

the secretariat for the purpose of co-ordination of work in the field of international trade law since the sixteenth session (A/CN.9/255—reproduced in this *Yearbook*, part two, V). Representatives of a number of international organizations active in the field of international trade law reported to the Commission on the co-operation between their organizations and the Commission.

120. The observer from the Asian-African Legal Consultative Committee referred to the continuous relationship which the Committee had enjoyed with the Commission since 1970. The Committee has recommended that Governments in the Asian-African region should consider ratification or adherence to the United Nations Convention on the Carriage of Goods by Sea, 1978 (Hamburg) (the Hamburg Rules) and the United Nations Convention on Contracts for the International Sale of Goods (Vienna, 1980). It was noted that the Committee had recommended the use of the UNCITRAL Arbitration Rules and that the regional arbitration centres at Kuala Lumpur and Cairo used the UNCITRAL Arbitration Rules with certain modifications to govern arbitrations conducted by those arbitration centres. The director of the Centre on International Arbitration in Cairo made a statement on the functions of the Centre and on its rules.

121. The observer from UNCTAD noted that, in addition to the co-operation in the field of terminal operations between the secretariats of UNCTAD and the Commission, there was also a continuing contact in the field of legal implications of automatic data processing. He also noted that the UNCTAD secretariat had followed with interest the work of the Commission in the field of industrial contracts.

122. The observer from UNIDROIT reported that its Governing Council had decided to create a Committee of Government Experts to consider the preliminary draft Rules on International Factoring, and a second Committee of Government Experts to consider the preliminary draft Rules on International Financial Leasing. The Governing Council had decided to invite all States members of the Commission, including those which are not members of UNIDROIT, to participate in the work of these Committees of Government Experts. It was also noted that UNIDROIT appreciated the decision of the Commission to undertake work on the liability of operators of transport terminals on the basis of the preliminary draft Convention prepared by UNIDROIT. UNIDROIT would desire to remain associated with the Commission's work on this topic.

123. The observer from the Hague Conference on Private International Law (Hague Conference) reported that the Diplomatic Conference to consider the draft Convention on the Law Applicable to Contracts for the International Sale of Goods would be held from 14 to 30 October 1985. Invitations to the Diplomatic Conference had been sent by the Government of the Netherlands to all States, including States which are not members of the Hague Conference. He also reported that the fifteenth session of the Hague Conference in

October 1984 would consider whether the subject of the law applicable to arbitration clauses should be placed on the agenda of the sixteenth session of the Hague Conference in 1988. In addition, in the light of discussions which had taken place in the Commission's Working Group on International Contract Practices, the Hague Conference will consider whether the Convention on the Taking of Evidence Abroad in Civil or Commercial Matters, the Hague, 1970, could be extended in order to permit arbitrators to forward directly to courts or authorities in a place other than that where the arbitration proceedings are taking place requests for the taking of evidence.

124. The Commission expressed its appreciation for the co-operation shown by the other organizations active in the field of international trade law. During the discussion it was suggested that the Commission urge States to accept the invitations extended by UNIDROIT and the Hague Conference.

B. *Revision of the Uniform Customs and Practice for Documentary Credits*²²

125. The Commission had before it a report of the Secretary-General concerning the 1983 revision of the Uniform Customs and Practice for Documentary Credits (UCP) by the International Chamber of Commerce (ICC) (A/CN.9/251; reproduced in this *Yearbook*, part two, V, B). The report pointed out that the subject of documentary credits had been on the Commission's priority list of topics since 1968 and that the Commission at its second session in 1969 had recommended to Governments the 1962 version of UCP, while at its eighth session in 1975 it had recommended the use of the 1974 version of UCP.

126. The report further pointed out that developments in documentary credit practice since 1974, and especially those brought about by changes in transport technology and documentation and the increased use of stand-by letters of credit, had led to a revision of the 1974 version of UCP by ICC. In order to permit interested circles in countries not represented in ICC to make observations on the operation of UCP so that these could be taken into account in the revision, the Secretary-General, in accordance with past practice on this subject, had addressed to all Governments the same questionnaire as was sent by ICC to its National Committees and had transmitted the replies received to ICC for its consideration. After adoption of the 1983 version of UCP by the Council of ICC on 21 June 1983 with an effective date of 1 October 1984, ICC had forwarded the text to the Commission with a request that the Commission consider recommending its use in international trade, as had been done in respect of the 1962 and 1974 versions.

