

Articles 33 and 34 (continued)

Mr. JENARD (Belgium) pointed out that the text of both articles should refer to the Convention as opposed to the "Uniform Law".

Articles 33 and 34 were approved.

Article 35 (continued)

Mr. BURGUCHEV (Union of Soviet Socialist Republics) proposed that article 35 should be deleted for the reasons which he had given for the deletion of article 29.

Mr. JAKUBOWSKI (Poland) said that as the Commission had not adopted the text of alternative B which the Working Group had proposed for article 3, there was no reason to retain article 35. He agreed that it should be deleted.

It was so decided.

Article 36 (continued)

Replying to a question by Mr. OGUNDERE (Nigeria), Mr. JENARD (Belgium) explained that article 36 and article 32, paragraph 1, covered different cases and should both be retained. Article 36 covered conventions, while article 32, paragraph 1, referred to the case of Contracting States which applied the same or closely related legal rules.

Mr. LOEWE (Austria) pointed out that article 36 in fact referred to the Uniform Law on the International Sale of Goods, which did not regulate all matters of prescription in the field of sales, such as cases of non-delivery of goods and failure to pay. Article 32 was wider in scope, since it enabled countries to state that the Convention would not apply between them. It was therefore necessary to retain both articles.

The CHAIRMAN noted that a majority of the Commission was in favour of retaining article 36.

Articles 37-46

The CHAIRMAN suggested that articles 37-46, which had not been considered by the Working Group, should be referred to the international conference of plenipotentiaries for consideration.