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INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW

PROGRESSIVE CODIFICATION OF INTERNATIONAL TRADE LAW

Performance and Non-Performance of International Contracts :

Relevant Materials and Synoptical Tables of their Content

(prepared by the Secretariat of UNIDROIT)

Rome, February 1981

1. - On the occasion of the first meeting of the informal Working Group on progressive codification of international trade law, held in Copenhagen on March 31 and April 1, 1980, in order to discuss and, if possible, to finalise a common working programme with respect to the next topics to be dealt with in the framework of the elaboration of uniform rules on international commercial contracts in general, the Secretariat of UNIDROIT was requested to prepare a collection of relevant materials on performance and non-performance of international contracts. It was also decided that since the uniform rules to be elaborated on these subjects are intended to be based on current trade practice rather than on the principles adopted by the various national laws, such materials should mainly be selected from among the existing international conventions and uniform laws as well as the most important general conditions and standard forms currently used in international trade.

2. - So far the Secretariat has selected only materials relating to international contracts in general and to contracts of sale including contracts for the supply and construction of large industrial plant and machinery. Within this ambit the materials selected were two pieces of national legislation (the Czechoslovakian International Trade Code and the Law of the German Democratic Republic on International Commercial Contracts), two international conventions (the Uniform Law on International Sale of Goods of 1964 and the UN - Convention on Contracts for the International Sale of Goods of 1980), two draft Conventions (the Benelux - Draft Convention on the Performance of Obligations of 1972 and the Benelux - Draft Convention on the Non-Performance of Obligations of 1976) and 37 sets of general conditions or standard forms of contract, elaborated either by independent international organisations (the Economic Commission for Europe of the United Nations; the Asian-African Legal Consultative Committee; etc.) or by national trade associations or companies of a particular importance in the respective trade sector.

3. - In order to facilitate the analysis of the contents of each of the collected legislative or contractual instruments and to permit, as far as possible, an immediate comparison between the provisions contained therein relating to the different aspects of the general problems of performance and non-performance of the type of contracts concerned, the Secretariat has in addition prepared synoptical tables of these provisions. For this purpose the various instruments have been grouped together in five different sections, according to their scope of application: thus the first group of instruments relates to contracts in general, the second to contracts of sale in general, the third to contracts for the sale of agricultural products and other commodities, the fourth to contracts for the sale of manufactured goods and the

fifth to contracts for the supply and construction of large industrial plant. For each section a list of the selected materials has been prepared, together with an index of the specific items under which the relevant provisions of the various instruments have been listed. In elaborating these items the Secretariat based itself on the following criteria: first, to identify among the many questions which arise in connection with the performance and non-performance of contracts those issues which might be specifically dealt with in the chapters on performance and non-performance of the future Code; secondly, to adopt in principle the same list of items for all sections, without however neglecting entirely the special characteristics and requirements of the different types of contract considered. As a result, only in the sections relating to the three different types of sale contract are the items identical, whereas in the section on contracts in general and in that on contracts for the supply and construction of large industrial plant it was felt necessary to introduce some modifications at least to the titles of the individual items. Within the different sections under each specific item there have been listed the relevant provisions of the various instruments which have been analysed. Each list of provisions has three reference numbers: the first of these refers to the particular section (e.g. 0.0.1. for contracts in general; 0.0.2. for contracts of sale in general; 0.0.3. for contracts of sale of agricultural products and other commodities; etc.); the second to the specific item (e.g. 0.1.1. for "Manner of Performance"; 0.1.2. for "Place of Performance"; 0.1.3. for "Time of Performance"; etc.); the third to the legislative or contractual instrument the provisions of which have been analysed (e.g. 1.0.1. for the Benelux-Draft Convention on Performance of Obligations; 1.0.2. the Benelux-Draft Convention on Non-Performance of Obligations; etc.). It follows for instance that the reference number 1.1.1. means that the provisions listed under it are contained in an instrument included in the section on contracts in general (0.0.1.), namely in the Benelux-Draft Convention on Performance of Obligations (1.0.1.), and that they represent all the relevant provisions to be found in the said instrument with respect to the item "Manner of Performance" (0.1.1.); the reference number 3.11.8. that the respective provisions are contained in an instrument included in the section on contracts for the sale of agricultural products and other commodity (0.0.3.), namely in the Geschäftsbedingungen des Waren-Vereins der Hamburger Börse e.V. (3.0.8.), and that they represent all the relevant provisions to be found in the said instrument with respect to the item "Remedies for Defects in Quantity and Quality of Goods" (0.3.11.).

4. - It is not the purpose of this paper to enter into the merit of the different provisions which have been listed under the various items of each section. But even confining oneself to the reading of the synoptical tables as such, it is possible to find some useful indications about the actual contents of the materials so far collected. Thus, by comparing within each section the number of instruments which deal with a given issue, one may get

an idea of the importance which international trade practice attaches to that issue in the respective sector or branch: for instance, whereas in the section on contracts for the sale of agricultural products and other commodities none of the selected instruments contains provisions relating to the item "Guarantee" (cf. 0.3.9.), the situation is quite different in the section on contracts for the sale of manufactured goods (cf. 0.4.9.) and in that on contracts for the supply and construction of large industrial plant and machinery (cf. 0.5.7.). More interesting data is to be found in the number of provisions listed under each reference number: thus, although both the instruments selected in the section on contracts for the sale of agricultural products and other commodities and those of the section on contracts for the sale of manufactured goods seem to deal constantly with the specific items of "Quantity and Quality of Goods" (cf. 0.3.3. and 0.4.3.) and of "Inspection" (cf. 0.3.4. and 0.4.4.), the number of provisions which each instrument devotes to the two items clearly shows that their importance and complexity is much greater in the trade of agricultural products and other commodities than in that of manufactured goods. Finally, it is not without significance that in some cases the same provisions listed under one specific item (e.g. "Guarantee") may be found listed also under another item (e.g. "Remedies for Defects"): as a matter of fact, this clearly shows that at least in practice the respective issues are considered as being closely interlinked.

