

## VI. ACTIVITIES OF OTHER ORGANIZATIONS

### Report of the Secretary-General: current activities of international organizations related to the harmonization and unification of international trade law (A/CN.9/119)\*

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#### INTRODUCTION

1. The United Nations Commission on International Trade Law, at its third session, requested the Secretary-General "to submit reports to the annual sessions of the Commission on the current work of international organizations in matters included in the programme of work of the Commission".<sup>1</sup>

2. In accordance with the above decision reports were submitted to the Commission at the fourth session in 1971 (A/CN.9/59), at the fifth session in 1972 (A/CN.9/71), at the sixth session in 1973 (A/CN.9/82),\*\* at the seventh session in 1974 (A/CN.9/94 and Add.1 and Add.2)† and at the eighth session in 1975 (A/CN.9/106).††

3. The present report, prepared for the ninth session (1976), is based on information submitted by international organizations concerning their current

work.<sup>2</sup> In many cases, this report includes information on progress with respect to projects for which background material is included in earlier reports.<sup>3</sup> Some of the international organizations, whose activities were described in the earlier reports to the Commission,

<sup>2</sup> Information received from some international organizations has not been included because that information concerned activities unrelated to the work of UNCITRAL.

<sup>3</sup> Background material may be found in the reports presented to the fourth session (A/CN.9/59), the fifth session (A/CN.9/71), the sixth session (A/CN.9/82; UNCITRAL Yearbook, Vol. IV: 1973, part two, V), the seventh session (A/CN.9/94 and Add.1 and 2; UNCITRAL Yearbook, Vol. V: 1974, part two, V), and the eighth session (A/CN.9/106; UNCITRAL Yearbook, Vol. VI: 1975, part two, VII) and in the following: *Digest of legal activities of international organizations and other international institutions*, published by the International Institute for the Unification of Private Law (UNIDROIT). Progressive development of the law of international trade, report of the Secretary-General (1966), *Official Records of the General Assembly, Twenty-first Session, Annexes*, agenda item 88, document A/6396, paras. 26-189, (UNCITRAL Yearbook, Vol. I: 1968-1970, part one, II, B). Survey of the activities of organizations concerned with harmonization and unification of the law of international trade, note by the Secretary-General, 19 January 1968 (A/CN.9/5); and replies from organizations regarding their current activities in the subjects of international trade within the Commission's work programme, note by the Secretariat, 1 April 1970 (UNCITRAL/III/CRP.2).

\* 23 March 1976.

<sup>1</sup> Report of the United Nations Commission on International Trade Law on the work of its third session, *Official Records of the General Assembly, Twenty-fifth Session, Supplement No. 17* (A/8017), para. 172 (UNCITRAL Yearbook, Vol. 1: 1968-1970; part two, III, A).

\*\* UNCITRAL Yearbook, Vol. IV: 1973, part two, V.

† UNCITRAL Yearbook, Vol. V: 1974, part two, V.

†† UNCITRAL Yearbook, Vol. VI: 1975, part two, V.

either did not submit statements as to their current activities or reported that they were not currently engaged in work related to the work programme of the Commission.

4. A subject-matter index is set out at the end of this report.

# I. UNITED NATIONS ORGANS AND SPECIALIZED AGENCIES

## A. UNITED NATIONS ECONOMIC COMMISSION FOR EUROPE (ECE)

### *International sale of goods*

#### (a) *General conditions of sale, standard contracts and standard trade terms*

5. The ECE Group of Experts on International Contract Practices in Industry held its eighth and ninth sessions in 1975. During both sessions the experts concentrated their attention on the draft Guide for drawing up contracts on industrial co-operation (see paragraph 10 below); they also noted the information contributed by certain experts, interested in participating in rendering assistance to the Asian-African Legal Consultative Committee (ALCC), about advice they had been tendering informally to the ECE secretariat in order to enable the latter to comment on the draft standard contracts and general conditions of sale developed by ALCC.

6. It will be recalled from the previous account of ECE's work (A/CN.9/106, para. 5)\* that ALCC is planning a consultation on the basis of these draft texts and that experts from organizations pursuing corresponding activities will be asked to participate. ALCC had also requested written comments before the end of 1975.

7. During the eighth and ninth sessions of the Group of Experts, participants from several ECE member countries showed an interest in this advisory function, which will contribute towards making the ECE General Conditions better known and, possibly, more widely accepted—one of the objectives of the Group of Experts. Through its efforts, and especially through the contributions of participants from Belgium, Federal Republic of Germany, Finland and Norway it was possible for the ECE secretariat to send comments as requested. It was, however, decided that the details of the ALCC drafts should not be analysed at the prevailing stage of the work; only some general comments should be distributed by the ECE secretariat while conveying the assurances of interested experts that they were willing to give further assistance, as required, when the ALCC work was further advanced.

8. The Group of Experts on International Trade Practices relating to Agricultural Products held its sixteenth and seventeenth sessions in 1975 and its eighteenth session in January 1976. Reference is made to document A/CN.9/106, para. 6, in which a list of the General Conditions and Rules of Survey elaborated by the Group of Experts is reproduced. The General Conditions and Rules of Survey for Dry and Dried Fruit (AGRI/WP.1/GE.7/53) were given a final

reading preceding publication at the first of these sessions.

9. At the seventeenth session, the second reading of the draft Rules of Arbitration was begun (AGRI/WP.1/GE.7/R.9/Rev.1 and (now) Rev.2). Several countries were represented at this session not only by experts familiar with the daily trade in the relevant products and with practical experience of arbitration in their respective fields but also by experts on commercial arbitration. Reference was made to corresponding work in UNCITRAL. In 1976 it is hoped that two sessions will be devoted to study of the draft rules on Arbitration.

10. At the eighteenth session in January 1976, work on harmonization of similar articles in the set of three General Conditions (for potatoes, for dry and dried fruit, for fresh fruit and vegetables) was initiated. It was decided to continue to keep separately the three instruments with the denomination "UN/ECE General Conditions of Sale for...".

#### (b) *Guide for drawing up different contracts*

11. As mentioned in paragraph 5 above, the Group of Experts on International Contract Practices in Industry continued in 1975 its work on the draft Guide for drawing up contracts on industrial co-operation. The text has now been agreed, but a final reading will be made when the Group of Experts meets in May 1976. At that session work on the next Guide will begin, i.e. the study of a preliminary text of a draft Guide for drawing up international consortium contracts.

