

No. 7041

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**AUSTRIA, BELGIUM, BULGARIA,  
BYELORUSSIAN SOVIET SOCIALIST REPUBLIC,  
CZECHOSLOVAKIA, etc.**

**Final Act of the Special Meeting of Plenipotentiaries for the  
purpose of negotiating and signing a European Conven-  
tion on International Commercial Arbitration  
European Convention on International Commercial Ar-  
bitration (with annex)**

**Both done at Geneva, on 21 April 1961**

*Official texts: English, French and Russian.*

*Registered ex officio on 7 January 1964.*

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**AUTRICHE, BELGIQUE, BULGARIE,  
RÉPUBLIQUE SOCIALISTE SOVIÉTIQUE  
DE BIÉLORUSSIE, TCHÉCOSLOVAQUIE, etc.**

**Acte final de la réunion spéciale de plénipotentiaires chargés  
de négocier et de signer une Convention européenne sur  
l'arbitrage commercial international  
Convention européenne sur l'arbitrage commercial inter-  
national (avec annexe)**

**Faits à Genève, le 21 avril 1961**

*Textes officiels anglais, français et russe.*

*Enregistrés d'office le 7 janvier 1964.*

No. 7041. FINAL ACT OF THE SPECIAL MEETING OF  
PLENIPOTENTIARIES FOR THE PURPOSE OF NEGOTIATING AND SIGNING A EUROPEAN CONVENTION  
ON INTERNATIONAL COMMERCIAL ARBITRATION.  
DONE AT GENEVA, ON 21 APRIL 1961

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1. At its seventh session the *Ad hoc* Working Group on Arbitration set up under the auspices of the Committee on the Development of Trade of the Economic Commission for Europe drew up the text of a draft European Convention on International Commercial Arbitration and was of the opinion that the draft text should be submitted to a Special Meeting of Plenipotentiaries convened for the purpose of negotiating and signing the European Convention on International Commercial Arbitration (document TRADE/96, paragraph 34 and Annex I).
2. After that session there arose some differences of opinion on Article IV (organization of the arbitration) of the draft Convention.
3. The Economic Commission for Europe by resolution 7 (XV), adopted on 5 May 1960, requested the Executive Secretary to convene a Special Meeting to prepare an agreed text of Article IV in order that a single text of the whole draft Convention might be submitted to a Special Meeting of Plenipotentiaries.
4. The Special Meeting to prepare an agreed text of Article IV was held from 8 to 12 August 1960 and from 5 to 10 April 1961 and drew up an agreed text.
5. In accordance with the terms of the above resolution the Executive Secretary convened a Special Meeting of Plenipotentiaries which was held at the European Office of the United Nations in Geneva from 10 April to 21 April 1961.
6. The Governments of the following twenty-two States were represented at the Meeting : Austria, Belgium, Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, Denmark, Federal Republic of Germany, Finland, France, Hungary, Italy, Luxembourg, Netherlands, Poland, Romania, Spain, Sweden, Switzerland, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia.
7. The following non-governmental organizations had observers at the Meeting : the International Chamber of Commerce and the International Bar Association. Also present, at the invitation of the Secretariat, were members of the Secretariat of the Council of the European Economic Community.
8. The Meeting was opened by Mr. Vladimir Velebit, Executive Secretary of the United Nations Economic Commission for Europe.
9. Mr. J. Trolle of Denmark was elected Chairman and Mr. V. Novak of Czechoslovakia Vice-Chairman.

10. On the basis of the draft Convention drawn up by the *Ad hoc* Working Group on Arbitration (document TRADE/96, Annex I) as well as the text prepared by the Special Meeting on Article IV (document TRADE/WP.1/Conf. Room Doc.No.27) and of the draft set of final clauses submitted by the Secretariat (document TRADE/WP.1/38), the Meeting prepared and opened for signature on 21 April 1961 the European Convention on International Commercial Arbitration.<sup>1</sup>

11. The Meeting decided that a report should be prepared which would set out some of the observations made on certain of the Articles of the Convention in the course of the discussion. The report in which these observations are set out (document E/ECE/TRADE/47) was adopted by the Meeting on 20 April 1961.

12. The Government of the USSR considers that the present Convention is open to the signature or adhesion of any European State.

13. The Governments of Belgium, Luxembourg, and the Netherlands consider that the present Convention leaves their respective countries free not to apply the Convention in whole or in part in their mutual relations.