0.0.1. : CONTRACTS IN GENERAL

A. INDEX

- 0.1.1. Manner of Performance
- 0.1.2. Place of Performance
- 0.1.3. Time of Performance
- 0.1.4. Forms of Non-Performance
- 0.1.5. Demand for Specific Performance
- 0.1.6. Avoidance
- 0.1.7. Reduction of the Price
- 0.1.8. Damages
- 0.1.9. Contractual Liability and Grounds for Relief
- 0.1.10. Suspension of Performance and Anticipatory Breach of Contract

B. TABLE OF SELECTED MATERIALS

- 1.0.1. Benelux-Draft Convention on Performance of Obligations (1972)
- 1.0.2. Benelux-Draft Convention on Non-Performance of Obligations (1976)
- 1.0.3. Czechoslovakian International Trade Code (1963)
- 1.0.4. GDR Law on International Commercial Contracts (1976)

0.0.1. CONTRACTS IN GENERAL

0.1.1. MANNER OF PERFORMANCE

- 1.1.1. : Preliminary provision; Sect. I : arts. 1 - 10, 15 - 24;
- 1.1.3. : arts. 211 - 221;
- 1.1.4. : arts. 259, 45 - 49, 260 - 276;

0.0.1. CONTRACTS IN GENERAL

0.1.2. PLACE OF PERFORMANCE

1.2.3. : arts. 223 - 224;

1.2.4. : art. 43;

0.0.1. CONTRACTS IN GENERAL

0.1.3. TIME OF PERFORMANCE

1.3.1. : Sect. I. arts. 12 - 14

1.3.3. : arts. 225 - 228

1.3.4. : art. 44

0.0.1. CONTRACTS IN GENERAL

0.1.4. FORMS OF NON-PERFORMANCE

- 1.4.1. : Sec. II arts. 1, 3 - 6, 9, 11 - 14;
- 1.4.2. : arts 1, 8 - 11, 13 - 14;
- 1.4.3. : arts. 229 - 232, 233 - 234, 235 - 244;
- 1.4.4. : arts. 278, 279 - 284, 287 - 290;

0.0.1. CONTRACTS IN GENERAL

0.1.5. DEMAND FOR SPECIFIC PERFORMANCE

1.5.1. : Sec. II, art. 8;

1.5.2. : arts. 1 (2), 6, 42;

1.5.3. : arts. 230, 237;

1.5.4. : arts. 278, 281, 283, 285 - 286;

O.O.1. CONTRACTS IN GENERAL

O.1.6. AVOIDANCE

- 1.6.1. : Sec. II, art. 13;
- 1.6.2. : arts. 30 - 41;
- 1.6.3. : arts. 230, 233, 235 - 240; 243 - 244.
- 1.6.4. : arts. 278, 280, 281 (4) (6), 283 (2), 285 - 286, 287, 289;

O.O.1. CONTRACTS IN GENERAL

O.1.7. REDUCTION OF THE PRICE

1.7.4. : arts. 280, 281 (2), 283 (2), 285 - 286;

0.0.1. CONTRACTS IN GENERAL

0.1.8. DAMAGES

- 1.8.1. : art. 7;
- 1.8.2. : arts. 1, 5, 13;
- 1.8.3. : arts. 230 - 232, 233 - 234, 251, 253 - 257;
- 1.8.4. : arts. 278, 282, 285 - 286, 289 - 290, 296 - 303;

0.0.1. CONTRACTS IN GENERAL

0.1.9. CONTRACTUAL LIABILITY AND GROUNDS
FOR RELIEF

- 1.9.1. : Sec. II, arts. 1 - 2, 10;
- 1.9.2. : arts. 2 - 4, 6, 8, 12;
- 1.9.3. : arts. 222, 232, 234, 245 - 250, 251 - 252;
- 1.9.4. : arts. 291, 293 - 295;

O.O.1. CONTRACTS IN GENERAL

O.1.10. SUSPENSION OF PERFORMANCE AND
ANTICIPATORY AVOIDANCE

1.10.1. : Sec. I, art. 11, Sec. II, art. 12;

1.10.2. : arts. 7, 15 - 29;

1.10.3. : arts. 185 - 190, 241 - 242;

1.10.4. : arts. 230 - 232, 288;

0.0.2. CONTRACT OF SALE (in general)

A. INDEX

- 0.2.1. Terms of Delivery
- 0.2.2. Date of Delivery
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- 0.2.8. Passing of Risk
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- 0.2.10. Payment
- 0.2.11. Remedies for Defects in Quality and Quantity of Goods
- 0.2.12. Remedies for Delay in Delivery
- 0.2.13. Remedies for Non-Payment
- 0.2.14. Grounds for Relief
- 0.2.15. Anticipatory Breach of Contract

B. TABLE OF SELECTED MATERIAL

- 2.0.1. Uniform Law on the International Sale of Goods (1964)
- 2.0.2. U.N. Convention on Contracts for the International Sale of Goods (1980)
- 2.0.3. C.M.E.A. General Conditions of Delivery of Goods (1968/1975)
- 2.0.4. General Conditions of Delivery of Goods CMEA - Finland (1980)
- 2.0.5. Allgemeine Verkaufsbedingungen (D.D.R.)
- 2.0.6. Contract of Sale Form between China and Vietnam
- 2.0.7. Contract Form of the Foreign Transaction Company of Iran

