



General Assembly

Distr.: Limited
5 September 2022

Original: English

**United Nations Commission on
International Trade Law
Working Group VI (Negotiable
Multimodal Transport Documents)
Forty-first session
Vienna, 28 November–2 December 2022**

Annotated provisional agenda

I. Provisional agenda

1. Opening of the session and scheduling of meetings.
2. Election of officers.
3. Adoption of the agenda.
4. Future instrument on negotiable multimodal transport documents.
5. Adoption of the report.

II. Composition of the Working Group

1. The Working Group is composed of all States members of the Commission, which are the following: Afghanistan (2028), Algeria (2025), Argentina (2028), Armenia (2028), Australia (2028), Austria (2028), Belarus (2028), Belgium (2025), Brazil (2028), Bulgaria (2028), Cameroon (2025), Canada (2025), Chile (2028), China (2025), Colombia (2028), Côte d'Ivoire (2025), Croatia (2025), Czechia (2028), Democratic Republic of the Congo (2028), Dominican Republic (2025), Ecuador (2025), Finland (2025), France (2025), Germany (2025), Ghana (2025), Greece (2028), Honduras (2025), Hungary (2025), India (2028), Indonesia (2025), Iran (Islamic Republic of) (2028), Iraq (2028), Israel (2028), Italy (2028), Japan (2025), Kenya (2028), Kuwait (2028), Malawi (2028), Malaysia (2025), Mali (2025), Mauritius (2028), Mexico (2025), Morocco (2028), Nigeria (2028), Panama (2028), Peru (2025), Poland (2028), Republic of Korea (2025), Russian Federation (2025), Saudi Arabia (2028), Singapore (2025), Somalia (2028), South Africa (2025), Spain (2028), Switzerland (2025), Thailand (2028), Türkiye (2028), Turkmenistan (2028), Uganda (2028), Ukraine (2025), United Kingdom of Great Britain and Northern Ireland (2025), United States of America (2028), Venezuela (Bolivarian Republic of) (2028), Viet Nam (2025) and Zimbabwe (2025).

2. States not members of the Commission and international governmental organizations may attend the session as observers and participate in the deliberations. In addition, invited international non-governmental organizations may attend the session as observers and represent the views of their organizations on matters where



the organization concerned has expertise or international experience so as to facilitate the deliberations at the session.

III. Annotations to agenda items

Item 1. Opening of the session and scheduling of meetings

3. The forty-first session of the Working Group will be held at the Vienna International Centre in Vienna from 28 November to 2 December 2022. Meeting hours and arrangements for participation in the session will be announced on the website of Working Group VI.

Item 2. Election of officers

4. In accordance with its practice at previous sessions, the Working Group may wish to elect a Chairperson and a Rapporteur.

Item 4. Future instrument on negotiable multimodal transport documents

(a) Background information

5. At the fifty-second session of the Commission (Vienna, 8–19 July 2019), the Government of the People's Republic of China presented a proposal on possible future work by UNCITRAL towards the development of a negotiable transport document to facilitate multimodal carriage of goods, particularly by railway in the Euro-Asian space ([A/CN.9/998](#)). The proposal indicated that, unlike the ocean bill of lading, the railway consignment note did not serve as a document of title and could not be used for the settlement and financing of letters of credit. The limited function of the railway consignment note also constrained the ability of banks and other institutions to provide financial services and increased the financial pressure on importers and the risks faced by exporters in collecting payments.¹

6. At that session, the Commission considered with interest the proposal, which was felt to have considerable practical significance for world trade, in particular for the economic growth of developing countries. However, given the wide range of issues involved and their complexity, the Commission agreed, as a first step, to request its secretariat to conduct research on legal issues related to the use of railway or other consignment notes, and to coordinate with other relevant organizations such as the Intergovernmental Organization for International Carriage by Rail (OTIF), the Organization for Cooperation between Railways (OSJD), the International Rail Transport Committee (CIT), the relevant United Nations regional commissions, in particular the Economic Commission for Europe (UNECE) (which was also working on legal standards for international railway transport), the International Federation of Freight Forwarders Associations (FIATA) and the International Chamber of Commerce (ICC). In that connection, the Commission requested its secretariat to report back to the Commission, at its fifty-third session, in 2020, on the progress made in that research.²

7. At its fifty-third session (online, 6–17 July 2020, and Vienna/online, 14–18 September 2020), after considering the report by the secretariat on the results of its exploratory work on the topic ([A/CN.9/1034](#)), the Commission concurred with the secretariat's assessment that there was a demand for negotiable transport documents that could cover carriage by modes other than sea carriage, in particular by railways. It considered that its work could cover negotiable and non-negotiable transport documents (issuance and contents of transport documents, rights and obligations of the carriers or multimodal transport operators in respect of the contents and evidentiary function of documents as well as the delivery of goods). It also

¹ *Official Records of the General Assembly, Seventy-fourth Session, Supplement No. 17* ([A/74/17](#)), para. 216.

