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TIME-LIMITS AND LIMITATIONS (PRESCRIPTION) IN THE FIELD OF THE INTERNATIONAL SALE OF GOODS

Note by the Secretary-General

Addendum

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INTRODUCTION

In his notes A/CN.9/16 and addenda 1, 2 and 3, the Secretary-General reproduced the studies received from the Governments of Belgium, Czechoslovakia, Norway and the United Kingdom on "time-limits and limitations (prescription) in the field of international sale of goods", and the comments submitted by the Government of Nigeria on these studies.

The present addendum reproduces the observations submitted by the International Institute for the Unification of Private Law (UNIDROIT).

COMMENTS SUBMITTED BY THE INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW (UNIDROIT)

[Original: English]
30 July 1969

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1. From a systematic viewpoint, any attempt at unification of time-limits in the field of the international sale of goods, should follow the adoption of a uniform law on sale of goods, the provisions referring to limitation of action being complementary in respect of those governing the sale contract.

At present, the only existing draft uniform law on sale of goods is UNIDROIT's draft, whose content was not unanimously accepted by States members of UNCITRAL.

Should the draft on limitation of action apply to UNIDROIT's draft?

The question is particularly relevant with regard to the definition of "international sales of goods" which is essential for the proposed draft on limitation of action.

Should the criteria of qualification of "international sales of goods" adopted by the UNIDROIT's draft be received by the proposed draft convention?

2. It was practically impossible for UNIDROIT to give any constructive contribution to the work in the field of limitation of actions owing to the

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extremely short dead-line fixed by UNCITRAL. It is obvious that no serious study of a matter of such importance could be made in six weeks.

I regret that no possibility has been given to our organization to actively collaborate in this field, closely linked with the sale of goods, with the Working Group set up by UNCITRAL.

(Signed) Mario MATTEUCCI
Secretary-General