0.0.2. CONTRACT OF SALE (in general)

0.2.1. TERMS OF DELIVERY

- 2.1.1. : arts. 18, 19, 23, 50, 54, 71 - 72, 90;
- 2.1.2. : arts. 30 - 32, 34, 58;
- 2.1.3. : arts. 5 - 9, 10, 39;
- 2.1.4. : arts. 9.1.1. - 9.5.1., 10.1.1. - 10.5.3.
- 2.1.5. : arts. 4, 6, 8, 11;
- 2.1.6. : art. 1;
- 2.1.7. : arts. 2 (B, C), 7;

0.0.2. CONTRACT OF SALE (in general)

0.2.2. DATE OF DELIVERY

2.2.1. : arts. 20 - 22;

2.2.2. : art. 33;

2.2.3. : arts. 11 - 14;

2.2.4. : arts. 8.1.1. - 8.3.1.

2.2.5. : art. 8;

2.2.7. : art. 5;

0.0.2. CONTRACT OF SALE (in general)

0.2.3. QUANTITY AND QUALITY OF GOODS

- 2.3.1. : arts. 33, 35, 36, 37, 52 - 53;
- 2.3.2. : arts. 35 - 37, 41 - 42;
- 2.3.3. : arts. 15 - 17, 18;
- 2.3.4. : arts. 3.1.1. - 4.3.1.;
- 2.3.5. : arts. 7, 9, 16;
- 2.3.6. : art. 4;

0.0.2. CONTRACT OF SALE (in general)

0.2.4. INSPECTION

- 2.4.1. : art. 38;
- 2.4.2. : art. 38;
- 2.4.3. : arts. 19, 26 - 27;
- 2.4.4. : arts. 7.1.1. - 7.7.1.;
- 2.4.7. : art. 3 (note 2);

0.0.2. CONTRACT OF SALE (in general)

0.2.5. DUTY CHARGES AND IMPORT/EXPORT LICENCES

2.5.3. : art. 109;

2.5.5. : art. 12;

2.5.7. : art. 4

0.0.2. CONTRACT OF SALE (in general)

0.2.6. PACKING

2.6.3. : arts. 20 - 23;

2.6.4. : arts. 6.1.1. - 6.5.1.

2.6.5. : art. 6;

2.6.7. : art. 2 (B);

0.0.2. CONTRACT OF SALE (in general)

0.2.7. DOCUMENTS

- 2.7.1. : art. 50;
- 2.7.2. : art. 34;
- 2.7.3. : arts. 24 - 25;
- 2.7.4. : arts. 5.1.1. - 5.4.1.;
- 2.7.5. : arts. 7, 10
- 2.7.7. : art. 6;

0.0.2. CONTRACT OF SALE (in general)

0.2.8. PASSING OF RISK

2.8.1. : arts. 96 - 101;

2.8.2. : arts. 66 - 70

2.8.3. : arts. 5 - 9;

2.8.6. : art. 3;

0.0.2. CONTRACT OF SALE (in general)

0.2.9. GUARANTEE

- 2.9.3. : arts. 28 - 38;
- 2.9.4. : arts. 12.8.1. - 12.10.5.
- 2.9.5. : art. 20;

0.0.2. CONTRACT OF SALE (in general)

0.2.10. PAYMENT

- 2.10.1. : arts. 12, 57 - 60, 71 - 72;
- 2.10.2. : arts. 53 - 59;
- 2.10.3. : arts. 49 - 67;
- 2.10.4. : arts. 11.1.1. - 11.1.3., 11.3.1.;
- 2.10.5. : arts. 21, 23;

0.0.2. CONTRACT OF SALE (in general)

0.2.11. REMEDIES FOR DEFECTS IN QUALITY AND
QUANTITY OF GOODS

- 2.11.1. : arts. 10, 16, 39 - 40, 41 - 49, 51, 52 - 53, 55, 78 - 81,
82 - 89;
- 2.11.2. : arts. 25, 28, 39 - 40, 43 - 44, 45 - 52, 74 - 77, 80,
81 - 84, 86 - 88;
- 2.11.3. : arts. 71 - 74, 75 - 82, 92 - 105;
- 2.11.4. : arts. 11.4.1. - 11.4.2., 12.1.1. - 12.7.1., 15.1.1. - 15.2.2.,
17.1.1. - 17.1.4.
- 2.11.5. : arts. 14, 17, 18, 19, 24;

0.0.2. CONTRACT OF SALE (in general)

0.2.12. REMEDIES FOR DELAY IN DELIVERY

- 2.12.1. : arts. 10, 16, 26 - 29, 78 - 81, 82 - 89, 92 - 95;
- 2.12.2. : arts. 25, 28, 45 - 51, 74 - 77, 80, 81 - 84, 86 - 88;
- 2.12.3. : arts. 83 - 89, 92 - 105;
- 2.12.4. : arts. 11.4.1. - 11.4.2., 13.1.1. - 13.3.4., 15.2.3. - 15.7.2.,
17.1.1. - 17.1.4.;
- 2.12.5. : art. 14, 24;
- 2.12.7. : art. 8;

0.0.2. CONTRACT OF SALE (in general)

0.2.13. REMEDIES FOR NON-PAYMENT

- 2.13.1. : arts. 10, 61 - 64, 78, 82 - 84, 86 - 87, 88 - 89, 91, 93 - 95;
- 2.13.2. : arts. 25, 61 - 64, 74 - 77, 78, 80, 81, 84, 85, 87 - 88;
- 2.13.3. : art. 67, 92 - 105, 106;
- 2.13.4. : arts. 11.2.1. - 11.2.3., 15.2.3. - 15.7.2., 17.1.1. - 17.1.4.
- 2.13.5. : arts. 13, 22, 27;