#### (c) *Projects in areas related to international trade law*

##### *Facilitation of international trade procedures*

12. The Working Party on Facilitation of International Trade Procedures continued its work on the study of "Purpose and modalities of signature in international trade documents" as described in document A/CN.9/106, paragraph 11.\* Close co-operation was established with the newly formed ICC "Joint Working Party on the legal problems arising from the use of automatic data processing in international trade".

13. In this context, as in many others, members of the Working Group voiced their concern over the fact that too little was known about trade facilitation work by lawyers and government experts responsible for regulations affecting the flow of goods internationally. Measures are, however, now planned to remedy this situation, such as the production of a Facilitation Manual and the publication of a leaflet describing the work of the Working Party and its two Groups of Experts on Data Requirements and Documentation and on Automatic Data Processing (ADP) and Coding, respectively.

14. The background to the legal problems linked to the use of ADP for data flow in international trade is presented in ICC document No. 470/261-460/189.

##### *Standardization policies*

15. The Economic Commission for Europe at its thirtieth session in 1975, in its decision G (XXX) Standardization, invited Governments to give appropriate consideration to the implementation of the recommendations formulated by the Meetings of Government

\* Reproduced in UNCITRAL Yearbook, Vol. VI: 1975, part two, V.

\* UNCITRAL Yearbook, Vol. VI: 1975, part two, VII.

Officials responsible for Standardization Policies. The decision covers the recommendation by the government officials on the method of "Reference to Standards" described in document A/CN.9/106,\* which is a new method of harmonizing certain parts of national legislation with corresponding parts of the legislation in existence in other countries. Some of the subsidiary bodies of the Commission have initiated investigations into the use of the method in fields where they are responsible for recommendations aiming at the harmonization of national legislation or for the drafting of conventions or other instruments for acceptance resulting in harmonization and sometimes also in the abolition of barriers to trade.

(d) *Customs Convention on the International Transport of Goods under cover of TIR Carnets*

16. The Customs Convention on the International Transport of Goods under cover of TIR Carnets (TIR Convention) (1959) was revised under the auspices of the ECE and the new text adopted at a conference convened in Geneva for the purpose in November 1975. The new TIR Convention, 1975 (ECE/TRANS/17) was opened for signature in Geneva on 1 January 1976 and will remain so until 31 December 1976, thereafter being deposited with the Secretary-General of the United Nations in New York. The purpose of the Convention is to facilitate the carriage of goods involving international carriage by road by providing for simplified customs transit formalities including a customs guarantee system.

B. UNITED NATIONS ECONOMIC COMMISSION  
FOR LATIN AMERICA (ECLA)

*Trade and transport facilitation*

17. The Economic Commission for Latin America carried out a study, at the request of the Bolivian and Chilean Governments, on transport and customs procedures and documentation affecting cargo in transit through the port of Arica destined to Bolivia. The corresponding report, entitled *Estudio de facilitación del tránsito de mercadería con destino a Bolivia a través del puerto de Arica* (E/CEPAL/L.116, January 1975), proposed an integrated transit system which was approved by both Governments and put into effect in August 1975.

18. ECLA has also been active in promoting co-ordination among regional organizations interested in trade and transport facilitation, such as the Latin American Free Trade Association (LAFTA), the Organization of American States (OAS), the Caribbean Community (CARICOM), the Board of the Cartagena Agreement (JUNAC) and the Permanent Secretariat of the General Treaty on Central American Economic Integration (SIECA), and has assisted in forming national facilitation groups in Latin America. (See *Trade and transport facilitation in Latin America* (E/CEPAL/1005, 23 April 1975)). In order to give wider dissemination to facilitation efforts in Latin America and elsewhere, ECLA began publishing in August 1975 a bi-monthly bulletin called *FAL—Facilitación del comercio y el transporte en América Latina*.

\* Reproduced in UNCITRAL Yearbook, Vol. VI: 1975, part two, V.

*International land transport*

19. In collaboration with the Latin American Association of Railways (ALAF), ECLA prepared a draft agreement on multinational railroad traffic to permit freer international circulation of railway cars in the southern zone of South America. The agreement was approved by the railroads of Argentina, Bolivia, Brazil, Chile and Paraguay during the XI General Assembly of ALAF in Montevideo in October 1975 and will go into effect when the complementary rules and regulations are completed.

20. Since mid-1975 ECLA has been engaged on a project to promote the establishment of highway freight transport services among Bolivia, Chile, Colombia, Ecuador, Peru and Venezuela and to eliminate legal and administrative barriers which are hindering these services. The project is being carried out jointly with the Andean Development Corporation (CAF) in collaboration with JUNAC.

*International multimodal transport*

21. ECLA has continued to advise Latin American countries on the preparation of a convention on international multimodal transport and provided technical assistance in this regard to Chile, Cuba, Ecuador, Mexico and Peru during 1975.

22. A document on the civil liability of international multimodal transport operators, entitled *Sistemas de responsabilidad y seguros en el caso de contratos de transporte multimodal internacional* (E/CEPAL/L.123, 24 November 1975), was prepared for the First Meeting of Experts of the Andean Group on Transport Insurance, organized by JUNAC.

C. INTERNATIONAL CIVIL AVIATION ORGANIZATION  
(ICAO)

*Revision of the Warsaw Convention of 1929  
as amended by the Hague Protocol of 1955*

23. Prior stages of ICAO's work on the revision of the Warsaw Convention of 1929 as amended by the Hague Protocol of 1955 were described in the reports submitted to UNCITRAL at its sixth (A/CN.9/82, para. 6)\* and eighth sessions (A/CN.9/106, para. 23).\*\*

24. An International Conference on Air Law convened by the Council of ICAO met from 3 to 25 September 1975 at the headquarters of ICAO in Montreal and, as a result of its deliberations, adopted and opened for signature the following Protocols:

(a) Additional Protocol No. 1 to Amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air Signed at Warsaw on 12 October 1929;<sup>4</sup>

(b) Additional Protocol No. 2 to Amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air Signed at Warsaw on

\* Reproduced in UNCITRAL Yearbook, Vol. IV: 1973, part two, V.

\*\* Reproduced in UNCITRAL Yearbook, Vol. VI: 1975, part two, V.

