



UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
GENERAL

A/CN.9/85
12 April 1974

ORIGINAL: ENGLISH

UNITED NATIONS COMMISSION ON
INTERNATIONAL TRADE LAW
Seventh session
New York, 13 May 1974

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

Note by the Secretary-General

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II. NOTES ON THE PROVISIONAL AGENDA

Item 1. Opening of the session

The seventh session was originally scheduled by the Commission to take place from 10 to 14 June 1974. However, since the Commission decided to hold its seventh session during the week immediately preceding the United Nations Conference on Prescription (Limitation) in the International Sale of Goods and that Conference will now take place from 20 May to 14 June 1974, the date of the Commission's session accordingly has been changed to 13 to 17 May 1974.

The seventh session will be held at United Nations Headquarters in New York and will be opened on 13 May 1974, 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 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: 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/}

The Working Group on the International Sale of Goods held its fifth session in Geneva from 21 January to 1 February 1974. It took action with respect to articles 58 to 101 of ULIS and thereby completed its work on a preliminary draft of a uniform law based on ULIS. The Working Group decided to review this draft at its next session in the light of the comments and proposals thereon to be submitted by the representatives of member States of the Working Group and by observers and in the light of a study by the Secretary-General on issues not yet resolved by the Working Group.

^{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 Commission will have before it the progress report of the Working Group on the work of its fifth session (A/CN.9/87). Annexed to this report are a revised text of the uniform law on the international sale of goods as adopted or as deferred for further consideration by the Working Group (annex I), the text of comments and proposals with respect to articles considered by the Working Group (annexes II and III), and the report of the secretariat of the Commission on issues presented by chapters IV to VI of ULIS (annex IV).

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 second session in New York from 7 to 18 January 1974. It considered articles 41 to 62 of the preliminary draft uniform law on international bills of exchange and 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 second session (A/CN.9/86).

(b) Bankers' commercial credits

(c) Bank guarantees

The Commission will have before it a progress report by the International Chamber of Commerce on documentary credits and on contract and payment guarantees (A/CN.9/89).

Item 6. International legislation on shipping

The Working Group on International Legislation on Shipping held its sixth session in Geneva from 4 to 20 February 1974. It considered the third report of the Secretary-General on responsibility of ocean carriers for cargo: bills of lading (A/CN.9/88, Add.1), and examined the following subjects: liability of ocean carriers for delay, documentary scope of application of the Convention, geographic scope of application of the Convention, elimination of invalid clauses in bills of lading, the inclusion in the Convention of carriage of cargo on deck and carriage of live animals, definition of "carrier", "contracting carrier" and "actual carrier", and definition of "ship". The proposed draft provisions on these subjects are set out in the report of the Working Group on the work of its sixth session (A/CN.9/88).

The Working Group, at its sixth session, recommended that the following subjects be taken up at its seventh session: (a) contents of the contract for carriage of goods by sea; (b) validity and effect of letters of guarantee; and (c) protection of the good faith purchaser of a bill of lading.

Item 7. Multinational enterprises

The Commission will have before it a note by the Secretary-General (A/CN.9/90), with respect to the current status of this item.

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

The Commission will have before it a report by the Secretary-General (A/CN.9/91) with respect to delay in ratification of or adherence to conventions concerning international trade law and possible means of accelerating such ratification or adherence.

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

The Commission will have before it a note by the Secretary-General (A/CN.9/92) on the implementation of the Commission's decisions with regard to training and assistance in the field of international trade law.

Item 10. Liability for damage caused by products intended for or involved in international trade

The Commission will have before it a note by the Secretary-General (A/CN.9/93) concerning General Assembly resolution 3108 (XXVIII). Under paragraph 7 of that resolution, the General Assembly "invites the United Nations Commission on International Trade Law to consider the advisability of preparing uniform rules on the civil liability of producers for damage caused by their products intended for or involved in international sale or distribution, taking into account the feasibility and most appropriate time therefor in view of other items in its programme of work".

The Commission may wish to consider what action should be taken.

Item 11. Future work

(a) The Commission may wish, under this item, to take account of General Assembly resolution 3108 (XXVIII) of 12 December 1973 on the report of the Commission on the work of its sixth session. Copies of this resolution and of the report of the Sixth Committee (A/9408) will be available at the seventh session.

(b) The General Assembly, in paragraph 8 of resolution 3108 (XXVIII), decided to increase the membership of the Commission from 29 to 36. The seven additional members of the Commission were elected in accordance with the following distribution of seats: two from African States, two from Asian States, one from Eastern European States, one from Latin American States, and one from Western European and other States. A list of the present members of the Commission is set forth in annex I.

