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UNITED NATIONS COMMISSION ON
INTERNATIONAL TRADE LAW
Tenth session
Vienna, 23 May 1977

PROVISIONAL AGENDA, ANNOTATIONS THERETO, AND
TENTATIVE SCHEDULE OF MEETINGS

Note by the Secretary-General

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II. ANNOTATIONS TO THE PROVISIONAL AGENDA

Item 1. Opening of the session

At the invitation of the Austrian Federal Government, the tenth session of the Commission will be held at the Hofburg (Redoutensaal) in Vienna from 23 May to 17 June 1977. The session will be opened on Monday, 23 May 1977, at 10.30 a.m., by the representative of the Secretary-General.

Item 2. Election of officers

Pursuant to a decision taken by the Commission at its first session, the Commission elects a chairman, three vice-chairmen and a rapporteur.

Item 3. Adoption of the agenda; tentative schedule of meetings

In planning the work of its tenth session, the Commission, at its ninth session, decided that a Committee of the Whole would deal with items other than the international sale of goods which it would itself consider. Accordingly, the Commission may wish to establish a Committee of the Whole and allocate to it items 5 to 8 of the agenda as well as items 4(c) and 10(c) as referred to in these annotations. Part III of this note sets forth a tentative schedule of meetings that takes into account such allocation.

Item 4. International sale of goods

(a) Draft Convention on the International Sale of Goods

At its eighth session, the Commission requested the Secretary-General to transmit the draft Convention, upon its completion by the Working Group on the International Sale of Goods, to Governments and interested international organizations for their comments and to prepare an analysis of such comments for consideration by the Commission at its present session.

The Commission will have before it the following documents:

- (i) A/CN.9/116: Report of the Working Group on the International Sale of Goods on the work of its seventh session. This document reproduces, in annex I, the text of the draft Convention as approved by the Working Group, and, in annex II, a commentary on the draft Convention.
- (ii) A/CN.9/125: Comments by Governments and international organizations on the draft Convention on the International Sale of Goods as approved by the Working Group on the International Sale of Goods.
- (iii) A/CN.9/126: Analysis of the comments by Governments and international organizations on the draft Convention on the International Sale of

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Goods as approved by the Working Group on the International Sale of Goods.

- (iv) A/CN.9/135: Draft Convention on the International Sale of Goods as approved by the Working Group on the International Sale of Goods: draft final clauses. These draft provisions have been prepared by the Secretariat in response to a request made to it by the Working Group on the International Sale of Goods at the Group's seventh session. The Working Group has not considered these draft provisions.
- (b) Formation and validity of contracts for the international sale of goods
 - (i) The Working Group on the International Sale of Goods held its eighth session in New York from 4 to 14 January 1977. It considered the 1964 Hague Uniform Law on the Formation of Contracts for the International Sale of Goods and alternative provisions proposed by the Secretariat. The Commission will have before it the report of the Working Group on the work of its eighth session (A/CN.9/128).
 - (ii) The Commission, at its ninth session, decided to defer until the present session the question whether the rules on formation and validity of contracts should be set forth in the draft Convention on the International Sale of Goods or in a separate draft convention, and whether, in the event of there being two draft conventions, these should be considered at one and the same conference of plenipotentiaries.

The Working Group on the International Sale of Goods, in paragraph 171 of its report to the Commission (A/CN.9/128), noted that the discussion which the Commission intended to have on these matters would centre on four alternatives and requested the Secretariat to submit to the present session of the Commission a statement of financial implications for each of these alternatives.

(c) General conditions of sale

The Commission, at its eighth session, requested the Secretariat to make inquiries about the practical need for general conditions for use in a wide variety of trades. The Commission will have before it a note by the Secretariat (A/CN.9/135) setting forth the conclusions reached by an ad hoc consultative group of individual experts and representatives of international organizations established jointly by the Secretariat of the Commission and the International Chamber of Commerce.

Item 5. International payments

(a) Security interests in goods

- (i) Pursuant to the decision on this subject, taken by the Commission at

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its eighth session, the Secretariat has completed the "Study on security interests", submitted to the Commission at that session, by including references to the law of additional countries, in particular of the Socialist States of Eastern Europe. That study is now placed before the Commission under reference number A/CN.9/131.