<sup>4</sup> ICAO document No. 9145.

12 October 1929 as Amended by the Protocol Done at The Hague on 28 September 1955;<sup>6</sup>

(c) Additional Protocol No. 3 to Amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air Signed at Warsaw on 12 October 1929 as Amended by the Protocol Done at The Hague on 28 September 1955 and at Guatemala City on 8 March 1971;<sup>6</sup> and

(d) Montreal Protocol No. 4 to Amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air Signed at Warsaw on 12 October 1929 as Amended by the Protocol Done at The Hague on 28 September 1955.<sup>7</sup>

25. The Conference also adopted a resolution with a view to consolidating the different instruments of the Warsaw system into a single convention.

26. On 19 November 1975, the Council, upon considering the said resolution, decided to amend the general work programme of the Legal Committee to include as item No. 1 the subject "Study of the Consolidation of the Instruments of 'Warsaw System' into a Single Convention"; to request the Chairman of the Legal Committee to establish a special sub-committee to study the above-mentioned subject; to convene a session of the Sub-committee from 17 May to 1 June 1976 in Montreal; and to convene the twenty-second session of the Legal Committee in Montreal from 19 October to 12 November 1976, in order to study the above-mentioned subject on the basis of the Sub-committee's report and comments received from States. Decision on the convening of the Diplomatic Conference in 1977 was reserved until the report of the twenty-second session of the Legal Committee is available.

#### D. UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT (UNCTAD)

##### *Activities of UNCTAD in the field of international shipping legislation*

###### (a) *International intermodal transport*

27. The 58-member Intergovernmental Preparatory Group on a Convention on International Intermodal Transport held its third session from 16 February to 5 March 1976. To assist the Intergovernmental Preparatory Group in its work the UNCTAD secretariat has prepared further in-depth studies on the technical, economic, legal and institutional implications of intermodal transport operations. The Intergovernmental Preparatory Group will hold its fourth session from 1-19 November 1976.

###### (b) *Charter-parties*

28. The Working Group on International Shipping Legislation, at its fourth session held on 27 January to 7 February 1975, requested the UNCTAD secretariat to carry out, in addition to its report "Charter Parties" (TD/B/C.4/ISL/13), two major studies, which are now in progress: (a) a comparative analysis of clauses based on three main time charter contracts and (b) a similar comparative analysis of clauses in voyage charter contracts.

<sup>6</sup> ICAO document No. 9146.

<sup>6</sup> ICAO document No. 9147.

<sup>7</sup> ICAO document No. 9148.

29. Based on these studies the UNCTAD secretariat will prepare additional material which will assist the Working Group to identify which of the main clauses on time and voyage charter-parties are susceptible to standardization, harmonization and improvement and to select areas in chartering activities that may be suitable for international legislative action.

###### (c) *Ocean bills of lading*

30. The Legal Counsel of the United Nations on behalf of the Secretary-General of the United Nations, in a letter dated 25 March 1975 and addressed to the Secretary-General of UNCTAD, transmitted the text of a draft Convention on the Carriage of Goods by Sea and invited UNCTAD to submit such comments on the draft Convention as it might wish to make.

31. The UNCTAD Working Group on International Shipping Legislation will hold its fifth session in two parts, first in January 1976 to consider the draft Convention prepared by the UNCITRAL Working Group, and secondly in July 1976 to consider the text elaborated by the ninth session of UNCITRAL.

32. In order to assist the UNCTAD Working Group to formulate an opinion as to the merits of the draft Convention, the UNCTAD secretariat has prepared a commentary together with recommendations for modification of the draft text which it considers to be desirable (TD/B/C.4/ISL/19 and Supps. 1 and 2).

###### (d) *Decisions of the Committee on Shipping, at its seventh session, relating to maritime law*

33. The Committee requested the UNCTAD secretariat, in accordance with Committee resolution 22 (VI), to give priority to an examination of the economic consequences for international shipping of the existence or lack of a genuine link between vessel and flag of registry as explicitly defined in international conventions in force.

34. The Committee considered a report by the UNCTAD secretariat on the treatment of foreign merchant vessels in ports (TD/B/C.4/136) and decided that the UNCTAD secretariat should follow the deliberations in IMCO on the preparation of a Convention on the Régime of Vessels in Foreign Ports, and report to the Committee at its eighth session, to which it might also present any other relevant information including comments that the Working Group on International Shipping Legislation might have on the subject.

###### (e) *Technical assistance*

35. The UNCTAD secretariat, as part of its programme of technical assistance and in co-operation with other bodies of the United Nations, participated in various programmes to assist developing countries in legal matters connected with maritime transport.

###### (f) *Multinational enterprises and restrictive business practices*

36. The Committee on Manufactures held its seventh session in Geneva from 23 June to 4 July 1975. At that session, the Committee adopted resolution 9 (VII) in which it decided to establish a second *Ad Hoc* Group of Experts on Restrictive Business Practices, with the following mandate:

"The Group should take into account the need for appropriate remedial measures at the national, regional, interregional and international levels with respect to restrictive business practices adversely affecting the trade and development of developing countries, and

"(a) Identify those practices which are likely to result in the acquisition and abuse of market power at the national and international levels;

"(b) Examine ways of improving the exchange of information on restrictive business practices between Governments of developed or developing countries;

"(c) Examine the elements of the formulation of a model law or laws for developing countries on restrictive business practices; and

"(d) Examine the possibility of formulating multilateral acceptable principles on restrictive business practices which aim at remedying those practices which adversely affect the trade and development of developing countries."

Furthermore, the Group was called upon to make recommendations in respect of the tasks assigned to it and to report to the seventh special session of the Trade and Development Board, which is scheduled to meet in March 1976. The Committee also requested the Secretary-General of UNCTAD to inform the Commission on Transnational Corporations of the content of the resolution and to ensure co-ordination between the work of UNCTAD and that of the Commission in order to assist both bodies in fulfilling their tasks.

37. The second *Ad Hoc* Group of Experts met in Geneva from 20-24 October 1975 but, in view of the fact that the Group was not able to complete its work at this session, it recommended to the Secretary-General of UNCTAD—in accordance with resolution 9 (VII) of the Committee on Manufactures—to reconvene the Group of Experts as early as possible in 1976 and, in this connexion, make provision for a session of two weeks' duration. The second session of the Group was held in Geneva from 16-27 February 1976.

