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UNITED NATIONS COMMISSION ON
INTERNATIONAL TRADE LAW
Working Group on Sales
Geneva, 7 December 1970

PROVISIONAL AGENDA

1. Election of officers
2. Adoption of the agenda
3. Consideration of articles 1 to 17 of ULIS
4. Further work
5. Adoption of the report

Notes on the provisional agenda

Item 1. Election of officers

The Working Group consists of the following fourteen members of the Commission: Brazil, France, Ghana, Hungary, India, Iran, Japan, Kenya, Mexico, Norway, Tunisia, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland and United States of America. It may be desirable to elect a chairman, a vice-chairman, and a rapporteur, under the rules of procedure of the General Assembly (A/520/Rev.10).

Item 3. Consideration of Articles 1 to 17 of ULIS

The United Nations Commission on International Trade Law at its third session decided that, instead of considering selected items, the Working Group should consider ULIS systematically, chapter by chapter, giving priority

to articles 1-17. The Commission also decided that representatives of members of the Working Group, alone or in co-operation with representatives of other members, should be entrusted, if so willing, with the examination and redrafting of the said articles.

The Working Group will have before it an analysis by the Secretary-General of the studies prepared by representatives of members of the Commission on articles 1 to 17 of ULIS and of the comments made by representatives of other members of the Commission on those studies (A/CN.9/W.G.2/). The text of the studies and comments will be annexed, in their original languages, to the analysis.

Item 4. Further work

The Commission at its third session requested the Secretary-General to prepare an analysis of the use of the concept of "delivery" (délivrance) in ULIS and to submit that analysis to the Working Group, together with a study by UNIDROIT on the historical background of the use of this term in the drafts of the uniform law. The Working Group will have before it the study by UNIDROIT (A/CN.9/WG.2/WP.5). The Commission requested further the Secretary-General to prepare another study of the concept of "ipso facto avoidance" for later consideration by the Working Group.

Taking into account the decision of the Commission at its third session providing that the Working Group should consider ULIS systematically, chapter by chapter and the circumstance that both studies mentioned in the preceding paragraph are related to chapter III (articles 18-55) of ULIS, that immediately follows the chapters to be considered under item 3 above, it is suggested that the Working Group should

(a) request the Secretary-General to submit the above studies before 31 July 1971;

(b) decide that at its third session it will consider chapter III of ULIS (articles 18 to 55).

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It is further suggested that, in accordance with the Commission's decision at its third session, referred to under item 3 above, the Working Group should entrust representatives of its members with the examination and any necessary redrafting of articles 18 to 55 of ULIS. It would seem desirable that these reports be submitted not later than three months before the next meeting of the Working Group.

In connexion with plans for further work, the Working Group may wish to take account of the fact that an increasing number of articles of the Law must be kept in relation to each other and to the structure of the Law as a whole. It might also be concluded that many of the provisions to be considered in the future may be less concerned with questions of general policy than those articles to which the Group has already given attention. The Group may therefore wish to consider whether, in the future, portions of the proposed uniform law might be referred to a group smaller than the entire membership of the Working Group for detailed drafting and for the co-ordination of approved texts.

Item 5. Adoption of the report

The Commission decided at its third session that the report of the Working Group should contain explanatory comments on each issue or article of ULIS recommended for approval. The Commission further decided that before the new text of a uniform law or the revised text of ULIS is completed, the Working Group should only submit questions of principle to the Commission for consideration. The Working Group in preparing the report may wish to identify those issues which, under the above decision, should be referred to the Commission.
