

Article 16 (continued)

Mr. RECZEI (Hungary) requested clarification concerning the number of times a creditor could repeat the procedure set out in paragraph (1). He hoped that when the United States representative prepared the new formulation, he would take account of the fact that no limit had been indicated in the text.

Mr. MANTILLA-MOLINA (Mexico) felt that the text of paragraph (2) required clarification. It should at least state that if execution of a decision was refused, the action would be brought in the State which refused to implement the decision.

Mr. JENARD (Belgium) felt that paragraph (2) was useful, although the language should perhaps be clarified.

Mr. LOEWE (Austria) said that the article seemed to be inappropriate because it completely destroyed the operation of the Convention.

Mr. NESTOR (Romania) felt that the article should be reformulated to make it clear that the creditor did not have unrestricted liberty to commence whatever proceedings he wanted in different States.

The CHAIRMAN noted that there appeared to be a majority in favour of retaining paragraph (2) of article 16.

He invited the members of the Commission to consider article 17.

Article 17 (continued)

Mr. BURGUCHEV (Union of Soviet Socialist Republics) said that the Convention was intended to regulate relations between importers and exporters. The new paragraph (2) of the article introduced a purely domestic element into those international relations, which was undesirable. Quite apart from that consideration, a practical inequity might well arise if paragraph (2) as formulated by the Working Group was retained. According to that paragraph, where legal proceedings had been commenced against the buyer and when notification had been effected, the limitation period could be extended at the request of the importer for the entire period of the legal proceedings in question. In practice, it