14. Subject to Article II, paragraph 2 of the Convention and to paragraph 13 of this Final Act, the delegations taking part in the negotiation of the European Convention on International Commercial Arbitration declare that their respective countries do not intend to make any reservations to the Convention.

15. *The Special Meeting of Plenipotentiaries,*

*Considering* that the provisions of paragraphs 2 to 7 of Article IV are only of subsidiary character :

*Recommends:*

1. That the parties concerned in the arbitration should at least insert in their arbitration agreement an indication of the place or method of arbitration (arbitration by a permanent arbitral institution, or *ad hoc* arbitration);

2. That the working parties entrusted with the elaboration of General Conditions of Sale under the auspices of the Economic Commission for Europe should not provide for a blank arbitration clause (arbitration agreement with no indication of the place or method of arbitration—whether by a permanent arbitral institution or *ad hoc* arbitration).

*The Meeting recommends,* in addition, to Chambers of Commerce and other institutions referred to in Article X, paragraph 6 of the Convention as well as to the Special Committee referred to in Article IV to hold consultations with a view to taking all necessary measures for the application of the present Convention and for the development of arbitration.

<sup>1</sup> See p. 364 of this volume.

16. The original of this Final Act will be deposited with the Secretary-General of the United Nations Organization who will send certified copies to each of the countries referred to in paragraphs 1 and 2 of Article X of the European Convention on International Commercial Arbitration.

DONE at Geneva, this twenty-first day of April, one thousand nine hundred and sixty-one, in a single copy, in the English, French and Russian languages, each text being equally authentic.

For Austria :

Pour l'Autriche :

За Австрию :

TREU

A. ZEMBSCH

For Belgium :

Pour la Belgique :

За Бельгию :

A. J. HERMENT

P. JENARD

P. VAN REEPINGHEN

For Bulgaria :

Pour la Bulgarie :

За Болгарию :

V. LOUKANOVA

B. MINKOVSKI

For the Byelorussian Soviet Socialist Republic :

Pour la République socialiste soviétique de Biélorussie :

За Белорусскую Советскую Социалистическую Республику :

A. M. SHELDON

For Czechoslovakia :

Pour la Tchécoslovaquie :

За Чехословакию :

Milan KLUSÁK

O. FABIAN

V. NOVAK

For Denmark :  
Pour le Danemark :  
За Данию:

TROLLE

For the Federal Republic of Germany :  
Pour la République fédérale d'Allemagne :  
За Федеративную Республику Германии:

Dr. G. MOHR  
A. BÜLOW

For Finland :  
Pour la Finlande :  
За Финляндию:

K. V. MÄKELÄ

For France :  
Pour la France :  
За Францию:

G. HOLLEAUX  
Guy de LACHARRIÈRE

For Hungary :  
Pour la Hongrie :  
За Венгрию:

J. SZITA  
I. SZASZ

For Italy :  
Pour l'Italie :  
За Италию:

G. B. TOFFOLO  
E. MINOLI  
R. TRIOLI

For Luxembourg :  
Pour le Luxembourg :  
За Люксембург:

I. BESSLING

For the Netherlands :  
Pour les Pays-Bas :  
За Нидерланды:

W. H. J. VAN ASCH VAN WIJCK  
D. S. VAN HEUKELOM

For Poland :  
Pour la Pologne :  
За Польшу:

Aleksander KOTLICKI  
Henryk TRAMMER

For Romania :  
Pour la Roumanie :  
За Румынию:

Jacob IONASCU

For Spain :  
Pour l'Espagne :  
За Испанию:

Guillermo CEBRIAN  
Pedro TEMBOURY

For Sweden :  
Pour la Suède :  
За Швецию:

H. von PLATEN

For Switzerland :  
Pour la Suisse :  
За Швейцарию:

Pierre Jean POINTET  
Henri ZOELLY

For Turkey :  
Pour la Turquie :  
За Турцию:

HAUTA  
Rabi KORAL

For the Ukrainian Soviet Socialist Republic :  
Pour la République socialiste soviétique d'Ukraine :  
За Украинскую Советскую Социалистическую Республику:

A. VOIKO

For the Union of Soviet Socialist Republics :  
Pour l'Union des Républiques socialistes soviétiques :  
За Союз Советских Социалистических Республик:

G. BURGUCHEV



For Yugoslavia :