(c) As a result of the expiration of the terms of office of some member States of the Commission, the following vacancies have occurred in two of the Working Groups of the Commission:

- (i) Working Group on the International Sale of Goods - two vacancies (Iran, Tunisia);
- (ii) Working Group on International Legislation on Shipping - one vacancy (Spain).

(d) The Commission may wish to agree upon a schedule of sessions of its working groups for the period between its seventh and eighth 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 decided:

...

- (d) to hold the sixth session of the Working Group from 10 to 21 February 1975, subject to approval by the Commission."

(ii) Working Group on International Legislation on Shipping

"The Working Group decided to recommend to the Commission that its next two sessions be held as follows:

Seventh session: Geneva, 30 September - 11 October 1974
Eighth session: New York, January or February 1975."

(iii) Working Group on International Negotiable Instruments

"The Working Group gave consideration to the timing of its third session. The Group was of the unanimous opinion that, in view of the progress achieved at the present session, its third session should be held as soon as possible. Some representatives expressed the view that the third session should be held in the course of 1974. Others were of the opinion that consideration of the time and place for the third session should be left for decision by the Commission at its forthcoming session which will convene on 13 May 1974."

Item 12. Other business

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

/...

(b) The Commission's attention is drawn to the Secretary-General's report on current activities of other organizations (A/CN.9/94).

(c) At its sixth session, the Commission took note of a letter from the President of the International Institute for the Unification of Private Law (UNIDROIT), transmitting to the Commission the text of a "draft of a law for the unification of certain rules relating to the validity of contracts of international sale of goods" and inviting the Commission to include the consideration of this draft as an item on its agenda. Pursuant to the decision of the Commission taken at its sixth session, the UNIDROIT draft has been transmitted to the members of the Commission. The Commission may wish to consider what further steps should be taken on the subject.

Item 13. Date and place of the eighth 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 eighth session of the Commission is therefore expected to be held in Geneva.

The Secretariat is of the opinion that, in addition to the consideration of the progress reports submitted by the Working Groups on the International Sale of Goods, International Legislation on Shipping and International Negotiable Instruments, the Commission would need to devote substantial time to the discussion of further substantive items, including multinational enterprises and arbitration. For this reason, the Secretariat suggests that the Commission should decide that its eighth session should be of three weeks' duration. The Commission will recall that the symposium on the role of universities and research centres in the teaching, dissemination and wider appreciation of international trade law will be held during the eighth session of the Commission and will be attended by persons having academic commitments. In view of this fact that Commission may wish to consider holding its eighth session during the summer, after the end of the academic year.

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, ^{2/} 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/} A/7408, para. 3.

III. TENTATIVE SCHEDULE OF MEETINGS

Monday
13 May

- a.m. Opening of the session (item 1)
- Election of Chairman (item 2)
- Adoption of the agenda (item 3)
- p.m. Uniform rules governing the international sale of goods (item 4)
- Election of Vice-Chairmen and Rapporteur (item 2)
- Uniform rules governing the international sale of goods (continued)
- Negotiable instruments (item 5 (a))
- Bankers' commercial credits (item 5 (b))
- Bank guarantees (item 5 (c))

Tuesday
14 May

- a.m. International legislation on shipping (item 6)
- Liability for damage caused by products intended for or involved in international trade (item 10)
- p.m. Liability for damage caused by products intended for or involved in international trade (continued)
- Multinational enterprises (item 7)

Wednesday
15 May

- a.m. Training and assistance in the field of international trade law (item 9)
- Ratification of or adherence to conventions concerning international trade law (item 8)
- p.m. Future work (item 11)
- Other business (item 12)

Thursday
16 May

No meeting unless required (preparation of the Commission's report)

Friday
17 May

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

Annex

MEMBERS OF THE UNITED NATIONS COMMISSION ON
INTERNATIONAL TRADE LAW

<u>Member countries</u>	<u>Term of office</u> <u>(To expire 31 December of year shown)</u>
Argentina	1979
Australia	1976
Austria	1976
Barbados	1979
Belgium	1979
Brazil	1979
Bulgaria	1979
Chile	1976
Cyprus	1979
Czechoslovakia	1979
Egypt	1976
France	1976
Gabon	1979
Germany, Federal Republic of	1979
Ghana	1976
Greece	1979
Guyana	1976
Hungary	1979
India	1979
Japan	1976
Kenya	1979
Mexico	1979
Nepal	1976
Nigeria	1976
Norway	1976
Philippines	1979
Poland	1976
Sierra Leone	1979
Singapore	1976
Somalia	1976
Syrian Arab Republic	1979
Union of Soviet Socialist Republics	1976
United Kingdom	1976
United Republic of Tanzania	1976
United States of America	1979
Zaire	1979
