

3. MISCELLANEOUS

- 312 General Conditions for the International Sale of Citrus Fruit.
 410 General Conditions for Export and Import of Sawn Softwood
 420 General Conditions for the Export and Import of Hardwood. Logs from the Temperate Zone.
 Sales 16 General Conditions for the Export and Import of Solid Fuels.
 Trans/263 General Conditions for International Furniture Removal.

2. Implementation of the Commission's decisions relating to general conditions of sale, standard contracts and incoterms: report of the Secretary-General*

I. DECISION OF THE COMMISSION AT ITS SECOND SESSION

1. At its second session the United Nations Commission on International Trade Law made the following decision concerning "general conditions of sale and standard contracts, Incoterms and other trade terms":¹

"The Commission decides:

"With regard to general conditions of sale and standard contracts:

"1. (a) To request the Secretary-General to transmit the text of the ECE general conditions relating to plant, machinery, engineering goods and lumber to the Executive Secretaries of the Economic Commission for Africa (ECA), the Economic Commission for Asia and the Far East (ECAFE), and the Economic Commission for Latin America (ECLA), as well as to other regional organizations active in this field;

"(b) To request the Secretary-General to make the aforementioned general conditions available in adequate number of copies and in the appropriate languages; the general conditions should be accompanied by an explanatory note describing, *inter alia*, the purpose of the ECE general conditions, and the practical advantages of the use of general conditions in international commercial transactions;

"(c) To request the regional economic commissions, on receiving the above-mentioned ECE general conditions, to consult the Governments of the respective regions and/or interested trade circles for the purpose of obtaining their views and comments on: (i) the desirability of extending the use of the ECE general conditions to the regions concerned; (ii) whether there are gaps or shortcomings in the ECE general conditions from the point of view of the trade interests of the regions concerned and whether, in particular, it would be desirable to formulate other general conditions for products of special interest to those regions; (iii) whether it would be desirable to convene one or more committees or study groups, on a world-wide or more limited scale, whereby with

the participation (if appropriate) of an expert appointed by the Secretary-General, matters raised at a regional level would be discussed and clarified;

"(d) To request the other organizations to which the ECE general conditions are transmitted to express their views on points (i), (ii) and (iii) of subparagraph (c) above;

"(e) The views and comments sought from the regional economic commissions and other organizations should be transmitted to the Secretary-General, if possible, by 31 October 1969;

"(f) To request the Secretary-General to submit, together with the relevant ECE general conditions, a report to the third session of the Commission which should contain (if appropriate) an analysis of the views and comments received from the regional economic commissions and other organizations concerned;

"(g) To give, at an appropriate time, consideration to the feasibility of developing general conditions embracing a wider scope of commodities than the existing specific formulations. Consideration of the feasibility of this work should be taken up after there has been an opportunity to study the views and comments requested under subparagraphs (c) and (d) above.

"(h) To welcome the generous offer made by the representative of Japan to contribute to the work of the Commission by preparing for its use a comparative study of the ECE general conditions;

"With regard to General Conditions of Delivery (GCD) of 1968 prepared by the Council of Mutual Economic Assistance (CMEA):

"2. (a) To request the Secretary-General to invite the CMEA to furnish an adequate number of copies of the General Conditions of Delivery (GCD) of 1968 in English, accompanied by an explanatory note;

"(b) To request the Secretary-General to transmit in the four languages of the Commission, as appropriate, the above-mentioned General Conditions of Delivery and explanatory note to members of the Commission and to the Economic Commission for Africa, the Economic Commission for Asia and the

¹ Report of the Commission on the work of its second session (A/7618), para. 60.

Far East, the Economic Commission for Europe and the Economic Commission for Latin America, for information.

"With regard to Incoterms 1953:

"3. (a) To request the Secretary-General to inform the International Chamber of Commerce that, in the view of the Commission, it would be desirable to give the widest possible dissemination to Incoterms 1953 in order to encourage their world-wide use in international trade.

"(b) To request the Secretary-General to bring the views of the Commission concerning Incoterms 1953 to the attention of the United Nations regional economic commissions in connexion with their consideration of the ECE general conditions."

2. The General Assembly in resolution 2502 (XXIV) took note with appreciation of the Commission's report on its second session and recommended that the Commission should continue its work on the topics to which it decided to give priority.

II. IMPLEMENTATION OF THE DECISION

3. Pursuant to paragraph 1 of the Commission's decision, by a letter dated 14 August 1969, the Secretary-General transmitted the text of the ECE General Conditions relating to plant, machinery, engineering goods and lumber to the Economic Commission for Africa, the Economic Commission for Asia and the Far East, the Economic Commission for Latin America, the Asian-African Legal Consultative Committee, the Organization of African Unity and the Organization of American States. This letter included the request for consultation with Governments and trade circles on the matters specified in paragraph 1 (c) of the decision.

4. At the time of the preparation of this report, replies have been received from the following States Members of the United Nations: Burma, China, Cuba, and from Fiji and Hong Kong. The substantive parts of these replies are reproduced in the annex to this report.

5. Discussions have been instituted between the Secretariat and the United Nations Economic Commission for Africa (ECA) with respect to the holding of a seminar for the intensive review of certain of the ECE General Conditions. The suggested purpose of this seminar was to secure information from Governments and trade circles as to whether the existing General Conditions meet the interests and circumstances of the region. To this end, consideration has been given to the possible selection for intensive study of one set of gen-

eral conditions of special interest to African buyers, such as the General Conditions relating to the sale of plant and machinery, and one set of general conditions of special interest to African sellers, e.g. the ECE standard contracts for the sale of sawn softwood (No. 410) or hardwood logs (No. 420).

6. Pursuant to paragraph 2 (b) of the Commission's decision, the Secretary-General has sent copies of the General Conditions of Delivery (GCD) of 1968 prepared by the Council for Mutual Economic Assistance (CMEA), and the explanatory note prepared in accordance with the request of the Commission, to all economic commissions of the United Nations. The Secretary-General further brought to the attention of the United Nations regional economic commissions the views concerning Incoterms, 1953, that were expressed in paragraph 3 of the Commission's decision.

III. FURTHER WORK

7. Subject to any further decision of the Commission, the Secretariat intends to continue with the present programme of implementation of the Commission's decision (para. 1 (c) and (d) quoted *supra* in section I) directed towards examination of the ECE General Conditions. The Commission may wish to consider whether it approves the tentative plans (described *supra* in para. 5) for the review of specific ECE General Conditions, and whether the regional economic commissions should be encouraged to place on their agenda the question of the development of plans for the review of specific ECE General Conditions and possibly for the ascertaining of views within the region as to the desirability and feasibility of unifying or harmonizing international trade through the more widespread use of general conditions of sale relating to specific commodities or wider categories of goods.

8. The Commission may recall its decision at the second session (sub-para. 1 (g) quoted *supra* in section I) to give, at an appropriate time, consideration to the feasibility of developing general conditions which embrace a wider scope of commodities than the existing specific formulations. The Commission may now wish to consider when it might be appropriate to institute preliminary studies bearing on alternative means for the development of such general conditions.

ANNEX

Replies from Governments in connexion with the ECE General Conditions of Sale

[Not reproduced in this volume.]