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United Nations Commission on International Trade Law

Forty-first session

Summary record (partial)* of the 882nd meeting**

Held at Headquarters, New York, on Thursday, 3 July 2008, at 10 a.m.

Chairperson: Mr. Illescas (Spain)

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* No summary record was prepared for the rest of the meeting.

** No summary records were prepared for the 883rd meeting.

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The meeting was called to order at 10.30 a.m.

Finalization and approval of a draft convention on contracts for the international carriage of goods wholly or partly by sea (*continued*)
(A/CN.9/XLI/CRP.9)

1. **The Chairperson** drew attention to the report of the Drafting Group (Transport Law) contained in conference room paper A/CN.9/XLI/CRP.9, which set forth the consolidated text of the draft convention on contracts for the international carriage of goods wholly or partly by sea, and invited the Commission to consider the text article by article with a view to its adoption.
2. **Ms. Sabo** (Canada) noted that the preambular paragraphs in the English version should end with a comma rather than a semicolon.
3. *The draft preamble, as corrected, was adopted.*
4. *Draft articles 1 to 21 were adopted.*
5. **Mr. Alba Fernández** (Spain) pointed out that the Spanish version of draft article 22, paragraph 1, incorrectly referred to paragraph 1 of article 43, since draft article 43 consisted of a single paragraph.
6. *Draft article 22, as corrected, was adopted.*
7. **Ms. Lannan** (International Trade Law Division), in response to a question from the representative of Germany, confirmed that, as a result of the deletion of two earlier draft articles, draft articles 45, 46 and 47 did indeed correspond to the former draft articles 47, 48 and 49 debated in connection with A/CN.9/XLI/CRP.2/Add.7.
8. *Draft articles 23 to 47 were adopted.*
9. **Mr. Zinsou** (Benin), supported by **Mr. Bellenger** (France), said that in draft article 48, paragraph 4, the phrase in the French version “*toute dépense qu’il a exposée*” was infelicitous as a translation of “any costs incurred”; “*exposée*” should be changed to “*effectuée*”.
10. *Draft article 48, as amended, was adopted.*
11. *Draft articles 49 and 50 were adopted.*
12. **Mr. Bellenger** (France) pointed out that in draft article 51, paragraph 2, in the French version the expression “*dont on infère*”, rendering the English expression “that indicates”, was vague and hard to understand. Although the transport document need not

expressly state that it must be surrendered in order to obtain delivery of the goods, the terms of the document should show that to be the case. He proposed to substitute the phrase “*dont les termes revèlent*”.

13. *Draft article 51, as amended, was adopted.*
14. *Draft articles 52 to 58 were adopted.*
15. **Mr. Li Chenggang** (China) said that, although his delegation did not oppose the adoption of the text of draft article 59, it regretted that the Commission had not achieved as broad a consensus as possible. Higher limits of liability would make it harder for some member States to ratify the convention and would thus restrict its usefulness.
16. *Draft articles 59 to 77 were adopted.*
17. **Mr. Alba Fernández** (Spain) pointed out that in the Spanish version of draft article 78, there was an incorrect reference to article 93, whereas the other language versions referred to article 91.
18. *Draft article 78, as corrected, was adopted.*
19. *Draft articles 79 to 96 were adopted.*
20. *The signature clause was adopted.*
21. *The draft convention on contracts for the international carriage of goods wholly or partly by sea (A/CN.9/XLI/CRP.9), as a whole, as amended, was adopted.*

Adoption of the report (*continued*)

Chapter III (Finalization and approval of a draft convention on contracts for the international carriage of goods wholly or partly by sea) (continued)
(A/CN.9/XLI/CRP.1/Add.1-16)

Consideration of draft articles, report of the drafting group, decision of the Commission and recommendation to the General Assembly (A/CN.9/XLI/CRP.1/Add.16)

22. **Ms. Zikmane** (Latvia), Rapporteur, introducing the remaining section of chapter III of the draft report of the Commission contained in A/CN.9/XLI/CRP.1/Add.16 relating to consideration of draft articles, signature clause, title and preamble of the draft convention; the report of the drafting group; and the decision of the Commission and recommendation to the General Assembly, observed that the finalization and adoption of the draft convention had been the highlight of a very important session.

23. **Mr. Schoefisch** (Germany) pointed out that in paragraph 5 of A/CN.9/XLI/CRP.1/Add.16 concerning the preamble, the placement of the words “other” and “various” should be reversed; the Commission had decided to refer to “other modes of transport” rather than “various modes of transport” in the fifth preambular paragraph.

24. *The section of the draft report on consideration of draft articles, signature clause, title and preamble of the draft convention; the report of the drafting group; and the decision of the Commission and recommendation to the General Assembly (A/CN.9/XLI/CRP.1/Add.16), as amended, was adopted.*

25. *Chapter III (Finalization and approval of a draft convention on contracts for the international carriage of goods wholly or partly by sea), as a whole, as amended, was adopted.*

The discussion covered in the summary record ended at 11.45 a.m.