Pour la Yougoslavie :

За Югославию:

S. MAKIEDO

V. KAPOR

Dj. LUPSIC

The Chairman of the Special Meeting of Plenipotentiaries :

Le Président de la Réunion spéciale de Plénipotentiaires :

Председатель Специального совещания уполномоченных:

TROLLE

The Vice-Chairman of the Special Meeting of Plenipotentiaries :

Le Vice-Président de la Réunion spéciale de Plénipotentiaires :

Заместитель председателя Специального совещания уполномоченных:

V. NOVAK

For the Executive Secretary :

The Legal Adviser of the Economic Commission for Europe of the United Nations :

Pour le Secrétaire exécutif :

Le Conseiller juridique de la Commission économique pour l'Europe des Nations Unies :

За Исполнительного секретаря:

Юрисконсульт Европейской Экономической Комиссии Объединенных Наций:

Lazare KOPELMANAS

EUROPEAN CONVENTION<sup>1</sup> ON INTERNATIONAL COMMERCIAL ARBITRATION. DONE AT GENEVA, ON 21 APRIL 1961

The undersigned, duly authorized,

Convened under the auspices of the Economic Commission for Europe of the United Nations,

Having noted that on 10th June 1958 at the United Nations Conference on International Commercial Arbitration has been signed in New York a Convention on the Recognition and Enforcement of Foreign Arbitral Awards,<sup>2</sup>

Desirous of promoting the development of European trade by, as far as possible, removing certain difficulties that may impede the organization and operation of international commercial arbitration in relations between physical or legal persons of different European countries,

Have agreed on the following provisions :

*Article I*

SCOPE OF THE CONVENTION

1. This Convention shall apply :

(a) to arbitration agreements concluded for the purpose of settling disputes arising from international trade between physical or legal persons having,

<sup>1</sup> The Convention came into force on 7 January 1964, the ninetieth day following the date of deposit of the fifth instrument of ratification, in accordance with paragraph 8 of article X, with the exception of paragraphs 3 to 7 of article IV, the entry into force of which has been postponed until the elections of the Special Committee referred to in that article are held (see paragraph 4 of the Annex).

The instruments of ratification were deposited on the dates indicated :

Union of Soviet Socialist Republics . . . . .	27 June 1962	Romania . . . . .	16 August 1963
Ukrainian Soviet Socialist Republic . . . . .	18 March 1963	Yugoslavia . . . . .	25 September 1963
		Hungary . . . . .	9 October 1963

The Convention will come into force in respect of the following countries on the ninetieth day after the deposit of their instruments of ratification :

	<i>Date of deposit</i>	<i>Date of entry into force</i>
Byelorussian Soviet Socialist Republic . . . . .	14 October 1963	12 January 1964
Czechoslovakia . . . . .	13 November 1963	11 February 1964

<sup>2</sup> United Nations, *Treaty Series*, Vol. 330, p. 3; Vol. 336, p. 426; Vol. 337, p. 445; Vol. 346, p. 357; Vol. 348, p. 374; Vol. 368, p. 371; Vol. 374, p. 386; Vol. 376, p. 454; Vol. 380, p. 473; Vol. 390, p. 368; Vol. 395, p. 274; Vol. 398, p. 351; Vol. 399, p. 286; Vol. 406, p. 332; Vol. 410, p. 339; Vol. 418, p. 400; Vol. 419, p. 358; Vol. 423, p. 324; Vol. 425, p. 359; Vol. 433, p. 370, and Vol. 442, p. 333.

when concluding the agreement, their habitual place of residence or their seat in different Contracting States;

(b) to arbitral procedures and awards based on agreements referred to in paragraph 1 (a) above.

2. For the purpose of this Convention,

(a) the term "arbitration agreement" shall mean either an arbitral clause in a contract or an arbitration agreement, the contract or arbitration agreement being signed by the parties, or contained in an exchange of letters, telegrams, or in a communication by teleprinter and, in relations between States whose laws do not require that an arbitration agreement be made in writing, any arbitration agreement concluded in the form authorized by these laws;

(b) the term "arbitration" shall mean not only settlement by arbitrators appointed for each case (*ad hoc* arbitration) but also by permanent arbitral institutions;

(c) the term "seat" shall mean the place of the situation of the establishment that has made the arbitration agreement.

