

structure because all the legislative acts relating to the Convention would fall under federal jurisdiction. The requirement that the federal Government should bring acts to the notice of the Austrian provinces would therefore raise difficulties for his Government. As a solution, the text of paragraph (b) might be amended to refer to articles which did not fall entirely within the legislative purview of the federal authority.

Mr. OGUNDERE (Nigeria) said that while he could not agree to the approach suggested by the representative of Austria, he could accept the substitution of "may" for "shall" in paragraph (b).

Mr. GUEST (United Kingdom) said that it would be better to leave the text as it stood for consideration by the international conference of plenipotentiaries, at which States could express their views regarding its content.

Mr. BURGUCHEV (Union of Soviet Socialist Republics) endorsed the United Kingdom representative's remarks.

The CHAIRMAN said that, if there was no objection, he would take it that the Commission agreed to refer articles 29 and 30, as formulated by the Working Group and in brackets, for discussion by the international conference of plenipotentiaries.

It was so decided.

#### Article 31 (continued)

Article 31 was approved.

#### Part III: Declarations and reservations

The CHAIRMAN said that, if there was no objection, he would take it that the Commission approved the title of part III.

It was so decided.

#### Article 32 (continued)

Mr. BURGUCHEV (Union of Soviet Socialist Republics) said that paragraphs 2 and 3 of article 32, which the Working Group had left in brackets,

should be deleted as superfluous in view of the decision that the Convention would be applicable only in respect of a contract of sale concluded between parties having their places of business in Contracting States. He also wondered whether there was any need to retain paragraph 4 of the article; its substance was covered in article 2 of the Convention.

Mr. LOEWE (Austria) agreed that paragraphs 2 and 3 of article 32 should be deleted.

Mr. JENARD (Belgium) endorsed the USSR proposal for the deletion of paragraphs 2 and 3 of article 32.

He noted that article 32 referred to the "Convention", whereas other articles referred to the "Uniform Law". To avoid any ambiguity, he proposed that the word "Convention" should be used throughout the Convention.

Mr. BURGUCHEV (Union of Soviet Socialist Republics) endorsed the Belgian proposal.

The CHAIRMAN said that, if there was no objection, he would take it that the Commission approved the Belgian representative's proposal.

It was so decided.

Mr. KHOO (Singapore) asked whether the words "any contract" in paragraph 1 were intended to refer to individual contracts or to transactions in general. If the reference was to individual contracts, he would strongly oppose it, because it would nullify the work already done by the Commission.

Mr. MANTILLA-MOLINA (Mexico) endorsed the comment of the representative of Singapore. The underlying idea was a reference to transactions in general and not to a single contract. If, for example, Mexico and Guatemala had similar legislation, the application of article 32 could only be general.

Mr. JAKUBOWSKI (Poland) supported the USSR proposal for the deletion of paragraphs 2 and 3 for the reasons already stated by previous speakers. It seemed that paragraph 1 required redrafting to avoid the difficulties referred to by the representatives of Singapore and Mexico. The language might be made much simpler, providing simply that two Contracting States might agree not to apply the Convention because they had similar legislation in the area in question. A contract

concluded between parties having their places of business in Sweden and Norway, respectively, could only be an international contract, even though it might be decided that the Convention was not applicable to it because the two States had similar legislation. It would not be advisable, therefore, to include the language in article 32 providing that such contracts should "not be considered international within the meaning of article 2".

Mr. OGUNDERE (Nigeria) said that he would be quite content to delete article 32. Paragraph 1 gave Governments random permission to make declarations regarding the applicability of the Convention, which he found unacceptable. If it was to be retained, however, Contracting Parties should make the declaration in question when they ratified the Convention and not subsequently. He therefore proposed that the words "may at any time declare" should be changed to "may declare at the time of ratification".

Mr. JENARD (Belgium) thought it essential that the words "at any time" should be retained. In the case of the Benelux countries, for example, one State might decide to ratify the Convention some time after another had done so. However similar their legislation, therefore, they could only make the declaration after the second State had ratified the Convention. He agreed that the reference was to contracts of sale in general.

Mr. OGUNDERE (Nigeria), referring to the Belgian representative's statement, observed that countries which stood to benefit from article 32 because they had similar legislation should hold consultations before either ratified it. It was hardly acceptable that a State should be free to make a declaration of the kind envisaged, 10 years or more after ratifying the Convention.

The CHAIRMAN said that, if there was no objection, he would take it that the Commission agreed that paragraph 1 should be redrafted to take account of the problem to which the representative of Singapore had referred and that paragraphs 2, 3 and 4 should be deleted.

It was so decided.