² *Ibid.*, paras. 217 and 218.

considered that the inclusion of electronic transport documents in that work would be particularly timely for supporting the new types of supply chain and logistics models expected to develop in response to the widespread business disruptions caused by the COVID-19 pandemic.³ The Commission requested its secretariat to start preparatory work towards the development of a new international instrument on negotiable multimodal transport documents that could be used for contracts not involving carriage by sea, and present the results of that work to the Commission for consideration at its next session. The secretariat was requested to carry out that work in close coordination and cooperation with relevant international organizations and convene as necessary expert group meetings and, resources permitting, a UNCITRAL colloquium.⁴

8. At its fifty-fourth session (Vienna, 28 June–16 July 2021), the Commission considered the note by the secretariat summarizing the preparatory work done in response to the Commission's request at its fifty-third session (A/CN.9/1061). The Commission was informed, in particular, of the results of: (a) the research done by the secretariat on provisions addressing negotiable and non-negotiable transport documents found in international conventions and national laws regulating multimodal transport; and (b) the consultations with experts and interested organizations, primarily through an expert group meeting on a new international instrument on negotiable multimodal transport documents that took place online on 2 and 3 February 2021, and an open webinar on "International experiences with the dematerialization of negotiable transport documents" that took place on 13 and 14 April 2021.⁵ After discussion, the Commission requested the secretariat to report to the Commission, at its next session, on the progress made, including on the preparation of a preliminary draft of a new instrument on negotiable multimodal transport documents. The Commission agreed to give high priority to the project for assignment to the next available working group.⁶

9. At its fifty-fifth session (New York, 27 June–15 July 2022), the Commission considered the note by the secretariat summarizing the preparatory work done in response to the Commission's request at its fifty-fourth session (A/CN.9/1101). The Commission was informed, in particular, of the results of the research done by the secretariat and the preparation of a preliminary draft of a new instrument with experts and interested organizations, primarily through two expert group meetings on the development of a new international instrument on negotiable multimodal transport documents that took place online on 10 and 11 November 2021, and on 30 and 31 March 2022.

10. The Commission commended the preparatory work carried out by the secretariat since its fifty-fourth session, and there was wide and strong support for assigning work on the development of a new instrument on negotiable multimodal transport documents to a working group for further consideration. Beyond the project on trade and finance facilitation, additional benefits would be the incentive to the digitalization of transport document, a significant and timely aspect in the aftermath of the COVID-19 pandemic. After discussion, it was agreed that Working Group VI should take up work towards the development of a new instrument on negotiable multimodal transport documents.⁷

(b) Documentation

11. The Working Group will have before it a note by the Secretariat setting out some key issues that the Working Group is invited to consider in connection with the

³ Ibid., *Seventy-fifth Session, Supplement No. 17* (A/75/17), part two, para. 81.

⁴ Ibid., para. 82.

⁵ The web page of the webinar may be found at <https://uncitral.un.org/en/webinar-dematerialization-negotiable-transport-documents>.

⁶ *Official Records of the General Assembly, Seventy-sixth Session, Supplement No. 17* (A/76/17), para. 224.

⁷ Ibid., *Seventy-seventh Session, Supplement No. 17* (A/77/17), paras. 22 (h) and 202.

development of a new instrument on negotiable cargo documents, as well as an annotated set of preliminary draft provisions to facilitate its deliberations, which have been prepared by the secretariat to reflect the results of the consultations conducted with outside experts and interested organizations since the fifty-fourth session of the Commission (A/CN.9/WG.VI/WP.96).

12. UNCITRAL documents are posted on the UNCITRAL website (<https://uncitral.un.org/>) upon their issuance in all the official languages of the United Nations. Delegates may wish to check the availability of the documents by accessing the page of the Working Group in the “Working Documents” section of the UNCITRAL website.

Item 5. Adoption of the report

13. The Working Group may wish to adopt, at the close of its session, a report for submission to the fifty-sixth session of the Commission, scheduled to be held in Vienna from 3 to 21 July 2023.

IV. Scheduling of meetings

14. The forty-first session of the Working Group will last for five working days. There will be ten half-day meetings available for consideration of the agenda items. The Working Group may wish to note that, consistent with decisions taken by the Commission at its thirty-fourth session,⁸ the Working Group is expected to hold substantive deliberations during the first nine half-day meetings (that is, from Monday to Friday morning), with a draft report on the entire period being prepared by the secretariat for adoption at the tenth and last meeting of the Working Group on Friday afternoon.

15. The Working Group may wish to note that its forty-second session is scheduled to be held in New York from 8 to 12 May 2023.

⁸ Ibid., *Fifty-sixth Session, Supplement No. 17* and corrigendum (A/56/17 and Corr.3), para. 381.