

Article 7 (continued)

Mr. HYERA (United Republic of Tanzania) said that in his opinion article 7 was insufficiently precise. It failed to mention the need to promote uniformity, although the purpose of the draft was not merely to ensure standardization but also to make the rules of international law more equitable.

The CHAIRMAN said that the comments made by the representative of Tanzania would be reflected in the summary record.

Article 7 was adopted.

Article 8 (continued)

Article 8 was adopted.

Article 9 (continued)

Mr. BURGUCHEV (Union of Soviet Socialist Republics) drew attention to some problems arising out of the present structure of article 9. Paragraph (1) seemed to establish a general rule concerning the point of departure for the limitation period, and that rule would allow for exceptions to be made in the cases referred to in articles 10 and 11. However the provisions of paragraphs (2) and (3) of article 9 also constituted exceptions. That inconsistency needed to be remedied.

Moreover, it might be wondered what relationship there was between the provision of article 9 (3), concerning breach of contract, and the content of article 10, which dealt with "lack of conformity", which was not a particular type of breach of contract.

To eliminate that inconsistency, he proposed that minor drafting changes should be made in article 9 (2) and (3), which would improve the over-all structure of the article. Paragraph (2) and the first sentence of paragraph (3) would then read:

"(2) In respect of a claim based on fraud committed before or at the time of the conclusion of the contract, the claim shall be considered to be done on the date on which the fraud was or could have been discovered.

"(3) In respect of a claim arising from a breach of the contract of sale, the claim shall be considered to be due on the date on which such breach occurs."