38. It should also be recalled that the General Assembly, at its seventh special session, decided that "restrictive business practices adversely affecting international trade, particularly that of developing countries, should be eliminated and efforts should be made at national and international levels with the objective of negotiating a set of equitable principles and rules". This aspect is also being examined by the above-mentioned Group of Experts.

39. It should also be noted that the United Nations Conference on Trade and Development, at its fourth session in Nairobi in May 1976, will examine the question of a comprehensive strategy to expand and diversify the export trade of the developing countries in manufactures and semi-manufactures. An important aspect of this strategy is the role of transnational corporations in the trade of manufactures of developing countries and control of restrictive business practices generally. In this connexion the relevant documents being submitted to the Conference at this session are:

A comprehensive strategy to expand and diversify the export trade of manufactures and semi-manufactures ..... (TD/185)

The role of transnational corporations in the trade of manufactures and semi-manufactures of developing countries ..... (TD/185/Supp.2)

#### E. FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO)

40. The Food and Agriculture Organization has been involved in two projects related to general conditions of sale, standard contracts and standard trade terms:

- (i) Definition of the terms used in the rice trade has been approved by the Intergovernmental Group on Rice in 1972;
- (ii) Model Ordinance on Cocoa Grading and Code of Practice was approved by a Working Party in 1969; and adopted by countries in national legislation, representing 80 per cent of world trade in cocoa.

#### F. INTERNATIONAL MONETARY FUND (IMF)

41. A preliminary draft uniform law on international bills of exchange (A/CN.9/67)\* was prepared and submitted to the fifth session of UNCITRAL. Thereafter, it was revised to include international promissory notes (A/CN.9/WG.IV/WP.2)\*\* and, pursuant to the request of UNCITRAL, was submitted to the Working Group on International Negotiable Instruments. The Working Group is continuing its review of the draft. Fund staff members have attended meetings held under UNCITRAL auspices in the preparation of questionnaires, the analysis of responses, and the consideration and drafting of provisions of the draft uniform law.

### II. OTHER INTERGOVERNMENTAL ORGANIZATIONS

#### A. ASIAN-AFRICAN LEGAL CONSULTATIVE COMMITTEE (ALCC)

- (a) *Uniform rules governing the international sale of goods*

42. This subject has been included in the programme of work of the Committee since 1969. The Uniform Law on the International Sale of Goods, together with the revisions thereto, proposed by the UNCITRAL Working Group on the International Sale of Goods, has been considered by a standing sub-committee at the annual sessions held at Accra (1970), Colombo (1971), Lagos (1972) and New Delhi (1973). The Committee's secretariat has since been following the work of the UNCITRAL Working Group, and will examine the Draft Convention on International Sale of Goods, when completed by the Working Group, for

\* Reproduced in UNCITRAL Yearbook, Vol. III: 1972, part two, II.

\*\* Reproduced in UNCITRAL Yearbook, Vol. IV: 1973, part two, II, 2.

submission of comments thereon to the member Governments of the Committee.

(b) *Prescription (limitation) in the international sale of goods*

43. The UNCITRAL draft convention on this subject was considered in detail by the standing Sub-Committee on the International Sale of Goods at the session held in New Delhi (1973) together with a study thereon prepared by the Committee's secretariat. The Sub-Committee generally approved the approach of the draft convention as a workable compromise, and submitted specific suggestions for its revision. The report of the Sub-Committee was circulated among member States for their comments and some member States generally approved the report.

(c) *Standard or model contracts and general conditions of sale*

44. The work already done, commencing with the session held in Accra (1970), has included preparation of three standard contracts and a set of general conditions of sale for use in international sale of goods which were approved by the Committee at its Teheran session (1975). The first contract is on FOB basis which is applicable to those commodities which are exported by Asian-African countries but excluding those where FAS terms would be more appropriate. The second contract is on FAS basis, and is applicable to perishable agricultural produce and commodities which are exported primarily by the Asian-African countries. The third contract is on CIF basis and is applicable in respect of light machinery and durable consumer goods which are primarily exported by the Asian-African countries. The General Conditions of Sale on CIF (maritime) basis have been formulated as an alternative to the CIF contract, referred to above. Although the standard contracts/general conditions have been prepared with particular reference to the commodities therein stipulated, these can be used for other commodities also with some modifications. The standard contracts/general conditions have been transmitted to all the Asian and African Governments as also to organizations and associations of trade in the region. A special conference will be convoked during July-August 1976 with the participation of governmental and trade representatives for adoption of these contracts and general conditions.

(d) *International commercial arbitration*

45. A detailed study on certain aspects of international commercial arbitration was prepared by the Committee's secretariat. This covered the following topics: (i) institutional arbitration and *ad hoc* arbitration; (ii) constituting the arbitral tribunal; (iii) venue of arbitration; (iv) the applicable law to determine the rights and obligations of the parties under the contract; (v) procedure in arbitration; (vi) arbitral awards; (vii) the enforcement of foreign arbitral awards. The study was placed before the Committee at its Tokyo session (1974) and considered in detail by a Sub-Committee. The report of the Sub-Committee with the recommendations contained therein was forwarded to UNCITRAL for its attention.

46. A further study on the subject was prepared by the Committee's secretariat for the session held in

Teheran (1975), but the Sub-Committee constituted at that session to consider trade law subjects could not discuss the matter for lack of time.

47. As a follow-up of the aforementioned study the Committee's secretariat has now formulated Draft Model Rules on Commercial Arbitration for use in commercial disputes arising between the buyers and sellers of the region and those of the developed countries. These Model Rules will be considered at the forthcoming Kuala Lumpur session to be held in June-July 1976.

(e) *International legislation on shipping*

(i) *Bills of lading*

48. In response to UNCITRAL questionnaires on certain topics relating to bills of lading, which were due to be considered by the UNCITRAL Working Group on International Legislation on Shipping, detailed answers to the questionnaires were prepared by the Committee's secretariat, and circulated to member Governments for their comments. The topics in question were also considered by a Sub-Committee at the Tokyo session of the Committee (1974) and the report of the Sub-Committee was forwarded to UNCITRAL for consideration by its Working Group.