Discussion at the session

127. The observer of ICC expressed the appreciation of ICC for the support given by the Commission in the

²²The Commission considered this subject at its 301st meeting, on 6 July 1984.

past and for the aid in preparing the current revision. After explaining a number of the modifications to UCP contained in the 1983 revision, he indicated the desire of ICC that the Commission should endorse the use of the 1983 version, as it had endorsed the use of the previous versions.

128. It was noted by the Commission that UCP had been one of the most successful efforts in the unification of international trade law. Several delegations reported that the banks in their countries had already decided to apply the 1983 version of UCP when it becomes effective on 1 October 1984. After expressing its appreciation of the continuing co-operation which the Commission had enjoyed with ICC, the Commission was agreed that ICC should be congratulated on its work in adjusting the rules governing documentary credits to the changes taking place in international trade.

Decision of the Commission

129. At its 301st meeting, on 6 July 1984, the Commission adopted the following decision:

The United Nations Commission on International Trade Law,

Expressing its appreciation to the International Chamber of Commerce for having transmitted to it the revised text of "Uniform Customs and Practice for Documentary Credits", which was approved by the Commission on Banking Technique and Practice of the International Chamber of Commerce and adopted by the Council of the International Chamber of Commerce on 21 June 1983,

Congratulating the International Chamber of Commerce on having made a further contribution to the facilitation of international trade by bringing up to date its rules on documentary credit practice to allow for developments in transport technology and changes in commercial practices,

Having regard to the fact that, in revising the 1974 text of "Uniform Customs and Practice for Documentary Credits", the International Chamber of Commerce has taken into account the observations made by Governments and banking and trade institutions of countries not represented within it and transmitted to it through the Commission,

Noting that "Uniform Customs and Practice for Documentary Credits" constitutes a valuable contribution to the facilitation of international trade,

Commends the use of the 1983 revision, as from 1 October 1984, in transactions involving the establishment of a documentary credit.

C. Current activities of international organizations in the field of barter and barter-like transactions²³

130. The Commission, at its twelfth session, requested the secretariat to include in the studies then being

²³The Commission considered this subject at its 302nd meeting, on 6 July 1984.

conducted in respect of contract practices consideration of clauses of particular importance in barter-like transactions.²⁴ The Commission also requested the secretariat to approach other organizations within the United Nations engaged in studies on such transactions, and to report to it on the work being undertaken by those organizations.

131. The Commission had before it, at its seventeenth session, a report of the Secretary-General which reported on the activities of other organizations within and outside the United Nations relative to barter-like transactions (A/CN.9/253—reproduced in this *Yearbook*, part two, V, C). The report noted that the Secretariat would continue to monitor developments in this field.

132. There was general agreement that the report was a useful summary of current activities in this field. A number of delegations indicated that they attached great importance to this subject and that further consideration of it would be useful. It was agreed that, in the light of a report to be submitted by the secretariat at a future session on the developments in this field, the Commission may consider whether concrete steps in the field should be undertaken by it.

D. Legal aspects of automatic data processing²⁵

Introduction

133. The Commission, at its sixteenth session, had before it a note by the secretariat which conveyed in an annex a report on the legal aspects of automatic data processing of the Working Party on Facilitation of International Trade Procedures which is jointly sponsored by the Economic Commission for Europe and the United Nations Conference on Trade and Development (A/CN.9/238, *Yearbook 1983*, part two, V, D). The report of the Working Party described legal problems which arose in the teletransmission of trade data and suggested actions which might be undertaken by various international organizations in their respective areas of competence. The report of the Working Party suggested that, since the problems were essentially those of international trade law, the Commission as the core legal body in the field of international trade law appeared to be the appropriate central forum to undertake and co-ordinate the necessary action. The Commission took note of the intention of the secretariat to submit to the seventeenth session a report on this subject.²⁶

134. The Commission had before it at the present session a report of the Secretary-General which

²⁴Report of the United Nations Commission on International Trade Law on the work of its twelfth session, *Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 17* (A/34/17), para. 23 (*Yearbook 1979*, part one, II, A).

²⁵The Commission considered this subject at its 300th meeting on 5 July 1984.

²⁶Report of the United Nations Commission on International Trade Law on the work of its sixteenth session, *Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 17* (A/38/17), para. 118 (*Yearbook 1983*, part one, A).