973; it had before it a preliminary draft uniform law on international bills of exchange and

2/ Report of the United Nations Commission on International Trade Law on the work of its fifth session (1972), Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 17 (A/8717), para. 43.

3/ Ibid.

international promissory notes, with commentary, 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 first session (A/CN.9/77).

(b) Bankers' commercial credits

A working party of the Commission on Banking Technique and Practice of the International Chamber of Commerce terminated, in October 1972, its work of revision of the "Uniform Customs and Practice for Documentary Credits". The proposed revision is set forth in the annex to document A/CN.9/L.23. ICC has circulated the proposals of its working party to its national committees.

In accordance with previous decisions taken by the Commission with respect to "Uniform Customs", the Secretary-General has invited Governments, and banking and trade institutions not represented in ICC, to submit their observations on the proposed revision for transmission to ICC.

If substantial observations are received, the Commission may wish to request the Secretariat to submit to it an analysis of such observations in order to assist the Commission in deciding what further steps should be taken on the subject.

Item 6. International legislation on shipping

The Working Group on International Legislation on Shipping held its fourth (special) session in Geneva from 23 September to 6 October 1972. It considered the basic rules governing the responsibility of carrier and arbitration clauses. The report of that session (A/CN.9/74) sets forth proposed draft provisions on these subjects.

The Working Group held its fifth session in New York from 6 to 16 February 1973. It considered the second report of the Secretary-General on responsibility of ocean carriers for cargo: bills of lading (A/CN.9/76/Add.1) and examined the following subjects: unit limitation of liability, trans-shipment, deviation, and the period of limitation. The proposed draft provisions on these subjects are set out in the report of the Working Group on its fifth session (A/CN.9/76).

The Working Group at its fifth session recommended that the following subjects be taken up at its sixth session: (a) definitions; (b) elimination of invalid clauses; (c) deck cargo and live animals; (d) liability of the carrier for delay; and (e) scope of application of the convention. For its seventh session the Working Group requested the Secretary-General to prepare a report on the required contents and legal effects of the contract of carriage.

Item 7. International commercial arbitration

The Commission at its fifth session requested the Secretary-General to transmit to States members of the Commission the proposals made by the Special Rapporteur for comments.

The Commission will have before it a report by the Secretary-General, analyzing the comments made by States members of the Commission on the proposals of the Special Rapporteur and setting forth suggestions regarding steps which the Commission may wish to take to promote unification in this field of law (A/CN.9/79).

Item 8. Training and assistance in the field of international trade law

The Commission will have before it a report of the Secretary-General (A/CN.9/80) on the progress made in the implementation of the Commission's decisions on the subject of training and assistance in the field of international trade law.

Item 9. Multinational enterprises

The Commission will have before it a report of the Secretary-General (A/CN.9/83) concerning General Assembly resolution 2928 (XXVII). Under paragraph 2 of that resolution, the General Assembly "invites the United Nations Commission on International Trade Law to seek from Governments and interested international organizations information relating to legal problems presented by the different kinds of multinational enterprises, and the implications thereof for the unification and harmonization of international trade law, and to consider, in the light of this information and the results of available studies, including those by the International Labour Organisation, the United Nations Conference on Trade and Development and the Economic and Social Council, what further steps would be appropriate in this regard". The Commission may wish to consider what action should be taken.

Item 10. The establishment of a union for *jus commune* in matters of international trade

The Commission will have before it a report by the Secretary-General (A/CN.9/81) containing an analysis of comments and observations by Governments on the proposal of the French delegation for the establishment of a union for *jus commune* in matters of international trade and annexing the text of those comments and observations.

Item 11. Future work; working methods

(a) The Commission will no doubt wish, under this item, to take account of General Assembly resolution 2928 (XXVII) on the report of the Commission on the work of its fifth session. Copies of this resolution and of the report of the Sixth Committee (A/8896) will be available at the sixth session.

(b) The Commission will also wish to take note of the action taken by the General Assembly at its twenty-seventh session in response to the Commission's

Recommendation to convene an international conference of plenipotentiaries to conclude, on the basis of the draft Convention adopted by the Commission, a Convention on Prescription (Limitation) in the International Sale of Goods. Copies of General Assembly resolution 2929 (XXVII) will be available at the sixth session.