49. Subsequently, a detailed study was prepared by the Committee's secretariat on certain aspects of bills of lading and circulated to member Governments and selected Asian and African Governments for their comments. The study covered the following topics: (i) Liability of ocean carriers for delay; (ii) Documentary scope of the proposed Convention; (iii) Geographic scope of the proposed Convention; (iv) Elimination of invalid clauses in bills of lading; (v) Carriage of cargo on deck; (vi) Carriage of live animals; and (vii) Definitions of "carrier", "contracting carrier", "actual carrier" and "ship". The study was also placed before the Teheran session of the Committee, but the Sub-Committee appointed at that session to consider trade law matters could not go into the study for lack of time.

50. Notes and comments on the Draft Convention on Carriage of Goods by Sea, the text of which has been finalized by the UNCITRAL Working Group at its eighth session, are under preparation for circulation to member Governments.

(ii) *A Code of Conduct for Liner Conferences*

51. A detailed study was prepared by the Committee's secretariat on the proposals which culminated in the holding of a United Nations Conference of Plenipotentiaries in November-December 1973 and March-April 1974 which adopted the Convention on the Code of Conduct for Liner Conferences. This was circulated to member Governments and other Governments of the region. The secretariat has prepared a further study for submission to member Governments in which it has examined the Convention to see whether its provisions are legally sound and in accordance with the interests of the Asian-African region. The object of this study is to assist member Governments in examining the question of ratification of the Convention.

## B. ASIAN DEVELOPMENT BANK

*Credit and security research project*

52. For the past five years the Asian Development Bank has been associated with the Law Association for Asia and the Western Pacific (LAWASIA) in a credit and security research project. This project involves a study of the security arrangements available to national development banks and similar financial institutions situated in the region.

## C. COUNCIL OF EUROPE

(a) *Draft European rules on extinctive prescription in civil and commercial matters*

53. It was decided to do no work on these draft rules for the time being. The subject is to be discussed once the work on the United Nations Convention on International Sale of Goods is completed.

(b) *Recognition and enforcement of foreign judgments in civil and commercial matters*

54. The definitive English text of the practical guide on this subject was issued by the Council of Europe in the United Kingdom in 1975 (publisher: Morgan-Grampian, Ltd.). A French version of the guide will be issued shortly.

(c) *Product liability in the event of injury and death*

55. A draft European convention on this subject drawn up by a committee of experts is now being thoroughly reviewed by the Governments of member States.

(d) *Penalty clauses in civil law*

56. A committee of experts has been instructed to prepare an international instrument on penalty clauses in civil law. Work on this subject will probably be completed towards the end of 1976.

(e) *Legal protection of consumers*

57. A committee of experts on legal protection of consumers has begun the preparation of a draft resolution and a draft explanatory manual the purpose of which is to protect consumers against unjust clauses in contracts for the provisions of goods or services.

## D. COMMISSION OF THE (EEC) EUROPEAN COMMUNITIES

(a) *Instalment sales*

58. In 1976 the Commission will continue its work on the implementation of the EEC's preliminary programme for a consumer protection and information policy, which was approved by the Council on 14 April 1975.

59. Draft directives relating to commercial contracts not concluded on commercial premises will be submitted to the Council in the course of 1976 together with, *inter alia*, a draft directive on instalment sales.

60. The legislation on the protection of consumers' interests is being harmonized with existing financial practices and regulations with a view to strengthening the security of commercial operations as well.

(b) *Guarantees*

61. In 1976 the Commission will endeavour to complete its work on preparing a draft directive on the harmonization of the law applicable to suretyship and guarantees.

62. This work covers all commercial or financial operations, private or public, which involve the use of a legal instrument or suretyship or non-specific guarantee.

(c) *Goods/patents/trade marks*

63. The Convention on the Community Patent, which was signed at Luxembourg on 15 December 1975, establishes a uniform law for the entire Community in this important field of economic law and will facilitate the free movement of patented products.

64. With regard to trade mark law, the Commission will publish during the first half of 1976 a memorandum on the establishment of a Community trade mark which will provide a basis for future work on harmonization in this sphere.

(d) *Multinational enterprises*

65. The Commission of the European Communities has not proposed to the Council and does not at present intend to prepare any directive or other legal instrument on the subject specifically of multinational enterprises. However, many of the Commissions' proposals in the field of company law are of direct interest to multinational enterprises and have as one of their aims the creation of a legal framework for European multinational enterprises. The problems of these enterprises have been described by the Commission in the Communication "Multinational undertakings and Community regulations" of 7 November 1973 (Bulletin of the European Communities, Supplement 15/1973).

(i) Amended proposal for a Fourth Council Directive for co-ordination of national legislation regarding the annual accounts of limited liability companies, submitted to the Council on 21 February 1974 (Bulletin of the EC, Supplement 6/74).

(ii) Proposal for a Fifth Council Directive for co-ordination of national legislation as regards the structure of public limited liability companies and the powers and obligations of their organs, submitted to the Council on 27 September 1972 (Official Journal of the EC, No. C 131, 13 December 1972).

(iii) The Commission has in order to facilitate the discussion on said proposal for a Fifth Council Directive on 12 November 1975 published a green paper on Employee participation and Company structure (Bulletin of the EC, Supplement 8/75).

(iv) The Commission has on 13 May 1975 submitted to the Council an amended proposal for a Statute for the European Company (Bulletin of the EC, Supplement 4/75).

(v) The Commission is preparing a proposal for a Council directive on take-over bids.

(vi) The Commission is preparing a proposal for a Council directive on consolidated accounts.



- (vii) The Commission is preparing a proposal for a Council directive on groups of companies.

(e) *Goods/product liability*

66. In 1975 the Commission of the European Communities completed its consultations with governmental experts of member States and, at the Community level, with the industrial, insurance and consumers' associations concerned on the subject of two preliminary drafts of a directive on the harmonization of legislation concerning product liability. The Commission plans to submit its draft directive to the Council of Ministers of the European Communities in the first half of 1976. The European Parliament and the Economic and Social Committee will probably discuss it during that year.