0.0.2. CONTRACT OF SALE (in general)

0.2.14. GROUND FOR RELIEF

- 2.14.1. : art. 74;
- 2.14.2. : art. 79;
- 2.14.3. : arts. 68 - 70;
- 2.14.4. : arts. 14.1.1. - 14.2.4.
- 2.14.5. : art. 15;
- 2.14.6. : art. 5;
- 2.14.7. : art. 13;

0.0.2. CONTRACTS OF SALE (in general)

0.2.15. ANTICIPATORY BREACH OF CONTRACT

- 2.15.1. : arts. 75 - 77, 78 - 81, 84 - 87;
- 2.15.2. : arts. 71 - 73, 74 - 77, 80, 81 - 84;
- 2.15.5. : arts. 22, 24;

0.0.3. CONTRACT OF SALE (agricultural products
and other commodities)

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- 0.3.8. Passing of Risk
- 0.3.9. Guarantee
- 0.3.10. Payment
- 0.3.11. Remedies for Defects in Quantity and Quality of Goods
- 0.3.12. Remedies for Delay in Delivery
- 0.3.13. Remedies for Non-Payment
- 0.3.14. Grounds for Relief
- 0.3.15. Anticipatory Breach of Contract

B. TABLE OF SELECTED MATERIAL

- 3.0.1. ECE General Conditions for the Export and Import of Sawn Softwood No. 410 (1956)
- 3.0.2. ECE General Conditions for the Export and Import of Hardwood Logs and Sawn Hardwood from the Temperate Zone No. 420 (1961)
- 3.0.3. ECE General Conditions for the Export and Import of Solid Fuels (1958)
- 3.0.4. ECE General Conditions of Sale for Fresh Fruit and Vegetables including Citrus Fruit (1979)
- 3.0.5. ECE General Conditions of Sale for Dry (Shelled and Unshelled) and Dried Fruit (1979)
- 3.0.6. ECE General Conditions of Sale for Potatoes (1980)
- 3.0.7. AALCC Standard Form of F.A.S. Contract (1978)
- 3.0.8. Geschäftsbedingungen des Waren-Vereins der Hamburger Börse e.V. (1970)
- 3.0.9. Bedingungen der Bremer Baumwollbörse (1967)
- 3.0.10. Contract for Canadian and U.S.A. Grain Cargoes - Tale Quale No. 27 of the Grain and Feed Trade Association (1976)
- 3.0.11. Contract for Vegetable Oil - C.I.F. Terms No. 61 of the Federation of Oil, Seeds and Fats Association (1975)
- 3.0.12. Allgemeine Bedingungen für den Einkauf (DDR)
- 3.0.13. Contract Form of Danubiana (Romania)

0.0.3. CONTRACT OF SALE (agricultural products
and other commodities)

0.3.1. TERMS OF DELIVERY

- 3.1.1. : arts. 9, 10;
- 3.1.2. : arts. 9, 10;
- 3.1.3. : arts. 1 (1), 6;
- 3.1.4. : arts. 19, 20, 24, 28;
- 3.1.5. : arts. 13, 14, 19;
- 3.1.6. : arts. 15, 16, 18, 22, 23;
- 3.1.7. : Part V : arts. 1 - 5; VI : arts. 1 - 2, 5 - 10;
- 3.1.8. : arts. 24, 25, 27, 28, 29, 33, 34, 37, 39, 41, 45, 47, 49, 52,
59, 60, 62, 63, 64, 71, 74;
- 3.1.9. : arts. 9, 16, 20, 21, 22, 23,
- 3.1.10. : arts. 6, 7, 8, 9;
- 3.1.11. : arts. 3, 4;
- 3.1.12. : arts. 5, 7, 10;
- 3.1.13. : arts. 1, 3;

0.0.3. CONTRACT OF SALE (agricultural products
and other commodities)

0.3.2. DATE OF DELIVERY

- 3.2.1. : art. 14 (1);
- 3.2.2. : art. 14 (1);
- 3.2.3. : arts. 1 (1), 11 (1) (2);
- 3.2.4. : arts. 21 - 23, 25;
- 3.2.5. : arts. 15 - 18, 20;
- 3.2.6. : arts. 17, 19;
- 3.2.7. : Part VI : arts. 1, 3, 4;
- 3.2.8. : arts. 35, 50, 53, 72;
- 3.2.9. : art. 2;
- 3.2.10. : art. 10;
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0.0.3. CONTRACT OF SALE (agricultural products
and other commodities)

0.3.3. QUANTITY AND QUALITY OF GOODS

- 3.3.1. : arts. 5, 8, 17;
- 3.3.2. : arts. 5, 8, 17;
- 3.3.3. : arts. 1, 2;
- 3.3.4. : arts. 33, 34, 38 - 40;
- 3.3.5. : arts. 26, 27, 31 - 35;
- 3.3.6. : arts. 30, 31, 35 - 37;
- 3.3.7. : Part. IV : arts. 1 - 3;
- 3.3.8. : arts. 6 - 12, 14 - 17, 22, 48, 73;
- 3.3.9. : arts. 4, 5;
- 3.3.10. : arts. 2, 5, 17, 19;
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0.0.3. CONTRACT OF SALE (agricultural products
and other commodities)