(c) At the Commission's fifth session, the representative of Spain introduced a proposal of his delegation regarding the working methods of the Commission (A/CN.9/L.22). The Commission agreed to consider this question further at its sixth session.

(d) In discussing its future work, the Commission may also wish to agree upon a schedule of sessions of its working groups for the period between its sixth and seventh sessions. In this connexion, the individual working groups have, in their reports on the work of their latest sessions, made the following recommendations:

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

"The Working Group took note of the views expressed at the fifth session of the Commission and in the Sixth Committee during the twenty-seventh session of the General Assembly, suggesting that in order to accelerate its work the Working Group should hold, if possible, longer and more frequent sessions.

"The Working Group agreed that the frequency and length of its sessions could only be decided in view of the frequency and length of the sessions of other subsidiary bodies of the Commission, and the financial implications of extended or further sessions of this Working Group. It therefore decided to submit this question to the Commission for consideration at its sixth session." (A/CN.9/75, paras. 179 and 180.)

(ii) Working Group on International Legislation on Shipping:

This Working Group recommended to the Commission "that, subject to the consideration /by the Commission/ of financial implications, the sixth session of the Working Group be held in Geneva from 27 August to 7 September 1973 and that the Working Group's seventh session be held in New York in February 1973" (A/CN.9/76, para. 78).

(iii) Working Group on International Negotiable Instruments:

"The Working Group gave consideration to the timing of its second session. The Group was of the unanimous opinion that in view of the progress achieved at the present session, its second session should be held as soon as possible. Some representatives expressed the view that the second session should be held in the course of 1973. Others were of the opinion that consideration of the time and place for the second session should be left for decision by the Commission at its forthcoming sixth session, which will convene on 2 April 1973." (A/CN.9/77, para. 139.)

In considering the schedule of future sessions of working groups, the Commission will wish to take into account the date and place of its seventh session (item 13) and the date of the international conference on prescription (limitation) in the international sale of goods.

Item 12. Other business

The Commission may wish, under this item, to discuss points of interest that were not considered under other items of the agenda.

The Commission will no doubt wish to discuss the note by the Secretary-General (A/CN.9/L.24) regarding the proposal by the International Institute for the Unification of Private Law (UNIDROIT) that the Commission consider including in its programme of work the unification of rules governing the validity of contracts of international sale of goods.

The Commission's attention is drawn to the Secretary-General's report on current activities of other organizations (A/CN.9/82).

Item 13. Date and place of the seventh 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 seventh session of the Commission is therefore expected to be held at United Nations Headquarters in New York.

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, ^{4/} the report of the Commission is introduced to the General Assembly by the Chairman of the Commission or by another officer designated by him.

III. TENTATIVE SCHEDULE OF MEETINGS

Monday
2 April

- a.m. Opening of the session (item 1)
Election of Chairman (item 2)
Adoption of the agenda (item 3)
- p.m. Election of Vice-Chairmen and Rapporteur (item 2)
International commercial arbitration (item 7)

Tuesday
3 April

- a.m. International commercial arbitration (continued) (item 7)
- p.m. International commercial arbitration (continued) (item 7)

^{4/} A/7408, para. 3.

Wednesday
4 April

- a.m. International commercial arbitration (continued) (item 7)
p.m. Uniform rules governing the international sale of goods
(item 4 (a))

Thursday
5 April

- a.m. Negotiable instruments (item 5 (a))
Bankers' commercial credits (item 5 (b))
p.m. International legislation on shipping (item 6)

Friday
6 April

- a.m. Multinational enterprises (item 9)
p.m. Multinational enterprises (continued) (item 9)
Training and assistance in the field of international
trade law (item 8)

Monday
9 April

- a.m. Establishment of a union for jus commune (item 10)
p.m. Establishment of a union for jus commune (continued) (item 10)
Future work; working methods (item 11)

Tuesday
10 April

- a.m. General conditions of sale (item 4 (c))
p.m. General conditions of sale (continued) (item 4 (c))

Wednesday
11 April

- a.m. General conditions of sale (continued) (item 4 (c))
p.m. General conditions of sale (continued) (item 4 (c))
Other business (item 12)

Thursday
12 April

- a.m. No meeting unless required)
p.m. No meeting unless required) preparation of the
Commission's report

Friday
13 April

- a.m. Adoption of the report of the Commission (item 14)
p.m. Adoption of the report of the Commission (continued) (item 14)
Date and place of the seventh session (item 13)