- (ii) As requested, the Secretariat has made available to the Commission in a document the introduction, given to it orally during the eighth session, in respect of article 9 of the Uniform Commercial Code of the United States of America (A/CN.9/132).
- (iii) The Commission will also have before it a progress report on security interests with suggestions as to further action (A/CN.9/130).

(b) Draft uniform law on international bills of exchange and international promissory notes

The fifth session of the Working Group on International Negotiable Instruments will be held from 18 to 29 July 1977. The report on the work of that session will therefore be submitted to the Commission's eleventh session in 1978.

At its fifth session, the Working Group will begin consideration of a revised text of the draft uniform law on international bills of exchange and international promissory notes, prepared by the Secretariat on the basis of the deliberations and decisions of the Working Group as recorded in the Group's reports on the work of its first four sessions.

Item 6. International commercial arbitration

The Commission will have before it a note by the Secretary-General reproducing a decision taken by the Asian-African Legal Consultative Committee at its seventeenth session held in 1976 (A/CN.9/127). The addendum to this document (A/CN.9/127/Add.1) sets forth the comments of the Secretariat on that decision.

Item 7. Liability for damage caused by products intended for or involved in international trade

The Commission, at its eighth session, considered a report of the Secretary-General on "Liability for damage caused by products intended for or involved in international trade" (A/CN.9/103). It requested the Secretary-General to prepare a further report that would examine, inter alia, a number of specific issues set out in the Commission's decision.

The Commission will have before it two reports of the Secretary-General:
(1) a report entitled "Liability for damage caused by products involved in

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international trade" (A/CN.9/133); and (2) a report containing an analysis of the replies by Governments to a questionnaire prepared by the Secretariat (A/CN.9/139).

Item 8. Training and assistance in the field of international trade law

The Commission will have before it a note by the Secretary-General (A/CN.9/137).

Item 9. Future work

(a) Sessions of Working Groups

The Commission may wish to agree upon a schedule of sessions of its Working Groups for the period between its tenth and eleventh sessions.

✓ (i) Working Group on the International Sale of Goods

[UNCITRAL]

In paragraph 169 of its report on the work of its eighth session (A/CN.9/128), the Working Group intimates that it is likely to complete its work on the formation and validity of contracts of international sale in one more session. For the reasons stated in that paragraph, the Working Group recommends that the Commission should authorize it to hold its ninth session in Geneva from 19 to 30 September 1977. If a further, tenth, session would be necessary, the Working Group suggests that it should be authorized to hold that session in New York in January 1978.

✓ (ii) Working Group on International Negotiable Instruments

[UNCITRAL]

The Commission, at its ninth session, decided that the Working Group on International Negotiable Instruments should meet in Geneva at a date to be set by the Secretary of the Commission after consultation with representatives on the Working Group.

Having consulted with representatives on the Working Group and the Department of Conference Services, the Secretary suggests that the fifth session of the Working Group be held in New York from 18 to 29 July 1977 and that the sixth session be held in Geneva from 3 to 13 January 1978.

(b) Agenda for the eleventh session of the Commission

- (i) Depending on the progress of work on the formation and validity of contracts for the international sale of goods and the decision of the Commission with respect to that matter (see annotations to item 4 above), the Commission may wish to consider at its eleventh session the draft provisions which the Working Group on the International Sale of Goods expects to complete in September 1977 or early 1978. In accordance with established practice, the Commission may wish to request

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the Secretary-General to circulate the draft provisions, when approved by the Working Group, to Governments and interested international organizations for comments, and to prepare an analytical compilation of those comments for submission to the Commission at its eleventh session.

- (ii) In response to a decision taken at its ninth session, the Commission will also have before it a report of the Secretary-General on its future programme of work. The submission of reports on other items will depend on the decisions taken by the Commission at the present session.