E. COUNCIL FOR MUTUAL ECONOMIC ASSISTANCE (CMEA)

(a) *General Conditions of Delivery of Goods between Organizations of the CMEA Member Countries*

67. In June 1975, on the instructions of the Council's Executive Committee, the CMEA Standing Commission on Foreign Trade adopted a decision regarding the incorporation in the General Conditions of Delivery of Goods between Organizations of the Member Countries of the Council for Mutual Economic Assistance (General Conditions of Delivery, 1968) of changes concerning the material responsibility of economic organizations for non-performance or unsatisfactory performance of mutual obligations. In connexion with the accession of the Republic of Cuba to the General Conditions of Delivery, 1968, the Commission on Foreign Trade adopted a decision in November 1975 concerning the incorporation in the General Conditions of Delivery, 1968, of clarifications regarding the deliveries of goods between organizations in the Republic of Cuba and those in other CMEA member countries. The Commission recommended that CMEA member countries amend the text of the General Conditions of Delivery, 1968/1975 to include all contracts concluded after 1 January 1976, on the understanding that the parties to a contract could agree also to apply the amended text to contracts concluded prior to that date.

(b) *Uniform legal regulations to govern the establishment and operation of international economic organizations in CMEA member countries*

68. The Legal Conference of representatives of CMEA member countries formulated and submitted for the consideration of the Council's Executive Committee a draft of uniform provisions concerning the establishment and operation of international economic organizations. The Executive Committee approved the uniform provisions in January 1976 and recommended that CMEA member countries and the Socialist Federal Republic of Yugoslavia should be guided by them when establishing new international economic organizations.

69. The document approved by the Executive Committee contains, *inter alia*, provisions concerning the characteristics of international economic associations, methods of establishing them and regulating their operation, the content of constituent documents, membership, organizational structure, property régime, economic activities and the supply of materials and machinery for

international economic associations, sale of products and the legal status of workers employed in international economic organizations.

(c) *Conditions for the execution of research, design and experimental work on a co-operative basis*

70. In 1975, the Conference of representatives of CMEA member countries drafted model conditions for treaties on the execution of research, design and experimental work on a co-operative basis. An appendix to the model conditions was adopted, consisting of a model treaty on the execution of scientific, design and experimental work on a co-operative basis. It is intended that these instruments should be used by the appropriate organs and organizations of CMEA member countries at their discretion. Work is continuing at the Legal Conference of representatives of CMEA member countries on the preparation of model treaties on the establishment and operation of international scientific and technical organizations and scientific production associations.

(d) *Agreement on the unification of requirements for the preparation and submission of applications concerning inventions*

71. At the Conference of heads of departments in CMEA member countries dealing with inventions, a draft was prepared of an agreement on the unification of requirements for the preparation and submission of applications concerning inventions. On 5 July 1975, the Governments of the People's Republic of Bulgaria, the Hungarian People's Republic, the German Democratic Republic, the Republic of Cuba, the Mongolian People's Republic, the Polish People's Republic, the USSR and the Czechoslovak Socialist Republic signed an Agreement on the unification of requirements for the preparation and submission of applications concerning inventions.

(e) *Multilateral co-operation for the provision of technical and other assistance to vehicles used in international traffic*

72. In order to promote favourable conditions for the development of the international carriage of goods by road in the territories of Bulgaria, Hungary, the German Democratic Republic, Poland, Romania, the Russian Soviet Federative Socialist Republic, Czechoslovakia and Finland, through the adoption of a system of technical and other assistance on international routes between the appropriate ministries of the above-mentioned countries, a Protocol was concluded on 3 December 1975 concerning multilateral co-operation for the provision of technical and other assistance to vehicles used in international traffic. In accordance with this Protocol, the Contracting Parties are to co-operate by applying in their mutual relations certain provisions of the Agreement of 21 July 1973 concerning technical and other assistance to vehicles used in international traffic, concluded between the relevant ministries of the People's Republic of Bulgaria, the Hungarian People's Republic, the German Democratic Republic, the Polish People's Republic, the Socialist Republic of Romania, the Russian Soviet Federative Socialist Republic and the Czechoslovak Socialist Republic.



## F. HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW

### (a) *The law applicable to agency*

73. This project aims at the preparation of a convention on the law applicable to agency. This includes the internal relationship between principal and agent, and the external relationships of both principal and agent with third contracting parties, arising as a result of the agent's activities. In all these fields international private relationships are created by persons acting as intermediaries, except that the subject is limited to the contractual aspects of agency. Vicarious liability for the purely tortious act of an agent is not covered by the projected convention.

74. The terms of reference are found in the Final Act of the Twelfth Session of the Conference, dated 21 October 1972, part C, item c of the secondary list. Under article 3 of the Statute of the Conference, the Netherlands Standing Government Committee on Private International Law makes the final decisions regarding the Conference's agenda.

75. Documents prepared in connexion with the project are: Preliminary Document No. 1, Report on the Law Applicable to Agency, by Mr. Michel Pelichet, First Secretary at the Permanent Bureau; Prel. Doc. No. 2, Questionnaire with Commentary on the Law Applicable to Agency; Prel. Doc. No. 3, Replies of the Governments to the Questionnaire; Prel. Doc. No. 4, Conclusions drawn from the discussions at the Special Commission on Agency; and Preliminary Draft Convention on the Law Applicable to Agency, adopted by the Special Commission on 26 November 1975. It is planned to prepare a definitive text of the Convention at the thirteenth session of the Conference, to be held 4-23 October 1976.

76. In addition to legal research and documentation, preparatory work has consisted of two Special Commission meetings held during the year 1975, at the latter of which the preliminary draft convention was adopted. Presently under preparation is a report by Mr. Ian Karsten (United Kingdom), Rapporteur of the Special Commission, which will be circulated prior to the thirteenth session of the Conference.

77. No other organizations or bodies are collaborating in this project. However, the Conference has had the benefit of attendance by observers representing, among others, the United Nations Commission on International Trade Law (UNCITRAL), the European Economic Community, the International Chamber of Commerce, and the *Comité européen des assurances*.

### (b) *Contracts and torts* (Preliminary study of the desirability of taking up a project covering these fields)

78. The terms of reference are to the Final Act of the Twelfth Session of the Conference dated 21 October 1972, part C, item d under the list of first priorities. The terms of reference expressly state that a questionnaire as to whether it is opportune to undertake studies on this subject should be addressed to the Member States and that the Standing Government Committee would decide in the light of the replies on the action to be taken. Under article 3 of the Statute of the Conference, the Netherlands Standing Government

Committee on Private International Law makes the final decisions regarding the Conference's agenda.