### Article II

#### RIGHT OF LEGAL PERSONS OF PUBLIC LAW TO RESORT TO ARBITRATION

1. In the cases referred to in Article I, paragraph 1, of this Convention, legal persons considered by the law which is applicable to them as "legal persons of public law" have the right to conclude valid arbitration agreements.

2. On signing, ratifying or acceding to this Convention any State shall be entitled to declare that it limits the above faculty to such conditions as may be stated in its declaration.

### Article III

#### RIGHT OF FOREIGN NATIONALS TO BE DESIGNATED AS ARBITRATORS

In arbitration covered by this Convention, foreign nationals may be designated as arbitrators.

### Article IV

#### ORGANIZATION OF THE ARBITRATION

1. The parties to an arbitration agreement shall be free to submit their disputes:

(a) to a permanent arbitral institution; in this case, the arbitration proceedings shall be held in conformity with the rules of the said institution;

(b) to an *ad hoc* arbitral procedure; in this case, they shall be free *inter alia*

- (i) to appoint arbitrators or to establish means for their appointment in the event of an actual dispute;
- (ii) to determine the place of arbitration; and
- (iii) to lay down the procedure to be followed by the arbitrators.

2. Where the parties have agreed to submit any disputes to an *ad hoc* arbitration, and where within thirty days of the notification of the request for arbitration to the respondent one of the parties fails to appoint his arbitrator, the latter shall, unless otherwise provided, be appointed at the request of the other party by the President of the competent Chamber of Commerce of the country of the defaulting party's habitual place of residence or seat at the time of the introduction of the request for arbitration. This paragraph shall also apply to the replacement of the arbitrator(s) appointed by one of the parties or by the President of the Chamber of Commerce above referred to.

3. Where the parties have agreed to submit any disputes to an *ad hoc* arbitration by one or more arbitrators and the arbitration agreement contains no indication regarding the organization of the arbitration, as mentioned in paragraph 1 of this article, the necessary steps shall be taken by the arbitrator(s) already appointed, unless the parties are able to agree thereon and without prejudice to the case referred to in paragraph 2 above. Where the parties cannot agree on the appointment of the sole arbitrator or where the arbitrators appointed cannot agree on the measures to be taken, the claimant shall apply for the necessary action, where the place of arbitration has been agreed upon by the parties, at his option to the President of the Chamber of Commerce of the place of arbitration agreed upon or to the President of the competent Chamber of Commerce of the respondent's habitual place of residence or seat at the time of the introduction of the request for arbitration. Where such a place has not been agreed upon, the claimant shall be entitled at his option to apply for the necessary action either to the President of the competent Chamber of Commerce of the country of the respondent's habitual place of residence or seat at the time of the introduction of the request for arbitration, or to the Special Committee whose composition and procedure are specified in the Annex to this Convention. Where the claimant fails to exercise the rights given to him under this paragraph the respondent or the arbitrator(s) shall be entitled to do so.

4. When seized of a request the President or the Special Committee shall be entitled as need be :

(a) to appoint the sole arbitrator, presiding arbitrator, umpire, or referee;

(b) to replace the arbitrator(s) appointed under any procedure other than that referred to in paragraph 2 above;

(c) to determine the place of arbitration, provided that the arbitrator(s) may fix another place of arbitration;

(d) to establish directly or by reference to the rules and statutes of a permanent arbitral institution the rules of procedure to be followed by the arbitrator(s), provided that the arbitrators have not established these rules themselves in the absence of any agreement thereon between the parties.

5. Where the parties have agreed to submit their disputes to a permanent arbitral institution without determining the institution in question and cannot agree thereon, the claimant may request the determination of such institution in conformity with the procedure referred to in paragraph 3 above.

6. Where the arbitration agreement does not specify the mode of arbitration (arbitration by a permanent arbitral institution or an *ad hoc* arbitration) to which the parties have agreed to submit their dispute, and where the parties cannot agree thereon, the claimant shall be entitled to have recourse in this case to the procedure referred to in paragraph 3 above to determine the question. The President of the competent Chamber of Commerce or the Special Committee, shall be entitled either to refer the parties to a permanent arbitral institution or to request the parties to appoint their arbitrators within such time-limits as the President of the competent Chamber of Commerce or the Special Committee may have fixed and to agree within such time-limits on the necessary measures for the functioning of the arbitration. In the latter case, the provisions of paragraphs 2, 3 and 4 of this Article shall apply.