Item 10. Other business

(a) The Commission may wish, under this item, to take note of the following General Assembly resolutions:

- (i) Resolution 31/98 of 15 December 1976 on the Arbitration Rules of the United Nations Commission on International Trade Law;
- (ii) Resolution 31/99 of 15 December 1976 on the report of the United Nations Commission on International Trade Law;
- (iii) Resolution 31/100 of 15 December 1976 on a United Nations Conference on the Carriage of Goods by Sea.

Copies of the above resolutions and of the report of the Sixth Committee (A/31/390) will be made available at the present session.

(b) The Commission's attention is drawn to the report of the Secretary-General on current activities of other international organizations (A/CN.9/129).

(c) The Commission will have before it a note by the Secretariat on the consistency of legal provisions drafted by the Commission or its Working Groups (A/CN.9/138).

(d) The Secretariat intends to inform the Commission of developments in the work programme of other United Nations bodies in the field of multinational enterprises which may be of interest to it.

(e) The Commission's attention is drawn to General Assembly resolution 31/194, adopted on 22 December 1976, on the utilization of office accommodation and conference facilities at the Donaupark Centre in Vienna. By that resolution, the General Assembly authorized the Secretary-General to put into effect, amongst other things, the proposal contained in paragraph 41 of his report on that subject (A/C.5/31/34) which mentioned the International Trade Law Branch as one of the units to be considered for possible transfer from New York to Vienna in 1979. One question which the Commission may wish to consider is whether this transfer, if it were to take place, should affect its present pattern of sessions.

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(f) Volume VI of the Yearbook of the Commission was issued in English and Spanish in October 1976. Copies, also in French and Russian if issued, will be made available to representatives at the present session.

Item 11. Date and place of the eleventh session

In accordance with paragraph 6 of General Assembly resolution 2205 (XXI), the sessions of the Commission are held alternately in New York and in Geneva. The eleventh session of the Commission is therefore expected to be held in New York. Information regarding dates available for that session will be supplied by the Secretariat.

It may be noted that the General Assembly, by resolution 31/100 of 15 December 1976, decided that an international conference of plenipotentiaries to adopt a Convention on the Carriage of Goods by Sea is to be convened in 1978 and that it is expected that the conference will be of four weeks' duration.

Item 12. Adoption of the report of the Commission

The General Assembly, in paragraph 10 of resolution 2205 (XXI), decided that the Commission should submit an annual report to the General Assembly, and that the report should be submitted simultaneously to the United Nations Conference on Trade and Development for comments. Under a decision of the Sixth Committee (A/7408, para. 3), the report of the Commission is introduced to the General Assembly by the Chairman of the Commission or by another officer designated by him.

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III. TENTATIVE SCHEDULE OF MEETINGS

A. Meetings of the Commission

Monday, 23 May	a.m.	Opening of the session Election of the Chairman Adoption of the agenda; tentative schedule of meetings Draft Convention on the International Sale of Goods
	p.m.	Election of the Vice-Chairmen and the Rapporteur Draft Convention on the International Sale of Goods (<u>continued</u>)
Tuesday, 24 May to Tuesday, 14 June		Draft Convention on the International Sale of Goods (<u>continued</u>) Final Clauses
Wednesday, 15 June		Formation and validity of contracts (see annotations to the provisional agenda, item 4, (b), (i) and (ii)) Future work Other business
Thursday, 16 June		No meeting unless required (Preparation of the Commission's report)
Friday, 17 June	a.m.	Adoption of the report of the Commission
	p.m.	

B. Meetings of the Committee of the Whole

Monday, 6 June	a.m.	Election of the Chairman Election of the Rapporteur General conditions of sale
	p.m.	Security interests in goods Negotiable instruments
Tuesday, 7 June	a.m.	International commercial arbitration
	p.m.	Training and assistance in the field of international trade law Liability for damage caused by products intended for or involved in international trade

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B. Meetings of the Committee of the Whole (continued)

Wednesday, 8 June	a.m.	Liability for damage caused by products intended for or involved in international trade (<u>continued</u>)
	p.m.	Liability for damage caused by products intended for or involved in international trade (<u>continued</u>) Consistency of texts drafted by the Commission or its Working Groups
Thursday, 9 June		No meeting unless required (Preparation of the Committee's report)
Friday, 10 June	a.m.	Adoption of the report to the Commission