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UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW

Ninth session

COMMITTEE OF THE WHOLE (II)

SUMMARY RECORD OF THE 15th MEETING

Held at Headquarters, New York,
on Wednesday, 21 April 1976, at 3 p.m.

Chairman: Mr. LOEWE (Austria)

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International commercial arbitration (continued)

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The meeting was called to order at 3.40 p.m.

INTERNATIONAL COMMERCIAL ARBITRATION (A/CN.9/112 and Add.1, A/CN.9/113, A/CN.9/114)
(continued)

Draft UNCITRAL Arbitration Rules

Article 4, paragraph 1 (A/CN.9/IX/C.2/CRP.22)

1. Mr. MANTILLA-MOLINA (Mexico) asked whether the word "notification" in the French text meant the same as "notice" in the English text.
2. Mr. ROEHRICH (France) said that "notification" was correct in French.
3. Mr. JENARD (Belgium) said that "notification" was the term used in Belgian legislation.
4. The CHAIRMAN suggested that paragraph 1 be adopted in its revised form.
5. It was so decided.

Article 4, paragraph 2 (A/CN.9/IX/C.2/CRP.22)

6. Mr. TSEGAH (Ghana) proposed that the words "the provisions of" be inserted after the words "in accordance with".
7. Mr. GUEST (United Kingdom) said that, in such a context, the use of the words "the provisions of" was optional.
8. Mr. LEBEDEV (Union of Soviet Socialist Republics) said that the revised paragraph 2 contributed nothing of importance to article 4. It should therefore be deleted.
9. Mr. PIRRUNG (Federal Republic of Germany) recalled that the text which he had proposed at the first reading had read: "Arbitral proceedings shall be deemed to commence on the date on which such notice hereinafter called 'notice of arbitration' is received by the respondent." The revised text made no mention of the commencement of the arbitral proceedings. He had not thought that the mandate of the drafting group extended to making such radical changes.
10. Mr. GUEST (United Kingdom) said he had thought that the drafting group had been charged with making article 4, paragraph 2, consistent with the new article 3. He had not realized that the drafting group should take account of the text referred to by the representative of the Federal Republic of Germany.

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