7. Where within a period of sixty days from the moment when he was requested to fulfil one of the functions set out in paragraphs 2, 3, 4, 5 and 6 of this Article, the President of the Chamber of Commerce designated by virtue of these paragraphs has not fulfilled one of these functions, the party requesting shall be entitled to ask the Special Committee to do so.

### Article V

#### PLEA AS TO ARBITRAL JURISDICTION

1. The party which intends to raise a plea as to the arbitrator's jurisdiction based on the fact that the arbitration agreement was either non-existent or null and void or had lapsed shall do so during the arbitration proceedings, not later than the delivery of its statement of claim or defence relating to the substance of the dispute; those based on the fact that an arbitrator has exceeded his terms of reference shall be raised during the arbitration proceedings as soon as the question on which the arbitrator is alleged to have no jurisdiction is raised during the arbitral procedure. Where the delay in raising the plea is due to a cause which the arbitrator deems justified, the arbitrator shall declare the plea admissible.

2. Pleas to the jurisdiction referred to in paragraph 1 above that have not been raised during the time-limits there referred to, may not be entered either during

a subsequent stage of the arbitral proceedings where they are left to the sole discretion of the parties under the law applicable by the arbitrator, or during subsequent court proceedings concerning the substance or the enforcement of the award where such pleas are left to the discretion of the parties under the rule of conflict of the court seized of the substance of the dispute or the enforcement of the award. The arbitrator's decision on the delay in raising the plea, will, however, be subject to judicial control.

3. Subject to any subsequent judicial control provided for under the *lex fori*, the arbitrator whose jurisdiction is called in question shall be entitled to proceed with the arbitration, to rule on his own jurisdiction and to decide upon the existence or the validity of the arbitration agreement or of the contract of which the agreement forms part.

### Article VI

#### JURISDICTION OF COURTS OF LAW

1. A plea as to the jurisdiction of the court made before the court seized by either party to the arbitration agreement, on the basis of the fact that an arbitration agreement exists shall, under penalty of estoppel, be presented by the respondent before or at the same time as the presentation of his substantial defence, depending upon whether the law of the court seized regards this plea as one of procedure or of substance.

2. In taking a decision concerning the existence or the validity of an arbitration agreement, courts of Contracting States shall examine the validity of such agreement with reference to the capacity of the parties, under the law applicable to them, and with reference to other questions

(a) under the law to which the parties have subjected their arbitration agreement;

(b) failing any indication thereon, under the law of the country in which the award is to be made;

(c) failing any indication as to the law to which the parties have subjected the agreement, and where at the time when the question is raised in court the country in which the award is to be made cannot be determined, under the competent law by virtue of the rules of conflict of the court seized of the dispute.

The courts may also refuse recognition of the arbitration agreement if under the law of their country the dispute is not capable of settlement by arbitration.

3. Where either party to an arbitration agreement has initiated arbitration proceedings before any resort is had to a court, courts of Contracting States subsequently asked to deal with the same subject-matter between the same parties or with the question whether the arbitration agreement was non-existent

or null and void or had lapsed, shall stay their ruling on the arbitrator's jurisdiction until the arbitral award is made, unless they have good and substantial reasons to the contrary.

4. A request for interim measures or measures of conservation addressed to a judicial authority shall not be deemed incompatible with the arbitration agreement, or regarded as a submission of the substance of the case to the court.

#### *Article VII*

##### APPLICABLE LAW

1. The parties shall be free to determine, by agreement, the law to be applied by the arbitrators to the substance of the dispute. Failing any indication by the parties as to the applicable law, the arbitrators shall apply the proper law under the rule of conflict that the arbitrators deem applicable. In both cases the arbitrators shall take account of the terms of the contract and trade usages.

2. The arbitrators shall act as *amiables compositeurs* if the parties so decide and if they may do so under the law applicable to the arbitration.

#### *Article VIII*

##### REASONS FOR THE AWARD

The parties shall be presumed to have agreed that reasons shall be given for the award unless they

(a) either expressly declare that reasons shall not be given; or

(b) have assented to an arbitral procedure under which it is not customary to give reasons for awards, provided that in this case neither party requests before the end of the hearing, or if there has not been a hearing then before the making of the award, that reasons be given.

