

RODRIGO,
ELIAS
& MEDRANO
ABOGADOS

NEWSLETTER

__ Wheat Export or Import

GAFTA Council has approved changes to several of its standard form contracts, the optional clauses, and the sampling rules. The changes are effective for contracts entered into on or after 1 October 2024.



GAFTA has made these amendments to (i) remove ambiguity around 'Delivery' and 'Shipment' and (ii) correct typographical errors and inconsistencies. The contracts which have been subject to revisions are largely those drafted on FOB terms, but changes have also been made to an FCA contract (No. 89) and a CIF contract (No. 81).

Clause	Relevant Contract	Amendment
Quantity clause	Contracts 64, 79A, 119 (all clause 2)	Amended from 'shipment' to 'delivery'.
Price clause	Contracts 18 and 38 (both clause 3)	Heading amended from 'PRICE AND DESTINATION' to 'PRICE'.
Brokerage clause	Contracts 23, 38, 39, 47, 49, 64, 79A, 82, 115, 118, 119, 120 and 202 (all clause 4)	Amended from 'delivery' to 'Performance' <i>or</i> 'period for presentation of the vessel'.
Period of delivery cause	Contracts 18 (clause 6), 23 (clause 7), 38 (clause 6), 39 (clause 6), 47 (clause 6), 49 (clause 6), 64 (clause 6), 79A (clause 7), 82 (clause 6), 118 (clause 7), 119 (clause 6), 120 (clause 6), and 202 (clause 6)	<ul style="list-style-type: none"> • Heading amended from 'PERIOD OF DELIVERY, Delivery during' to 'PERIOD FOR PRESENTATION OF THE VESSEL, Presentation of the vessel during'. • Amended from 'delivery' to 'presentation of the vessel'.
Extension clause	Contracts 18 (clause 7), 23 (clause 10), 38 (clause 9), 39 (clause 9), 47 (clause 8), 49 (clause 8), 64 (clause 8), 79A (clause 8), 82 (clause 8), 115 (clause 9), 118 (clause 10), 119 (clause 9), 120 (clause 7) and 202 (clause 10)	<ul style="list-style-type: none"> • Heading amended from 'EXTENSION OF DELIVERY' to 'EXTENSION OF PERIOD FOR PRESENTATION OF THE VESSEL'. • Amended from 'delivery' to 'presentation of the vessel'.

Duties, taxes, levies, etc. clause	Contracts 18 (clause 10), 23 (clause 13), 82 (clause 11), 119 (clause 12), 120 (clause 14) and 202 (clause 13)	Amended from 'shipment' to 'loading'.
Prevention of delivery clause	Contracts 18 (clause 16), 23 (clause 18), 38 (clause 17), 39 (clause 17), 47 (clause 14), 49 (clause 13), 64 (clause 17), 79A (clause 18), 82 (clause 17), 115 (clause 17), 118 (clause 18), 119 (clause 17), 120 (clause 19), 202 (clause 18)	<ul style="list-style-type: none"> • Heading amended to 'PREVENTION OF PERFORMANCE'. • Amended from 'delivery' to 'presentation of the vessel' <i>or</i> 'presentation'.
Carrying charges clause	Contracts 39 (clause 10)	'contract delivery' replaced with 'presentation of the vessel'.
Non-business days clause	Contracts 18 (clause 18), 23 (clause 21), 49 (clause 15), 64 (clause 19), 79A (clause 21), 82 (clause 19), 115 (clause 19), 118 (clause 21), 119 (clause 20), 120 (clause 22), 202 (clause 21)	Amended from 'delivery' to 'presentation of the vessel' <i>or</i> 'presentation'
Circle clause	Contracts 18 (clause 20), 23 (clause 19), 38 (clause 22), 39 (clause 22), 47 (clause 21), 49 (clause 20), 64 (clause 21), 79A (clause 19), 118 (clause 19), 119 (clause 18), 120 (clause 20), 202 (clause 19)	Amended from 'delivery' to 'presentation of the vessel' <i>or</i> 'performance'.

General applicable clause	Contract 131	Optional clauses 1-4 replaced with 'general applicable' standing-in clause.
Standing in provisions clause	124 Sampling Rules (clauses 10 and 11)	Standing-in Provisions for Sampling of Feedingstuffs (clause 10) and Referee Analysts' Addresses' (clause 11) replaced with a new clause 10 - Feedingstuffs sold on a contract including the standing-in provisions.
Biomass clause	Contract 202 (clause 1)	'GOODS' added to the heading.
Quantity clause	Contracts 64, 79A, 119 (all clause 2)	'of goods' deleted.
General amendments for typos and consistencies with other contracts	Contract 78UA	(d) and (e) payment clause alphabetical order corrected.
General amendments for typos and consistencies with other contracts	Contracts 81 and 78UA	Full insurance clause added for consistencies with other CIF contracts.