0.3.4. INSPECTION

- 3.4.1. : arts. 16, 17 (3) (4);
- 3.4.2. : arts. 16, 17 (3) (4);
- 3.4.3. : art. 3;
- 3.4.4. : arts. 33, 37, 41 - 45, 48, 64 - 65;
- 3.4.5. : arts. 26, 30, 49 - 50;
- 3.4.6. : arts. 30, 34, 55 - 56;
- 3.4.7. : Part IV : arts. 7 - 5;
- 3.4.8. : arts. 3 (1 - 6), 4 (1 - 2), 11, 12 (1), 23, 55;
- 3.4.9. : arts. 3, 4, 6-7, 8;
- 3.4.10. : art. 17;
- 3.4.11. : arts. 7, 8;
- 3.4.12. : art. 6;

0.0.3. CONTRACT OF SALE (agricultural products
and other commodities)

0.3.5. DUTY CHARGES AND IMPORT / EXPORT
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- 3.5.1. : arts. 3, 4 (2) (3);
- 3.5.2. : arts. 3, 4 (2) (3);
- 3.5.3. : arts. 4, 5 (2) (3);
- 3.5.4. : arts. 26, 30, 36, 53, 70;
- 3.5.5. : arts. 21, 23, 29, 41, 56;
- 3.5.6. : arts. 20, 27, 33, 44;
- 3.5.7. : Part III : arts. 1 - 3, VIII;
- 3.5.8. : arts. 13 (1), 46, 65, 70;
- 3.5.10 : art. 14;
- 3.5.11. : art. 10;
- 3.5.13. : art. 8 a);

0.0.3. CONTRACT OF SALE (agricultural products
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0.3.6. PACKING

- 3.6.1. : art. 6;
- 3.6.2. : art. 6;
- 3.6.4. : arts. 29, 35;
- 3.6.5. : art. 28;
- 3.6.6. : arts. 23 - 27, 32;
- 3.6.7. : Part II : arts. 1 - 3;
- 3.6.9. : art. 4 (1);
- 3.6.12. : art. 9;

0.0.3. CONTRACT OF SALE (agricultural products
and other commodities)

0.3.7. DOCUMENTS

- 3.7.1. : art. 11;
- 3.7.2. : art. 11;
- 3.7.4. : arts. 27, 36 (3);
- 3.7.5. : arts. 22, 29 (3);
- 3.7.6. : arts. 21, 33 (3);
- 3.7.8. : arts. 13 (4), 26, 51, 61;
- 3.7.9. : arts. 16 (c, e), 18, 20 (c), 21 (b);
- 3.7.10. : arts. 11, 13;
- 3.7.11. : art. 9;
- 3.7.12. : arts. 4, 8;

0.0.3. CONTRACT OF SALE (agricultural products
and other commodities)

0.3.8. PASSING OF RISK

- 3.8.1. : art. 7;
- 3.8.2. : art. 7;
- 3.8.3. : art. 10;
- 3.8.4. : art. 31;
- 3.8.5. : art. 24;
- 3.8.6. : art. 28;
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- 3.8.8. : art. 41, 47, 60;
- 3.8.9. : arts. 16 (d), 20 (d), 21 (c), 22 (c);

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0.0.3. CONTRACT OF SALE (agricultural products
and other commodities)

0.3.9. GUARANTEE

0.0.3. CONTRACT OF SALE (agricultural products
and other commodities)

0.3.10 PAYMENT

- 3.10.1. : art. 15 (1);
- 3.10.7. : art. 15 (1);
- 3.10.3. : arts. 5 (1), 12 (1);
- 3.10.4. : arts. 50 - 51;
- 3.10.5. : arts. 38 - 39;
- 3.10.6. : arts. 41 - 42;
- 3.10.7. : Part VII : arts. 1 - 4;
- 3.10.8. : arts. 13, 54;
- 3.10.9. : arts. 10 - 12, 24 - 27;
- 3.10.10. : art. 12;
- 3.10.11. : art. 5;
- 3.10.12. : arts. 11 - 14;
- 3.10.13. : art. 4;

0.0.3. CONTRACT OF SALE (agricultural products
and other commodities)

0.3.11. REMEDIES FOR DEFECTS IN QUANTITY AND
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- 3.11.4. : arts. 48 (2), 59 - 63, 67, 68, 69, 70 - 74;
- 3.11.5. : arts. 37, 45 - 48, 52, 53, 54, 55, 57 - 58;
- 3.11.6. : arts. 39 - 40, 50 - 54, 58, 60, 61, 62, 63 - 65;
- 3.11.7. : Part VI : art. 11;
- 3.11.8. : arts. 3 (1 - 6), 4 (1 - 2), 15, 16 (3 - 5), 17 (2 - 4),
18, 19, 20, 21, 55, 56, 57, 67, 68, 69;
- 3.11.9. : arts. 3 (2 - 4), 5, 28 - 32, 36 - 37;
- 3.11.10. : arts. 5, 26;
- 3.11.11. : arts. 1, 17;
- 3.11.12. : arts. 6, 17 - 20, 22;
- 3.11.13. : art. 6;

0.0.3. CONTRACT OF SALE (agricultural products
and other commodities)

0.3.12. REMEDIES FOR DELAY IN DELIVERY

- 3.12.1. : art. 14 (2) (3);
- 3.12.2. : art. 14 (2) (3);
- 3.12.3. : art. 11 (3) (4);
- 3.12.4. : arts. 54, 57, 68, 69;
- 3.12.5. : arts. 42, 52, 53, 54, 55;
- 3.12.6. : arts. 45, 58, 59, 60, 61, 65;
- 3.12.7. : Part VI, art. 11;
- 3.12.8. : arts. 36 (1), 37 (2), 38;
- 3.12.9. : arts. 28 - 32, 36 - 37;
- 3.12.10. : arts. 10, 26;
- 3.12.11. : art. 17;
- 3.12.12. : arts. 15, 20;