#### *Article IX*

##### SETTING ASIDE OF THE ARBITRAL AWARD

1. The setting aside in a Contracting State of an arbitral award covered by this Convention shall only constitute a ground for the refusal of recognition or enforcement in another Contracting State where such setting aside took place in a State in which, or under the law of which, the award has been made and for one of the following reasons :

(a) the parties to the arbitration agreement were under the law applicable to them, under some incapacity or the said agreement is not valid under the law to which the parties have subjected it or, failing any indication thereon, under the law of the country where the award was made, or

(b) the party requesting the setting aside of the award was not given proper notice of the appointment of the arbitrator or of the arbitration proceedings or was otherwise unable to present his case; or

(c) the award deals with a difference not contemplated by or not falling within the terms of the submission to arbitration, or it contains decisions on matters beyond the scope of the submission to arbitration, provided that, if the decisions on matters submitted to arbitration can be separated from those not so submitted, that part of the award which contains decisions on matters submitted to arbitration need not be set aside;

(d) the composition of the arbitral authority or the arbitral procedure was not in accordance with the agreement of the parties, or failing such agreement, with the provisions of Article IV of this Convention.

2. In relations between Contracting States that are also parties to the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 10th June 1958, paragraph 1 of this Article limits the application of Article V (1) (e) of the New York Convention solely to the cases of setting aside set out under paragraph 1 above.

### *Article X*

#### FINAL CLAUSES

1. This Convention is open for signature or accession by countries members of the Economic Commission for Europe and countries admitted to the Commission in a consultative capacity under paragraph 8 of the Commission's terms of reference.
2. Such countries as may participate in certain activities of the Economic Commission for Europe in accordance with paragraph 11 of the Commission's terms of reference may become Contracting Parties to this Convention by acceding thereto after its entry into force.
3. The Convention shall be open for signature until 31 December 1961 inclusive. Thereafter, it shall be open for accession.
4. This Convention shall be ratified.
5. Ratification or accession shall be effected by the deposit of an instrument with the Secretary-General of the United Nations.
6. When signing, ratifying or acceding to this Convention, the Contracting Parties shall communicate to the Secretary-General of the United Nations a list of the Chambers of Commerce or other institutions in their country who will exercise the functions conferred by virtue of Article IV of this Convention on Presidents of the competent Chambers of Commerce.<sup>1</sup>

<sup>1</sup> For the list of these Chambers of Commerce or other institutions communicated to the Secretary-General, see p. 400 of this volume.



7. The provisions of the present Convention shall not affect the validity of multilateral or bilateral agreements concerning arbitration entered into by Contracting States.

8. This Convention shall come into force on the ninetieth day after five of the countries referred to in paragraph 1 above have deposited their instruments of ratification or accession. For any country ratifying or acceding to it later this Convention shall enter into force on the ninetieth day after the said country has deposited its instrument of ratification or accession.

9. Any Contracting Party may denounce this Convention by so notifying the Secretary-General of the United Nations. Denunciation shall take effect twelve months after the date of receipt by the Secretary-General of the notification of denunciation.

10. If, after the entry into force of this Convention, the number of Contracting Parties is reduced, as a result of denunciations, to less than five, the Convention shall cease to be in force from the date on which the last of such denunciations takes effect.

11. The Secretary-General of the United Nations shall notify the countries referred to in paragraph 1, and the countries which have become Contracting Parties under paragraph 2 above, of

- (a) declarations made under Article II, paragraph 2;
- (b) ratifications and accessions under paragraphs 1 and 2 above;
- (c) communications received in pursuance of paragraph 6 above;

(d) the dates of entry into force of this Convention in accordance with paragraph 8 above;

(e) denunciations under paragraph 9 above;

(f) the termination of this Convention in accordance with paragraph 10 above.

12. After 31 December 1961, the original of this Convention shall be deposited with the Secretary-General of the United Nations, who shall transmit certified true copies to each of the countries mentioned in paragraphs 1 and 2 above.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Convention.

DONE at Geneva, this twenty-first day of April, one thousand nine hundred and sixty-one, in a single copy in the English, French and Russian languages, each text being equally authentic.

