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**United Nations Commission on
International Trade Law**
Fifty-sixth session
Vienna, 3–21 July 2023

Provisional agenda, annotations thereto and scheduling of meetings of the fifty-sixth session

I. Provisional agenda, scheduling of meetings and documentation

<i>Agenda item</i>	<i>Proposed date(s)/time for consideration</i>	<i>Pre-session documentation</i>
1. Opening of the session.	Monday, 3 July, 10 a.m.	Provisional agenda, annotations thereto and scheduling of meetings of the fifty-sixth session: A/CN.9/1121
2. Election of officers.		
3. Adoption of the agenda.		
4. Consideration of texts prepared in the context of investor-State dispute settlement reform	Monday, 3 July– Friday, 7 July	Draft code of conduct for arbitrators in international investment dispute resolution and commentary: A/CN.9/1148 Draft code of conduct for judges in international investment dispute resolution and commentary: A/CN.9/1149
(a) Consideration of draft codes of conduct for arbitrators and judges in international investment dispute resolution and respective commentary		
(b) Consideration of draft provisions on mediation		Draft provisions on mediation: A/CN.9/1150
(c) Consideration of draft guidelines on investment mediation		Draft guidelines on investment mediation: A/CN.9/1151
5. Consideration of draft guide on access to credit for micro, small and medium-sized enterprises	Monday, 10 July– Tuesday, 11 July	Draft guide on access to credit for micro, small and medium-sized enterprises: A/CN.9/1156 Reports of Working Group I (MSMEs) on the work of its thirty-eighth and thirty-ninth sessions: A/CN.9/1122 and A/CN.9/1128



<i>Agenda item</i>	<i>Proposed date(s)/time for consideration</i>	<i>Pre-session documentation</i>
6. UNCITRAL Colloquium on Climate Change and International Trade Law	Wednesday, 12 July–Thursday, 13 July	Appendix to the Note by the Secretariat on climate change and international trade law: A/CN.9/1153
7. Consideration of draft guidance text on early dismissal and preliminary determination for inclusion into the UNCITRAL Notes on Organizing Arbitral Proceedings	Friday, 14 July	Draft guidance text on early dismissal and preliminary determination: A/CN.9/1145
8. Progress report of working groups:	Monday, 17 July	<p>Report of Working Group II (Dispute Settlement) on the work of its seventy-sixth and seventy-seventh sessions: A/CN.9/1123 and A/CN.9/1129</p> <p>Reports of Working Group III (ISDS Reform) on the work of its forty-third, forty-fourth and forty-fifth sessions: A/CN.9/1124, A/CN.9/1130 and A/CN.9/1131</p> <p>Reports of Working Group IV (Electronic Commerce) on the work of its sixty-fourth and sixty-fifth sessions: A/CN.9/1125 and A/CN.9/1132</p> <p>Reports of Working Group V (Insolvency Law) on the work of its sixty-first and sixty-second sessions: A/CN.9/1126 and A/CN.9/1133</p> <p>Reports of Working Group VI (Negotiable Multimodal Transport Documents) on the work of its forty-first and forty-second sessions: A/CN.9/1127 and A/CN.9/1134</p>
9. Coordination and cooperation	Id.	<p>A note by the Secretariat on coordination and cooperation: A/CN.9/1143</p> <p>A note by the Secretariat on invited organizations: A/CN.9/1142</p> <p>[Oral reports by invited international organizations may be expected at the session under this item]</p>
10. Secretariat reports on non-legislative activities:	Id.	<p>A note by the Secretariat on technical cooperation and assistance: A/CN.9/1138</p> <p>A note by the Secretariat on dissemination of information and related activities to support UNCITRAL's work and the use of its texts, including CLOUT, Digests of Case Law and expanding online repository of information on UNCITRAL texts: A/CN.9/1139</p> <p>Report of the Regional Centre for Asia and the Pacific: A/CN.9/1137</p>
(a) Technical assistance, cooperation and activities to support the use of UNCITRAL texts;		
(b) Status and promotion of UNCITRAL legal texts and the New York Convention;		
(c) Relevant General Assembly resolutions;		