79. Documents prepared to date are: Conflicts Rules relating to Contracts and Torts, Questionnaire and Explanatory Memorandum, dated November 1973, prepared by the Permanent Bureau of the Conference; Replies of the Governments to the Questionnaire; Note concerning Contracts and Torts, Preliminary Document No. 1 of December 1975 for the attention of the Special Commission on Miscellaneous Matters.

80. Preparatory work done to date has related solely to a preliminary study of the desirability of undertaking a detailed study of this very broad set of subject areas. No final decision has yet been taken as to whether such a broad project should be undertaken. A Special Commission to be convened in late January 1976, will consider further the desirability of taking a decision to commence such a detailed study.

81. Since no decision has been taken to undertake this project at the present time, there is no arrangement for collaboration with other organizations or bodies. However, in the event that a decision should be made to take up this project, collaboration with a wide range of organizations, governmental as well as non-governmental, may be necessary in order to avoid duplication of effort and possible interference with current projects and in order to avoid abstract solutions which do not relate to current commercial practice.

82. No text has yet been prepared; nor is it clear whether a decision will be taken to prepare a text or, if so, what form that text might take.

### (c) *List of possible future projects*

83. The following subjects concerned with international trade law are listed as possible subjects for the future agenda of the Conference, but no decision has yet been taken, either adopting or rejecting them as projects:

1. The law applicable to negotiable instruments;
2. The law applicable to unfair competition;
3. The law applicable in the field of liability insurance;
4. The law applicable to the following matters in the field of international trade law—powers of attorney, bank guarantees and sureties, banking operations, licensing agreements and know-how.

## G. INTERNATIONAL BANK FOR ECONOMIC CO-OPERATION (IBEC)

84. During 1975 the International Bank for Economic Co-operation continued to concern itself with questions relating to the improvement of accounting systems in transferable roubles of the member countries of IBEC with the development of operations using convertible currency.

85. As a result of work done at the 40th meeting of the Council of the International Bank for Economic Co-operation, held on 9 April 1975, preliminary "Basic principles relating to the supply of credit by the Bank to international economic organizations established by member countries of the Council for Mutual Economic

Assistance" were adopted. This document was signed by the heads of delegations of member countries of IBEC in the Council of the Bank. The essence of these basic principles relating to the supply of credit can be summarized as follows:

(a) IBEC offers credit to international economic organizations established by interested member countries of CMEA. Such organizations should be legal entities, should have the statutory capital, should carry out economic activities in accordance with the principles of economic accounting, and should also have the right to receive credit from IBEC on the basis of the normative documents regulating activities of international economic organizations;

(b) Credit is offered both in transferable roubles and in convertible currency for periods of up to one year, at the decision of the Management of the Bank, and up to two or three years at the decision of IBEC.

#### H. INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW (UNIDROIT)

##### (a) *Progressive codification of the general part of the law of contracts*

86. At its first meeting, held in Rome in 1974, a small steering committee, set up by the President of UNIDROIT to initiate work on the preparation of a uniform international trade code, decided to begin with the question of formation of contracts. In this context it instructed the secretariat of UNIDROIT to prepare a document containing the text of a draft elaborated by Prof. Popescu on the basis of the 1964 Uniform Law on the Formation of Contracts for the International Sale of Goods together with a questionnaire intended to find out the extent to which the above-mentioned draft might prove acceptable as a future uniform law governing the formation of international contracts in general. This document (Etudes: L—Doc. 8, UNIDROIT 1975) has already been sent to a large number of people and bodies, well known in the field of comparative private law studies, with a request for their assistance in this first stage of the work by communicating to UNIDROIT their observations, suggestions and point of view on the problems set out in the questionnaire.

87. Pending the arrival of the replies to the questionnaire, which will be carefully examined and then serve as the basis for further work on the formation of contracts, the Secretariat has commenced a preliminary study on the problems posed by the interpretation of international contracts. It was agreed by the above-mentioned steering Committee that these problems would be dealt with in the second chapter of the future code.

##### (b) *International sale of goods*

*Draft Convention providing a Uniform Law on the Acquisition in Good Faith of Corporeal Movables and*

*Draft Convention providing a Uniform Law on Agency of an International Character in the Sale and Purchase of Goods*

88. As already indicated in 1975 (see A/CN.9/106, para. 76),\* negotiations are under way with a

\* Reproduced in UNCITRAL Yearbook, Vol. VI: 1975, part two, VII.

view to the submission of these two drafts to Diplomatic Conferences for adoption. Progress has been made in particular with regard to the convening by one of UNIDROIT's member States of a Diplomatic Conference for the adoption of the agency draft.

##### (c) *Leasing*

89. A small working group, composed of four members of the Governing Council of UNIDROIT (Ambassador Kearney, Professors Popescu, Sauveplanne and Wortley), met at the seat of UNIDROIT on 21 April 1975 to examine the feasibility of preparing uniform international rules on the leasing contract.

90. It was seized of a preliminary report on the leasing contract (Study LIX—Doc. 1, UNIDROIT 1975) prepared by the Secretariat and proceeded to a delimitation of the scope of future work on the subject. In this context it decided:

- (i) To exclude real estate leasing, first, because of what was felt to be the limited incidence of such operations on an international plane and, secondly, because of the obviously enormous difficulties obtruding in any attempt at unifying land law;
- (ii) To exclude the leasing of ships, because of the special nature of the type of contract involved, considered by the group to have more in common with charter-parties;
- (iii) To exclude the leasing of aircraft, also because of the special characteristics of the contract involved;
- (iv) Not to limit the scope of the present study just to the financial leasing operation, where there is a triangular relationship between manufacturer/supplier, finance lessor and the ultimate user, but, for the moment at least, also to envisage the bilateral type of leasing operation known as operating leasing;
- (v) Not to attempt, in view of the enormous difficulties involved, any uniformization of the national legal rules pertaining to exclusively internal leasing operations, but rather to tackle the question of specifically international leasing operations.

In the light of this, the working group decided that no further meetings should be convened for the time being, in order to enable the secretariat to seek out more information, in particular from the banks specializing in these operations, regarding the precise character of international leasing operations. It further authorized the secretariat to send out its preliminary report to experts in the field with a request for their comments and observations. In the light of these observations, the Governing Council will decide at its next session upon the nature of the future work to be carried out in this field.