For Albania :  
Pour l'Albanie :  
За Албанию:

For Austria :  
Pour l'Autriche :  
За Австрию:

TREU

For Belgium :  
Pour la Belgique :  
За Бельгию:

A. J. HERMENT

For Bulgaria :  
Pour la Bulgarie :  
За Болгарию:

Vela LOUKANOVA

For the Byelorussian Soviet Socialist Republic :  
Pour la République socialiste soviétique de Biélorussie :  
За Белорусскую Советскую Социалистическую Республику:

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For Czechoslovakia :  
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За Чехословакию:

Milan KLUSÁK

For Cyprus :  
Pour Chypre :  
За Кипр :

For Denmark :  
Pour le Danemark :  
За Данию :

TROLLE

For the Federal Republic of Germany :  
Pour la République fédérale d'Allemagne :  
За Федеративную Республику Германии :

Dr. G. MOHR  
A. BÜLOW

For Finland :  
Pour la Finlande :  
За Финляндию :

Olli KAILA

For France :  
Pour la France :  
За Францию :

G. HOLLEAUX

For Greece :  
Pour la Grèce :  
За Грецию :

For Hungary :  
Pour la Hongrie :  
За Венгрию :

J. SZITA

For Iceland :  
Pour l'Islande :  
За Исландию :

For Ireland :  
Pour l'Irlande :  
За Ирландию :

For Italy :  
Pour l'Italie :  
За Италию :

G. B. TOFFOLO  
E. MINOLI

For Luxembourg :  
Pour le Luxembourg :  
За Люксембург :

For the Netherlands :  
Pour les Pays-Bas :  
За Нидерланды :

For Norway :  
Pour la Norvège :  
За Норвегию :

For Poland :  
Pour la Pologne :  
За Польшу :

Aleksander KOTLIICKI

For Portugal :  
Pour le Portugal :  
За Португалию :

For Romania :  
Pour la Roumanie :  
За Румынию :

Jacob IONASCU

For Spain :  
Pour l'Espagne :  
За Испанию :

José Manuel ANIEL-QUIROGA

For Sweden :  
Pour la Suède :  
За Швецию :

For Switzerland :

Pour la Suisse :

За Швейцарию :

For Turkey :

Pour la Turquie :

За Турцию :

НАУТА

For the Ukrainian Soviet Socialist Republic :

Pour la République socialiste soviétique d'Ukraine :

За Украинскую Советскую Социалистическую Республику :

A. VOIKO

For the Union of Soviet Socialist Republics :

Pour l'Union des Républiques socialistes soviétiques :

За Союз Советских Социалистических Республик :

G. BURGUCHEV

For the United Kingdom of Great Britain and Northern Ireland :

Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord :

За Соединенное Королевство Великобритании и Северной Ирландии :

For the United States of America :

Pour les États-Unis d'Amérique :

За Соединенные Штаты Америки :

For Yugoslavia :

Pour la Yougoslavie :

За Югославию :

S. MAKIEDO

## ANNEX

COMPOSITION AND PROCEDURE OF THE SPECIAL COMMITTEE REFERRED TO IN ARTICLE IV OF THE CONVENTION<sup>1</sup>

1. The Special Committee referred to in Article IV of the Convention shall consist of two regular members and a Chairman. One of the regular members shall be elected by the Chambers of Commerce or other institutions designated, under Article X, paragraph 6, of the Convention, by States in which at the time when the Convention is open to signature National Committees of the International Chamber of Commerce exist, and which at the time of the election are parties to the Convention. The other member shall be elected by the Chambers of Commerce or other institutions designated, under Article X, paragraph 6, of the Convention, by States in which at the time when the Convention is open to signature no National Committees of the International Chamber of Commerce exist and which at the time of the election are parties to the Convention.
2. The persons who are to act as Chairman of the Special Committee pursuant to paragraph 7 of this Annex shall also be elected in like manner by the Chambers of Commerce or other institutions referred to in paragraph 1 of this Annex.
3. The Chambers of Commerce or other institutions referred to in paragraph 1 of this Annex shall elect alternates at the same time and in the same manner as they elect the Chairman and other regular members, in case of the temporary inability of the Chairman or regular members to act. In the event of the permanent inability to act or of the resignation of a Chairman or of a regular member, then the alternate elected to replace him shall become, as the case may be, the Chairman or regular member, and the group of Chambers of Commerce or other institutions which had elected the alternate who has become Chairman or regular member shall elect another alternate.
4. The first elections to the Committee shall be held within ninety days from the date of the deposit of the fifth instrument of ratification or accession. Chambers of Commerce and other institutions designated by Signatory States who are not yet parties to the Convention shall also be entitled to take part in these elections. If however it should not be possible to hold elections within the prescribed period, the entry into force of paragraphs 3 to 7 of Article IV of the Convention shall be postponed until elections are held as provided for above.
5. Subject to the provisions of paragraph 7 below, the members of the Special Committee shall be elected for a term of four years. New elections shall be held within the first six months of the fourth year following the previous elections. Nevertheless, if a new procedure for the election of the members of the Special Committee has not produced results, the members previously elected shall continue to exercise their functions until the election of new members.
6. The results of the elections of the members of the Special Committee shall be communicated to the Secretary-General of the United Nations who shall notify the States referred to in Article X, paragraph 1, of this Convention and the States which have become Contracting Parties under Article X, paragraph 2. The Secretary-General shall likewise

