

Mr. JENARD (Belgium) said that, in his opinion, the French text was satisfactory and he saw no reason to change it.

Mr. CHAFIK (Egypt) said that whatever the wording chosen to replace the phrase "to the same contract", it should express the idea that both claims must relate to the same action.

Mr. JAKUBOWSKI (Poland) associated himself with the view expressed by the representative of Hungary to the effect that articles 12 and 23 should be changed in tandem.

Mr. COLOMBRES (Argentina) proposed, in view of the obscurity of article 23, paragraph 1, that the provision in question should simply be deleted.

Mr. LOEWE (Austria) seconded that proposal.

Mr. OGUINDERE (Nigeria) said that his delegation was opposed to the deletion of paragraph 1.

Mr. KAMAT (India) recalled that during its initial consideration of article 23, the Commission had expressed itself in favour of retaining paragraph 1. In view of that decision, nothing more than mere drafting changes could be envisaged for the provision in question.

Mr. RECZEI (Hungary) read out the text proposed by the Egyptian delegation for the final clause in article 12, paragraph 2: "provided that such counterclaim does not arise out of a contract of a different nature". His delegation endorsed that formulation and recommended that a similar wording should be used in article 23, paragraph 2 (a).

The CHAIRMAN observed that a clear majority was in favour of retaining article 23, paragraph 1. With regard to paragraph 2, he proposed that a drafting group consisting of the representatives of Austria and Hungary should be entrusted with the task of amending that provision, taking into account the Egyptian proposal. Subject to that amendment, he put article 23 forward for the Commission's approval.

Article 23 was approved.

Article 24 (continued)

Article 24 was approved.