

Article 36 (continued)

The CHAIRMAN, after recalling that at the preceding meeting the representative of the USSR had requested that discussion of article 36 should be deferred until the small Drafting Party established to settle the problems raised by article 33 could present the results of its work, invited the representative of Austria to report to the Commission the conclusions reached by the Drafting Party.

Mr. LOEWE (Austria) said that the small Drafting Party, consisting of the representatives of Belgium, the USSR, Kenya and Austria, had reached a compromise solution on the basis of a proposal by the USSR. The Drafting Party proposed the deletion of article 33, which would satisfy those delegations opposed to its retention; in return, it recommended that article 3 (1) should be placed in square brackets, in the hope that the Commission would be able to elaborate a more widely accepted definition, and that the sphere of application of article 36 should be enlarged. Article 36 should be amended to read as follows:

"This Convention shall not prevail over Conventions already entered into or which may be entered into, and which contain provisions concerning limitation of legal proceedings or prescription of rights in respect of the international sale, provided the parties to the contract of sale have their places of business in States parties to such a Convention."

The new wording would enable States which had acceded to ULIS to apply that instrument in their mutual relations.

The CHAIRMAN invited the members of the Commission to think over the proposed amendment to article 36, consideration of which would be resumed after the Commission had considered the proposals put forward by the Spanish delegation concerning the methods of work of the Commission.

/The last part of the meeting was taken  
up by the discussion of other matters/