<sup>1</sup> See p. 364 of this volume.



notify the said States of any postponement and of the entry into force of paragraphs 3 to 7 of Article IV of the Convention in pursuance of paragraph 4 of this Annex.

7. The persons elected to the office of Chairman shall exercise their functions in rotation, each during a period of two years. The question which of these two persons shall act as Chairman during the first two-year period after the entry into force of the Convention shall be decided by the drawing of lots. The office of Chairman shall thereafter be vested, for each successive two-year period, in the person elected Chairman by the group of countries other than that by which the Chairman exercising his functions during the immediately preceding two-year period was elected.

8. The reference to the Special Committee of one of the requests referred to in paragraphs 3 to 7 of the aforesaid Article IV shall be addressed to the Executive Secretary of the Economic Commission for Europe. The Executive Secretary shall in the first instance lay the request before the member of the Special Committee elected by the group of countries other than that by which the Chairman holding office at the time of the introduction of the request was elected. The proposal of the member applied to in the first instance shall be communicated by the Executive Secretary to the other member of the Committee and, if that other member agrees to this proposal, it shall be deemed to be the Committee's ruling and shall be communicated as such by the Executive Secretary to the person who made the request.

9. If the two members of the Special Committee applied to by the Executive Secretary are unable to agree on a ruling by correspondence, the Executive Secretary of the Economic Commission for Europe shall convene a meeting of the said Committee at Geneva in an attempt to secure a unanimous decision on the request. In the absence of unanimity, the Committee's decision shall be given by a majority vote and shall be communicated by the Executive Secretary to the person who made the request.

10. The expenses connected with the Special Committee's action shall be advanced by the person requesting such action but shall be considered as costs in the cause.

LIST OF THE CHAMBERS OF COMMERCE OR OTHER INSTITUTIONS COMMUNICATED  
TO THE SECRETARY-GENERAL PURSUANT TO ARTICLE X, PARAGRAPH 6

*Bulgaria*

The President of the Chamber of Commerce of the People's Republic of Bulgaria,  
11-A Boulevard Stamboliiski, Sofia.

*Byelorussian Soviet Socialist Republic*

The All-Union Chamber of Commerce.

*Czechoslovakia*

The Chamber of Commerce of the Czechoslovak Socialist Republic, through its  
President.

*Federal Republic of Germany*

Deutsche Ausschuss für Schiedsgerichtswesen (German Arbitration Commission),  
through its Chairman, Bonn, Markt 26-32.

*France*

The President of the Assembly of Presidents of Chambers of Commerce and of  
Industry, who will also be an elector to the Special Committee. The first Vice-President  
of that Assembly will act as his alternate. The offices of the President of the Assembly  
are at 27, Avenue de Friedland, Paris (8<sup>e</sup>).

*Hungary*

The President of the Hungarian Chamber of Commerce.

*Italy*

Associazione Italiana per l'Arbitrato (Italian Association for Arbitration).

*Poland*

The President of the Polish Chamber of External Trade, Polska Izba Handlu  
Zagranicznego (Polish Chamber of External Trade), 4 Trebacka Street, Warsaw.

*Romania*

The Chamber of Commerce of the Romanian People's Republic, through its Chair-  
man.

*Turkey*

The Union of Turkish Chambers of Commerce, Industry and Commodity Ex-  
changes. Mr. Berin Beydag, its Secretary-General, will participate in the meeting for  
the election of the members of the Special Committee.

*Ukrainian Soviet Socialist Republics*

The All-Union Chamber of Commerce.

*Union of Soviet Socialist Republics*

The All-Union Chamber of Commerce.

*Yugoslavia*

The President of the Foreign Trade Arbitration of the Federal Economic Chamber,  
Knez Mihajlova 10, Belgrade.