

*Article 97*

(1) Declarations made under this Convention at the time of signature are subject to confirmation upon ratification, acceptance or approval.

(2) Declarations and confirmations of declarations are to be in writing and be formally notified to the depositary.

(3) A declaration takes effect simultaneously with the entry into force of this Convention in respect of the State concerned. However, a declaration of which the depositary receives formal notification after such entry into force takes effect on the first day of the month following the expiration of six months after the date of its receipt by the depositary. Reciprocal unilateral declarations under article 94 take effect on the first day of the month following the expiration of six months after the receipt of the latest declaration by the depositary.

(4) Any State which makes a declaration under this Convention may withdraw it at any time by a formal notification in writing addressed to the depositary. Such withdrawal is to take effect on the first day of the month following the expiration of six months after the date of the receipt of the notification by the depositary.

(5) A withdrawal of a declaration made under article 94 renders inoperative, as from the date on which the withdrawal takes effect, any reciprocal declaration made by another State under that article.

OVERVIEW

1. Article 97 provides the process for States to enter declarations to the Convention in accordance with those authorized under article 98 of the Convention (i.e., articles 92-96). Article 97 (2) requires that declarations and confirmations of declarations are to be in writing and formally notified to the depositary. Obligations and functions of the depositary are performed by: Depositary Functions of the Treaty Section, Office of Legal Affairs, United Nations, New York, NY 10017. See article 89 for further explanation of the depositary's functions and obligations as related to the Convention.

2. Article 97 (3) provides when a declaration takes effect. A declaration enters into force the date the Convention is deemed to enter into force in a State. However, when a notification of a declaration is submitted to the depositary after the Convention enters into force within a State, the declaration will take effect the first day of the month following six months after receipt of the declaration by the depositary. Article 97 (3) further provides that reciprocal unilateral declarations (under article 94) take effect on the first day of the month following the expiration of six months after the receipt of the latest declaration by the depositary.

3. In accordance with article 97 (4), a State has the right to withdraw any declaration. The requirements for withdrawal

identified in article 97 (4) are self-explanatory. Article 97 (5) explains the impact of a withdrawal of a declaration made under article 94, providing that the article 94 withdrawal renders inoperative any reciprocal declaration made by another State under that article (as from the date on which the withdrawal takes effect).

4. On 31 July 1992 the Government of Canada, in accordance with article 97 (4) of the Convention, withdrew its article 95 declaration with respect to British Columbia, which had been made upon accession.

5. The Republic of Estonia, in accordance with article 97 (4) of the Convention, withdrew its 9 March 2004 article 96 declaration made in its instrument of ratification. The declaration had stated: "in accordance with articles 12 and 96 of the United Nations Convention on Contracts for the International Sale of Goods any provision of article 11, article 29 or Part II of the Convention that allows a contract of sale or its modification or termination by agreement of any offer, acceptance or other indication of intention to be made in any form other than in writing does not apply where any party has his place of business in the Republic of Estonia."

6. Court decisions and arbitral awards referring to article 97 have not been identified.