O.O.3. CONTRACT OF SALE (agricultural products
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- 3.13.1. : art. 15 (2) (3) (4);
- 3.13.2. : art. 15 (2) (3) (4);
- 3.13.3. : art. 12 (2) (4);
- 3.13.4. : arts. 56, 66, 68, 69;
- 3.13.5. : arts. 44, 51, 53, 54, 55;
- 3.13.6. : arts. 47, 57, 59, 60, 61;
- 3.13.8. : arts. 31, 38;
- 3.13.9. : arts. 28 - 32, 36 - 37;
- 3.13.10. : art. 26;
- 3.13.11. : art. 17;

0.0.3. CONTRACT OF SALE : (agricultural products
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0.3.14. GROUNDS FOR RELIEF

- 3.14.1. : art. 18;
- 3.14.2. : art. 18;
- 3.14.3. : art. 13;
- 3.14.4. : arts. 75 - 77;
- 3.14.5. : arts. 59 - 61;
- 3.14.6. : arts. 66 - 68;
- 3.14.7. : Part X : arts. 1 - 4;
- 3.14.9. : arts. 34 - 35;
- 3.14.10. : arts. 22, 23;
- 3.14.11. : arts. 13 - 14;
- 3.14.12. : art. 21;
- 3.14.13. : art. 5;

0.0.3. CONTRACT OF SALE (agricultural products
and other commodities)

0.3.15. ANTICIPATORY BREACH OF CONTRACT

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3.15.8. : art. 30;

3.15.9. : art. 33;

3.15.10. : art. 28;

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0.0.4. CONTRACT OF SALE (manufactured goods)

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- 0.4.1. Terms of Delivery
- 0.4.2. Date of Delivery
- 0.4.3. Quantity and Quality of Goods
- 0.4.4. Inspection
- 0.4.5. Duty Charges and Import/Export Licences
- 0.4.6. Packing
- 0.4.7. Documents
- 0.4.8. Passing of Risk
- 0.4.9. Guarantee
- 0.4.10. Payment
- 0.4.11. Remedies for Defects in Quality and Quantity of Goods
- 0.4.12. Remedies for Delay in Delivery
- 0.4.13. Remedies for Non-Payment
- 0.4.14. Grounds for Relief
- 0.4.15. Anticipatory Breach of Contract

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- 4.0.1. ECE General Conditions for the Supply of Plant and Machinery for Export No. 188 (1953)
- 4.0.2. ECE General Conditions for the Supply of Plant and Machinery for Export No. 574 (1955)
- 4.0.3. ECE General Conditions of Sale for the Import and Export of Durable Consumer Goods and of Other Engineering Stock Articles No. 730 (1961)
- 4.0.4. AALCC - Draft Standard Form of Contract (C.I.F. Maritime) for Sale Transactions in Light Machinery and Durable Consumer Goods (1976)
- 4.0.5. Allgemeine Einkaufsbedingungen (DDR)
- 4.0.6. General Conditions of Masinexportimport (Romania)
- 4.0.7. Sino-Japanese Friendly Trade Export Contract (Export from Japan)
- 4.0.8. Allgemeine Verkaufs- und Lieferungsbedingungen von M.A.N. (BRD)
- 4.0.9. Verkaufsbedingungen für Kraftfahrzeuge von Daimler-Benz (BRD)
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- 4.1.5. : arts. 5, 7, 10;
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- 4.1.7. : arts. 15 - 16;
- 4.1.9. : art. 6 (2);
- 4.1.10. : art. 6;
- 4.1.11. : arts. 7, 12;

0.0.4. CONTRACT OF SALE (manufactured goods)

0.4.2. DATE OF DELIVERY

- 4.2.1. : art. 7 (1) (2) (4);
- 4.2.2. : art. 7 (1) (2) (4);
- 4.2.3. : art. 6 (1) (2) (3);
- 4.2.4. : art. 9 (e);
- 4.2.6. : art. 4;
- 4.2.7. : art. 12;
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- 4.2.9. : art. 4 (1);
- 4.2.10. : art. 4 (1) (2);
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- 4.3.3. : art. 5;
- 4.3.6. : art. 1 (4);
- 4.3.7. : art. 5 (1);
- 4.3.8. : arts. 1 (5), 9;
- 4.3.9. : art. 15;

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- 4.4.1. : art. 5 (1 - 7);
- 4.4.2. : art. 5 (1 - 7);
- 4.4.3. : arts. 4 (a) (b), 5 (a) (b);
- 4.4.5. : art. 6;
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- 4.4.8. : art. 5 (1);
- 4.4.9. : art. 6 (1);

0.0.4. CONTRACT OF SALE (manufactured goods)

0.4.5. DUTY CHARGES AND IMPORT / EXPORT
LICENCES

- 4.5.1. : art. 2 (3);
- 4.5.2. : arts. 7, 8;
- 4.5.4. : art. 8;
- 4.5.7. : art. 2 (1);
- 4.5.8. : art. 4 (1);
- 4.5.9. : art. 3 (2);

0.0.4. CONTRACT OF SALE (manufactured goods)

0.4.6. PACKING

- 4.6.1. : art. 4;
- 4.6.2. : art. 4;
- 4.6.3. : art. 4;
- 4.6.4. : art. 6 (a) (b) (c) (d) (e) (f);
- 4.6.5. : art. 9;
- 4.6.6. : art. 9;

0.0.4. CONTRACT OF SALE (manufactured goods).

0.4.7. DOCUMENTS

- 4.7.1. : art. 3 (1 - 4);
- 4.7.2. : art. 3 (1 - 4);
- 4.7.3. : art. 3 (1) (2);
- 4.7.4. : arts. 2 (c), 3, 12;
- 4.7.5. : arts. 4, 6, 8;
- 4.7.6. : arts. 5, 8;
- 4.7.7. : art. 14;
- 4.7.10. : art. 2;

