

DEPARTMENT OF STATE

[Public Notice 2133]

Entry Into Force for the United States of the Convention on the Limitation Period in the International Sale of Goods, With Protocol

The 1974 Convention on the Limitation Period in the International Sale of Goods, done at New York June 4, 1974, and the Protocol amending the Convention, done at Vienna April 11, 1980, entered into force for the United States December 1, 1994. The Convention and Protocol were prepared under the auspices of the United Nations Commission on International Trade Law (UNCITRAL). This notice reproduces the official United Nations consolidated text of the Convention as amended, for use by transactional parties and for purposes of citation. The Convention and the Protocol will be published in the Department's Treaties and Other International Agreements Series ("T.I.A.S.").

The Convention sets forth international rules, applicable between States party to the Convention, on time limits ("statutes of limitation") for making legal claims with regard to sales of goods which are covered by the Convention. The Convention also includes provisions on application of the rules to particular types of cases, extensions of time limits, the effect of expiration of the time limits, and other related matters. Consumer transactions as defined are not covered. The Convention operates in international trade as the equivalent of a statute of limitations in domestic sales transactions. It substitutes uniform rules for the different concepts and widely divergent limitation periods now found in many legal systems. *Parties to commercial transactions otherwise covered by the Convention may expressly opt out of coverage by the Convention.*

United States accession, after Senate advice and consent, was coupled with a declaration that the United States will not be bound by Article I of the 1980 Protocol, which amended Article 3 of the 1974 Convention. Thus, the original version of Article 3 is in force for the United States, and is reproduced in the following treaty text. The original Article 3 limits the scope of application, permitting greater commercial predictability as to when the Convention applies.

In addition, the Convention text reproduced below includes by footnote the original text of several other Articles of the 1974 Convention which were amended by the 1980 Protocol. The

original 1974 text of those Articles will apply as between the United States and several States party to the 1974

Convention which have not as yet also adopted the 1980 amendments. Those countries, along with others party to the amended Convention as of December 1, 1994, are listed below.

A brief description of the Convention and Protocol may be found in the Section-by-Section analysis that accompanied the Message from the President transmitting the Convention and Protocol to the Senate; see Senate Treaty Doc. 103-10, 103d Cong., 1st Sess. (1993). The American Bar Association endorsed United States accession to the Convention as amended; a report of the Section on International Law and Practice on the Convention is published in the Section's review, *The International Lawyer*, at volume 24, pages 383-599 (Summer 1990).

The parties to the Convention as of December 1, 1994 are listed below; all States are parties to both the Convention and the Protocol, except those followed by an asterisk "*", which are States party only to the 1974 Convention: Mexico, Argentina, Bosnia, Czech Republic, Dominican Republic*, Egypt, Ghana*, Guinea, Hungary, Norway*, Romania, Slovakia, Uganda, Ukraine*, Yugoslavia* and Zambia. The provisions of the original 1974 Convention will apply as between the United States and those countries which have not adopted the Protocol.

For current information about countries that have ratified or acceded to the Convention and Protocol, and for the text of any declarations made by States parties, contact the United Nations Treaty Section of the Office of Legal Affairs, New York, N.Y. 10017. The U.N. Treaty Section may be reached at (212) 963-5484 or by fax at (212) 963-3693.

The Office of Treaty Affairs of the Legal Adviser's Office, Department of State, also maintains records on multilateral treaties to which the U.S. is a party. The Office updates that information and, on a monthly basis, publishes relevant information in the Department of State Dispatch about developments concerning treaties and conventions to which the United States is a party. The Department of State annual publication, *Treaties in Force*, lists all parties to treaties and conventions to which the United States is a party, as of January 1 of any given year. This publication also notes the status of reservations or declarations made by States parties. For information, write to the Office of Treaty Affairs, Department of State, Room 5420, 22nd

and C Streets, N.W., Washington, DC 20520, (202) 647-1345 or fax (202) 736-7541.

Reproduced below is the United Nations official consolidated text of the 1974 Convention, as amended by the 1980 Protocol. The Secretary-General prepared this consolidated text pursuant to Article XIV(2) of the Protocol. The text reproduced includes an editorial note at Article 3 to call attention to the fact that the States has declared that it will be bound by the 1974 version of Article 3, which appears in a footnote, rather than the 1980 amended version of that article. The separate texts of the Convention and Protocol are reprinted in 13 International Legal Materials (ILM) 949 (1974), and 19 ILM 698 (1980). The text is authentic in English, Chinese, French, Russian and Spanish. The United Nations has also issued an official Arabic text.

For further information on this Convention or treaty matters related thereto, contact the United Nations Treaty Section or the Department of State's Office of Treaty Affairs at the numbers given above. For information on the Department's program on private international law matters, contact Harold Burman, Exec. Dir., Advisory Committee on Private International Law, 2100 K Street NW. 20037, fax (202) 653-9854 or the official indicated below.

Dated: December 7, 1994.

Peter H. Pfund,
Assistant Legal Adviser for Private
International Law.

**APPENDIX: UNITED NATIONS—
CERTIFIED CONSOLIDATED ENGLISH
TEXT OF THE CONVENTION**

**Convention on the Limitation Period in
the International Sale of Goods as
Amended by the Protocol Amending the
Convention on the Limitation Period in
the International Sale of Goods**

Preamble

*The States Parties to the present
Convention,*

Considering that international trade is an important factor in the promotion of friendly relations amongst States,

Believing that the adoption of uniform rules governing the limitation period in the international sale of goods would facilitate the development of world trade,

Have agreed as follows:

Part I. Substantive Provisions

Sphere of Application

Article 1

1. This Convention shall determine when claims of a buyer and a seller against each other arising from a