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UNITED NATIONS COMMISSION ON
INTERNATIONAL TRADE LAW
Working Group on the International
Sale of Goods
Seventh session
Geneva, 5-16 January 1976

PROVISIONAL AGENDA AND ANNOTATIONS

1. Opening of the session
2. Election of officers
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4. Continuation of consideration of pending questions in the draft convention on the international sale of goods
5. Comments on the draft commentary on the draft convention on the international sale of goods
6. Preliminary discussion on uniform rules governing the formation and validity of contracts for the international sale of goods
7. Future work
8. Adoption of the report of the session

Notes on the provisional agenda

Item 1. Opening of the session

The session will be opened by the representative of the Secretary-General who will also preside over the election of a chairman.

Item 2. Election of officers

The Working Group, in accordance with its practice at previous sessions, may wish to elect a chairman and a rapporteur.

Item 4. Continuation of consideration of pending questions in the draft convention on the international sale of goods

At its sixth session the Working Group began consideration of the provisions of the draft convention on the international sale of goods (revised Uniform Law on the International Sale of Goods) which had been deferred by the Working Group at its first five sessions for further consideration. With a view to approving the text of the draft convention the Working Group decided that at its seventh session it would complete its examination of pending questions.

The Working Group will have before it the following documents:

(a) Revised text of the draft convention on the international sale of goods as approved or deferred for further consideration by the UNCITRAL Working Group on the International Sale of Goods at its first six sessions (A/CN.9/100, annex I);

(b) Comments and proposals by Governments relating to the revised text of a uniform law on the international sale of goods (A/CN.9/WG.2/WP.20, reproduced as A/CN.9/100, annex II);

(c) Pending questions with respect to the revised text of a uniform law on the international sale of goods: report of the Secretary-General (A/CN.9/WG.2/WP.21 and Add.1 reproduced as A/CN.9/100, annexes III and IV);

(d) Comments and proposals by the representative of Norway on the draft convention on the international sale of goods as approved or deferred by the Working Group at its first six sessions (A/CN.9/WG.2/WP.25).

Item 5. Comments on the draft commentary on the draft convention on the international sale of goods

At its sixth session "the Working Group requested the Secretariat to draw up a commentary on the draft convention on the international sale of goods based on the reports on the work of its sessions and the various studies made and to transmit a draft commentary to representatives for unofficial comments" (A/CN.9/100, para. 119). The Working Group may wish to discuss the draft commentary.

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The Working Group will have before it the following documents:

(a) Draft commentary on the draft convention on the international sale of goods: note of the Secretary-General (A/CN.9/WG.2/WP.22);

(b) Observations on the draft commentary and proposals in respect of the draft convention on the international sale of goods: note of the Secretary-General (A/CN.9/WG.2/WP.23).

Item 6. Preliminary discussion on uniform rules governing the formation and validity of contracts for the international sale of goods

Formation

In its report on its second session the Commission decided that the Working Group should consider "which modifications of the Uniform Law on the Formation of Contracts for the International Sale of Goods annexed to the Hague Convention of 1 July 1964/ might render it capable of wider acceptance by countries of different legal, social and economic systems, or whether it will be necessary to elaborate a new text for the same purpose" (A/7618, para. 38). In its report on the work of its third session the Commission decided that the Working Group should give priority to the systematic consideration of ULIS (A/8017, para. 72).

Validity

In its report on the work of its sixth session the Commission noted the receipt of a letter from the President of the International Institute for the Unification of Private Law (UNIDROIT) which transmitted 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 which invited the Commission to include the consideration of this draft as an item on its agenda. The Commission decided to consider at its seventh session what further steps should be taken on the subject (A/9017, para. 148).

Formation and validity

In its report on the work of its seventh session the Commission decided to request the Working Group "after having completed its work on the uniform law on the international sale of goods, to consider the establishment of uniform rules governing the validity of contracts for the international sale of goods, on the basis of the ... UNIDROIT draft, in connexion with its work on uniform rules governing the formation of contracts for the international sale of goods" (A/9617, para. 93).

In its report on the work of its sixth session the Working Group decided "to hold at its seventh session a preliminary discussion on the formation and validity of ... contracts of sale for the international sale of goods so as to give the Secretariat, if appropriate, directions as to the studies which the Working Group may wish it to undertake in that field" (A/CN.9/100, para. 118).

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The Working Group will have before it the following documents:

- (a) Convention relating to a uniform law on the formation of contracts for the international sale of goods, with annexes (extract from Register of Texts and Conventions and other Instruments concerning International Trade Law, vol. I (United Nations Publication, Sales No. E.71.V.3)).
- (b) Analysis of replies and comments by Governments on the Hague Convention of 1964 on the Formation of Contracts for the International Sale of Goods (A/CN.9/31, paras. 144 to 156):
- (c) Draft of a law for the unification of certain rules relating to validity of contracts of international sale of goods, followed by an explanatory report (UNIDROIT, ETUDE XVI/B, Document 22, U.D.P. 1972, French and English only):
- (d) Les conditions de validité au fond des contrats de vente, rapport de droit comparé présenté pour le compte de UNIDROIT par le Max-Planck-Institut für Ausländisches und Internationales Privatrecht de Hambourg (UNIDROIT Yearbook 1966, pp. 175-410, French only).

Item 7. Future work

Draft convention on the international sale of goods

In its report on the work of its eighth session the Commission requested the Secretary-General:

"(a) 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 when doing so, to recommend that they should, as far as possible, focus their observations on fundamental issues in view of the fact that they would again be invited to submit comments on and amendments to, the draft Convention in connexion with a conference of plenipotentiaries to which the draft Convention, as approved by the Commission, would be submitted for adoption;

"b) To prepare an analysis of such comments for consideration by the Commission at its tenth session." (A/10017, para. 17.)

The Working Group may wish to consider whether the draft convention to be submitted to Governments and interested international organizations should be accompanied by a commentary.

Formation and validity

The Working Group may wish to indicate to the Secretariat what studies and other preparatory work it wishes the Secretariat to undertake in respect of formation and validity of contracts for the international sale of goods for the eighth session of the Working Group.