0.0.4. CONTRACT OF SALE (manufactured goods)

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- 4.8.1. : art. 6;
- 4.8.2. : art. 6;
- 4.8.3. : art. 5 (1) (2) (3);
- 4.8.4. : art. 15;
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- 4.8.11. : art. 13;

0.0.4. CONTRACT OF SALE (manufactured goods)

0.4.9. GUARANTEE

- 4.9.1. : art. 9 (1 - 17);
- 4.9.2. : art. 9 (1 - 17);
- 4.9.3. : art. 9 (1 - 11);
- 4.9.4. : art. 14 (a) (b) (c) (d) (e) (f) (g) (h)
- 4.9.5. : arts. 16 - 19;
- 4.9.6. : arts. 6, 13;
- 4.9.7. : art. 17;
- 4.9.8. : arts. 6, 7;
- 4.9.9. : art. 7 (1 - 10);
- 4.9.10. : art. 1 (5), 9 (2 - 11);

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- 4.10.1. : art. 8 (1 - 2);
- 4.10.2. : art. 8 (1 - 2);
- 4.10.3. : art. 7 (1);
- 4.10.4. : art. 13;
- 4.10.5. : arts. 11 - 14;
- 4.10.6. : arts. 2, 7;
- 4.10.7. : art. 13;
- 4.10.8. : art. 12;
- 4.10.9. : art. 2 (1) (2);
- 4.10.10. : arts. 3, 7;
- 4.10.11. : arts. 4, 5;

O.O.4. CONTRACT OF SALE (manufactured goods)

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QUANTITY OF GOODS

- 4.11.1. : arts. 9 (8 - 17), 11;
- 4.11.2. : arts. 9 (8 - 17), 11;
- 4.11.3. : arts. 8, 9 (1 - 11);
- 4.12.4. : art. 14 (a) (b) (c) (d) (e) (f) (g) (h);
- 4.12.5. : arts. 19 - 21, 22, 24;
- 4.12.6. : arts. 13, 14, 17;
- 4.12.7. : art. 17;
- 4.12.8. : arts. 6, 7;
- 4.12.9. : arts. 7 (1 - 10), 8;
- 4.12.10. : art. 9 (2 - 11);
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0.0.4. CONTRACT OF SALE (manufactured goods)

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- 4.12.1. : arts. 7 (3) (5) (6) (7), 11;
- 4.12.2. : arts. 7 (3) (5) (6) (7), 11;
- 4.12.3. : art. 6 (4);
- 4.12.5. : art. 15, 22;
- 4.12.6. : art. 15, 17;
- 4.12.7. : art. 19;
- 4.12.8. : arts. 4 (4) (6), 7;
- 4.12.9. : arts. 4 (1) (2), 8;
- 4.12.10. : art. 4 (5);
- 4.12.11. : art. 9;

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O.4.14. GROUNDS FOR RELIEF

- 4.14.1. : art. 10 (1 - 6);
- 4.14.2. : art. 10 (1 - 7);
- 4.14.1. : art. 10 (1) (2) (3);
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- 4.14.4. : art. 16;
- 4.14.5. : art. 18;
- 4.14.6. : art. 4 (5);
- 4.14.7. : art. 4 (1);
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- 4.14.9. : arts. 9, 16, 17;

O.O.4. CONTRACT OF SALE (manufactured goods)

O.4.15. ANTICIPATORY BREACH OF CONTRACT

4.15.8. : art. 7 (1);

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OF LARGE INDUSTRIAL PLANT AND MACHINERY

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- 0.5.1. : Manner of Execution of Work
- 0.5.2. : Time for Execution of Work
- 0.5.3. : Local Laws and Regulations
- 0.5.4. : Drawings and other Documents
- 0.5.5. : Inspection
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- 0.5.10. : Remedies for Defects
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B. TABLE OF SELECTED MATERIAL

- 5.0.1. ECE General Conditions for the Supply and Erection of Plant and Machinery for Import and Export No. 188 A (1957)
- 5.0.2. ECE General Conditions for the Supply and Erection of Plant and Machinery for Import and Export No. 574 A (1957)
- 5.0.3. ECE General Conditions for the Erection of Plant and Machinery Abroad No. 188 D (1963)
- 5.0.4. ECE General Conditions for the Erection of Plant and Machinery Abroad No. 574 D (1963)
- 5.0.5. UNIDO - Draft Model Form of Turn - Key Lump - Sum Contract for the Construction of a Fertilizer Plant (1980)
- 5.0.6. F.I.D.I.C. / F.I.B.T.P. - Conditions of Contract (International) for Works of Civil Engineering Construction
- 5.0.7. Model Form of General Conditions of Contract for Export Contracts (Including Delivery to and Erection on Site) recommended by the Institution of Mechanical Engineers, the Institution of Electrical Engineers and the Association of Consulting Engineers (1971)
- 5.0.8. Model Form of Conditions of Contract for Process Plants Suitable for Lump - Sum Contracts in the United Kingdom recommended by the Institution of Chemical Engineers (1968)

0.0.5. CONTRACT FOR THE SUPPLY AND CONSTRUCTION
OF LARGE INDUSTRIAL PLANT AND MACHINERY

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- 5.1.1. : arts. 6, 12, 13, 14, 15, 16, 17, 19;
- 5.1.2. : arts. 6, 12, 13, 14, 15, 16, 17, 19;
- 5.1.3. : arts. 5, 7, 8, 9, 10, 11, 12;
- 5.1.4. : arts. 5, 7, 8, 9, 10, 11, 12;
- 5.1.5. : arts. 2.1., 4 (1 - 39), 5 (1 - 13), 6, 7, 12 (1 - 10), 13,
16, 17, 18 (1);
- 5.1.6. : arts. 5, 13, 14, 15, 16, 17, 19, 29, 30, 32, 33, 34, 36, 53;
- 5.1.7. : arts. 3, 9 (1 - 4), 15 (1 - 7), 17, 19, 20, 21;
- 5.1.8. : arts. 3, 4, 11, 12, 23, 24, 26, 27, 28, 29, 30;

