

SPECIAL MEETING
OF PLENIPOTENTIARIES
FOR THE PURPOSE OF NEGOTIATING
AND SIGNING A EUROPEAN CONVENTION
ON INTERNATIONAL
COMMERCIAL ARBITRATION

FINAL ACT



UNITED NATIONS

1961

FINAL ACT OF THE SPECIAL MEETING OF PLENIPOTENTIARIES
FOR THE PURPOSE OF NEGOTIATING AND SIGNING
A EUROPEAN CONVENTION ON INTERNATIONAL COMMERCIAL ARBITRATION

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.
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.

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.