##### (d) *Factoring*

91. The Secretariat will shortly complete a preliminary study on the contract of factoring which will be circulated to interested circles for comment. On the basis of these observations a revised version of the report will be submitted to the Governing Council at its next session.

(e) *Transport**Harmonization of the legal régimes relating to the liability of the carrier of goods and persons—Study of the gold-clause in international conventions*

92. The secretariat of UNIDROIT has temporarily suspended work on this question pending the decisions concerning the unit of account to be taken within the framework of a number of international organizations at present drafting or revising transport conventions.

*Legal status of air-cushion vehicles*

93. A committee of governmental experts has completed work on a preliminary draft convention on the registration and nationality of air-cushion vehicles. This draft, together with an explanatory report prepared by the secretariat of UNIDROIT, is contained in document Study LII—Doc. 10, UNIDROIT 1975. The Committee has also proceeded to a first reading of a preliminary draft convention relating to the international carriage of passengers and their luggage by sea and by inland waterway in air-cushion vehicles (see document Study LII—Doc. 13, UNIDROIT 1976). This draft, together with an explanatory report, will be examined by the Committee at its fourth session, to be held in June 1976. On this occasion the Committee will also examine the text of a preliminary draft convention on the tortious liability of owners and operators of air-cushion vehicles for damage caused to third parties, at present under preparation by the secretariat of UNIDROIT.

*Carriage by inland waterway*

94. Following the third meeting of the UNIDROIT Committee of Governmental Experts on the Contract for the Carriage of Goods by Inland Waterway, a revised text of the draft convention on this subject (CMN), has been prepared by Professor R. Loewe (document Study XXVII—Doc. 22, UNIDROIT 1975). This text, and especially a compromise formula on the question of the exoneration of the carrier from liability for fault in the navigation of the vessel, is at present under review by Governments and it is hoped that by mid-1976 it will be possible to decide whether hopes of further progress are sufficient to justify the convening of a fourth session of the Committee.

(f) *Tourism**The hotelkeeper's contract*

95. At its fifty-fourth session, held in Rome in April 1975, the Governing Council of UNIDROIT examined a preliminary draft convention on the hotelkeeper's contract. The Council was of the opinion that a number of aspects of the text required further attention and decided to resume consideration of the draft at its fifty-fifth session, to be held in Rome in September 1976.

## III. INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS

## A. INTERNATIONAL CHAMBER OF COMMERCE (ICC)

(a) *International sale of goods**Uniform Rules*

96. The ICC is continuing its contribution to the UNCITRAL work by attending as observers at sessions of the UNCITRAL Working Group.

*General conditions of sale*

97. The ICC has now nearly completed the work on the definition of trade terms additional to Incoterms 1953 which cover sales involving air and combined transport. In this context a term called "FOB AIRPORT... (NAMED AIRPORT OF DEPARTURE)" could be adopted this year. A complete revision of Incoterms 1953 is under consideration.

(b) *International payments**Negotiable instruments*

98. The ICC has confirmed its willingness to assist in every way possible UNCITRAL's work in this field, in particular by making inquiries amongst interested circles and in participating in the meetings of the UNCITRAL Study Group on International Payments.

*Documentary credits*

99. The ICC has presented the revised text of Uniform Customs and Practice for Documentary Credits, approved by the Executive Committee of the ICC on 3 December 1974 at the eighth session of the United Nations Commission on International Trade Law. The ICC appreciated UNCITRAL noting that the Uniform Rules constitute "a valuable contribution to the facilitation of international trade" and commending "the use of the 1974 revision, as from 1 October 1975, in transactions involving the establishment of documentary credit".\*

100. The ICC Commission on Banking Technique and Practice is currently preparing a revision of the ICC Standard Forms for the issuing of Documentary Credits, with a view to adapting them to the revised text of Uniform Customs and Practice for Documentary Credits.

*Collection of commercial paper*

101. The ICC has undertaken the revision of its Uniform Rules for the Collection of Commercial Paper.

*Guarantees*

102. In close co-operation with UNCITRAL, the ICC is continuing its work aimed at drawing up Uniform Rules for Contract Guarantees (tender, performance and repayment guarantees).

(c) *International arbitration*

103. The ICC has completed its work on a revised text of its Rules of Arbitration which came into force as from 1 June 1975.

104. The ICC Commission on International Arbitration is currently studying, in close co-operation with the Chambers of Commerce of the socialist countries, the setting up of an international system of technical expertise.

105. The opportunity of establishing special rules of arbitration for maritime arbitration is also under consideration.

(d) *Automatic data processing in international trade*

106. A Joint Working Party has been set up with a view to identifying the banking and commercial problems involved in the use of automatic data processing

\* A/10017, para. 41 (UNCITRAL Yearbook, Vol. VI: 1975, part one, II, 1).

(ADP) in international trade, in close co-operation with the competent intergovernmental organizations, particularly the United Nations Economic Commission for Europe, and UNCITRAL.

(e) *International regulation of shipping*

*Revision of the Hague Rules*

107. The ICC has participated regularly in the meetings of the UNCITRAL Working Group on International Shipping Legislation, devoted to a revision of the Hague Rules. Whenever necessary, the ICC has submitted observations on various aspects of that revision.

*Uniform Rules for a Combined Transport Document (ICC brochure 298)*

108. In July 1975, the ICC revised its Uniform Rules so that they could be more widely used by combined transport operators. The chief object of the revision was to make liability for delay subject to the "network" system.

B. INTERNATIONAL ORGANIZATION FOR STANDARDIZATION (ISO)

109. ISO is not engaged in the preparation of legal texts as such, but the International Standards prepared by ISO are frequently used as a basis for international tendering and contracts. At the end of 1975 ISO had published 2,840 International Standards.

C. INTERNATIONAL UNION OF MARINE INSURANCE (IUMI)

*International legislation on shipping*

110. The International Union of Marine Insurance will follow closely the further development of the UNCITRAL draft Convention on the Carriage of Goods by Sea. In this connexion, IUMI published in October 1975 its pamphlet on "The Essential Role of Marine Cargo Insurance in Foreign Trade". This was prepared by the Carrier's Liability Committee and approved by the Council of IUMI at its September 1975 Conference in Tokyo, Japan.

*Combined transport*

111. IUMI also consulted with the ICC in the revision of the latter's brochure "Uniform Rules for a Combined Transport Document" (No. 298).

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