0.0.5. CONTRACT FOR THE SUPPLY AND CONSTRUCTION
OF LARGE INDUSTRIAL PLANT AND MACHINERY

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- 5.2.1. : art. 20;
- 5.2.2. : art. 20;
- 5.2.3. : art. 14;
- 5.2.4. : art. 14;
- 5.2.5. : art. 11;
- 5.2.6. : arts. 41, 43;
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- 5.3.1. : art. 5,
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- 5.3.3. : art. 4 (1 - 2);
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- 5.3.5. : art. 31;
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O.O.5. CONTRACT ON SUPPLY AND CONSTRUCTION
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- 5.4.2. : arts. 3 (1 - 4), 12 (1);
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- 5.4.8. : arts. 19, 20 (1 - 10), 21;

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- 5.5.3. : arts. 13, 16, 17;
- 5.5.4. : arts. 13, 16, 17;
- 5.5.5. : arts. 14 (1 - 17), 18 (2 - 14);
- 5.5.6. : arts. 36, 37, 38, 56 - 57;
- 5.5.7. : arts. 14 (1 - 5), 19, 28;
- 5.5.8. : arts. 22, 34, 35;

O.O.5. CONTRACT ON SUPPLY AND CONSTRUCTION
OF LARGE INDUSTRIAL WORKS

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- 5.6.1. : art. 9;
- 5.6.2. : art. 9;
- 5.6.6. : arts. 20, 65;
- 5.6.7. : arts. 18, 22;
- 5.6.8. : arts. 25, 31;

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0.5.7. GUARANTEE

- 5.7.1. : arts. 22, 23 (1 - 15);
- 5.7.2. : arts. 22, 23 (1 - 15);
- 5.7.3. : arts. 17, 18 (1 - 7);
- 5.7.4. : arts. 17, 18 (1 - 7);
- 5.7.5. : arts. 25, 26, 28;
- 5.7.7. : art. 31 (1 - 8);
- 5.7.8. : art. 35 (1 - 8);

0.0.5. CONTRACT ON SUPPLY AND CONSTRUCTION
OF LARGE INDUSTRIAL WORKS

0.5.8. LIABILITY FOR PERSONAL INJURY AND
DAMAGE TO PROPERTY

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- 5.8.2. : art. 24 (1 - 4);
- 5.8.3. : art. 19 (1 - 4);
- 5.8.4. : art. 19 (1 - 4);
- 5.8.5. : art. 22;
- 5.8.6. : arts. 22, 24, 28, 65;
- 5.8.7. : arts. 7, 22 (4 - 8);
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- 5.9.1. : arts. 7, 11 (1 - 4);
- 5.9.2. : arts. 7, 11 (1 - 4);
- 5.9.3. : arts. 4 (2), 6, 15;
- 5.9.4. : arts. 4 (2), 6, 15;
- 5.9.5. : arts. 20 (1 - 33), 21;
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- 5.9.7. : arts. 30, 34, 35 (1 - 4), 36, 40;
- 5.9.8. : arts. 5, 39 (1 - 5), 40;

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0.5.10. REMEDIES FOR DEFECTS

- 5.10.1. : arts. 8 (5), 21 (2), 23 (6 - 15), 26;
- 5.10.2. : arts. 8 (5), 21 (2), 23 (6 - 15), 26;
- 5.10.3. : arts. 18 (3 - 7), 21;
- 5.10.4. : arts. 18 (3 - 7), 21;
- 5.10.5. : arts. 14 (8) (13), 18 (18.1. - 18.7.), 25 (4), 26 (11),
28 (4) (5), 29, 30, 28;
- 5.10.6. : arts. 17, 39, 49, 50, 63, 64;
- 5.10.7. : arts. 12, 25, 31;
- 5.10.8. : arts. 36, 44;

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0.5.11. REMEDIES FOR DELAY IN COMPLETION OF
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- 5.11.2. : arts. 20 (2 - 5), 26;
- 5.11.3. : arts. 14 (2 - 5), 21;
- 5.11.4. : arts. 14 (2 - 5), 21;
- 5.11.6. : arts. 46, 47, 63;
- 5.11.7. : art. 27;
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OF LARGE INDUSTRIAL WORKS

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- 5.12.2. : arts. 11 (5 - 7), 26;
- 5.12.3. : arts. 15 (4 - 6), 21;
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- 5.12.8. : art. 39 (5);

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- 5.13.1. : art. 25 (1 - 7);
- 5.13.2. : art. 25 (1 - 7);
- 5.13.3. : art. 20 (1 - 5);
- 5.13.4. : art. 20 (1 - 5);
- 5.13.5. : arts. 19, 33, 34;
- 5.13.6. : arts. 65 (5 - 7), 66;
- 5.13.7. : art. 26;
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- 5.14.3. : Supplementary Clause (Price Revision);
- 5.14.4. : Supplementary Clause (Price Revision);
- 5.14.5. : arts. 3 (3), 15 (1 - 14), 32;
- 5.14.6. : arts. 12, 40, 44, 51, 52, 71;
- 5.14.7. : arts. 10, 11, 36, 40;
- 5.14.8. : arts. 5 (2 - 3), 14, 16 (1 - 10), 17 (1 - 5), 18, 42;

