



UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
RESTRICTED

A/CN.9/WG.1/WP.18
23 July 1971

ORIGINAL: ENGLISH

UNITED NATIONS COMMISSION ON
INTERNATIONAL TRADE LAW
Working Group on time-limits and
limitations (prescription) in
the international sale of goods
Third session
New York, 30 August 1971

AMENDMENTS PROPOSED BY AUSTRIA TO THE TEXT OF A PRELIMINARY
DRAFT OF A UNIFORM LAW ON PRESCRIPTION (LIMITATION) IN
INTERNATIONAL SALE OF GOODS (AUGUST 1970)

71-14724

/...

Article 6

The limitation period shall be three years.

Article 7

Where a right arises out of a contract of sale or is the result of the avoidance or termination of such contract, the limitation period shall commence, subject to the provisions of paragraphs 2 to 6 of this article, on the date on which the right could otherwise have been exercised.

- (2) (Unchanged).
- (3) ... by the seller in a manner which conforms with the contract of sale ... (remainder unchanged).
- (4) (Unchanged).
- (5) ... (unchanged) ... is due; where the other party does not become entitled to or does not elect to treat the contract as terminated, the limitation period ... (remainder unchanged).
- (6) ... (unchanged) ... prior or subsequent instalments; where the other party does not become entitled to or does not elect to treat the contract as terminated, the limitation period ... (remainder unchanged).

Article 8

(Deleted).

Article 9

... (unchanged) ... in any event expire three years after ... (remainder unchanged).

Article 10

- (1) (Unchanged).
- (2) (Unchanged).
- (3) Acts performed abroad and interrupting the limitation period there, on the grounds set out in the preceding paragraph, shall have the same effect in each contracting State:

/...

- (i) if the decision by the jurisdiction hearing the case is enforceable on its territory; or
- (ii) if the defendant has, on the territory of the State of the jurisdiction hearing the case, a domicile, habitual residence /or/ establishment /or real estate/ /or property to a value sufficient to justify the institution of proceedings for distraint/.

Article 11

- (1) (Unchanged), but, in the French text, read "convention d'arbitrage" for "compromis".
- (2) (Unchanged).
- (3) (Unchanged, but, in the French text, read "convention d'arbitrage" for "compromis").

Article 12

- (1) (Unchanged).
- (2) /and 3?/ (Unchanged)
- (3) /4?/ Acts performed abroad and interrupting the limitation period there, on the grounds set out in the preceding paragraphs, shall have the same effect in each contracting State where
 - (i) a decision by the jurisdiction hearing the case is enforceable on its territory; or
 - (ii) the debtor has - or, in the case of proceedings arising from his decease, had - on the territory of the State of the jurisdiction hearing the case, a domicile, habitual residence /or/ establishment /or real estate/ /or property to a value sufficient to justify the institution of proceedings for distraint/.

Article 13

- (1) (Unchanged) ... limitation period of three years ... (remainder unchanged).
- (2) (Deleted).
- (3) (Unchanged, but becomes paragraph 2).

/...

Article 14

Article retained, but with the words in square brackets "[without
reserving the right to invoke limitation]" deleted.

Article 16

(Deleted).

Article 17

- (1) (Unchanged).
- (2) (Unchanged).
- (3) (Unchanged) ... in accordance with article 11 and the arbitral award has
been set aside, the limitation period ...

Article 18

- (1) (Unchanged) ... between the parties, except to agree upon a limitation period
shorter than that provided for by this law.
- (2) (Deleted).
- (3) (Deleted).

Article 25

(Retained).