<i>Agenda item</i>	<i>Proposed date(s)/time for consideration</i>	<i>Pre-session documentation</i>
(d) Current role of UNCITRAL in promoting the rule of law; and		A note by the Secretariat on the status of conventions, model laws and the operation of the Transparency Registry: A/CN.9/1136
(e) Bibliography of recent writings related to the work of UNCITRAL.		A note by the Secretariat on relevant General Assembly resolutions: A/CN.9/1141 A note by the Secretariat on the current role of UNCITRAL in promoting the rule of law and the implementation of Sustainable Development Goals: A/CN.9/1147 Bibliography of recent writings related to the work of UNCITRAL: A/CN.9/1135
11. Work programme of the Commission:	Tuesday, 18 July	A note by the Secretariat giving a general overview of the work programme of the Commission and of its working groups and secretariat: A/CN.9/1140 Note by the Secretariat on preparatory work on legal issues of warehouse receipts: A/CN.9/1152 Note by the Secretariat on exploratory work on the impact of COVID-19 on international trade law: A/CN.9/1144 Notes by the Secretariat on climate change and international trade law: A/CN.9/1153 and A/CN.9/1153/Add.1
- Consideration of the results of the secretariat preparatory work on warehouse receipts;		
- Consideration of the results of the secretariat exploratory work on the impact of COVID-19 on international trade law; and		
- Consideration of climate change and international trade law.		
11. Work programme of the Commission (cont.):	Wednesday, 19 July	Note by the Secretariat on legal issues relating to the use of distributed ledger technology in trade (scoping paper): A/CN.9/1146 Notes by the Secretariat on taxonomy and preliminary findings of stocktaking of developments in dispute resolution in the digital economy: A/CN.9/1154 and A/CN.9/1155 A note by the Secretariat giving a general overview of the work programme of the Commission and of its working groups and secretariat: A/CN.9/1140 [Proposals by States and international organizations for future work may be expected]
- Consideration of legal issues relating to the use of distributed ledger technology in trade;		
- Consideration of dispute resolution in the digital economy;		
- Consideration of any additional topics for possible future work by UNCITRAL; and		
- Methods of work.		
12. Date and place of future meetings	Thursday, 20 July	Provisional agenda, annotations thereto and scheduling of meetings of the fifty-sixth session: A/CN.9/1121 (see paras. 43–48 below)
13. Other business	Id.	—
(a) Evaluation of the role of the UNCITRAL secretariat		

<i>Agenda item</i>	<i>Proposed date(s)/time for consideration</i>	<i>Pre-session documentation</i>
in facilitating the work of the Commission; and (b) Other matters.		
14. Adoption of the report of the Commission	Friday, 21 July	—

II. Annotations to agenda items provisionally scheduled for the fifty-sixth session

1. Opening of the session

1. The fifty-sixth session of the Commission will be held at the Vienna International Centre in Vienna, from 3 to 21 July 2023.¹ The session will be opened on Monday, 3 July 2023, at 10 a.m. (see below, section III, for more details about the schedule of meetings).

2. As at 3 July 2023, the United Nations Commission on International Trade Law will be composed of the following member States: 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

3. Member States not members of the Commission, non-Member States having received a standing invitation to participate as observers in the sessions and the work of the General Assembly, 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.

2. Election of officers

4. Pursuant to a decision taken by the Commission at its first session, the Commission elects, for each session, a Chairperson, three Vice-Chairpersons and a Rapporteur.

¹ *Official Records of the General Assembly, Seventy-sixth Session, Supplement No. 17 (A/76/17)*, para. 386.

² The membership of the Commission was increased from 60 to 70 States by resolution [A/RES/76/109](#) of 9 December 2021. Five additional members were to be elected during the seventy-sixth session of the General Assembly, with the remaining five additional members to be elected during the seventy-ninth session of the General Assembly.

4. Consideration of texts prepared in the context of investor-State dispute settlement (ISDS) reform

5. At its fiftieth session, in 2017, the Commission entrusted Working Group III with a broad mandate to work on the possible reform of investor-State dispute settlement (ISDS).³ From its thirty-fourth to thirty-seventh session, the Working Group identified and discussed concerns regarding ISDS and considered that reform was desirable in light of the identified concerns.⁴ From its thirty-eighth to forty-fifth session, the Working Group considered concrete elements for ISDS reform.⁵ The following reflects the outcome of the Working Group's work on some of the reform elements.

(a) Consideration of draft UNCITRAL codes of conduct for arbitrators and judges in international investment dispute resolution and respective commentary

6. At its fifty-sixth session, the Commission will have before it a draft UNCITRAL code of conduct for arbitrators in international investment dispute resolution and commentary ([A/CN.9/1148](#)) as well as a draft UNCITRAL code of conduct for judges in international investment dispute resolution and commentary ([A/CN.9/1149](#)). It is suggested that the code of conduct for judges in international investment dispute resolution be adopted in principle as Working Group III is in the process of discussing the possible establishment of a standing mechanism to resolve investment disputes and exactly how the code is to be incorporated into instruments of a standing mechanism would be the subject of further consideration.

(b) Consideration of draft provisions on mediation

7. At its fifty-sixth session, the Commission will have before it the draft provisions on mediation ([A/CN.9/1150](#)), which was considered by Working Group III at its forty-third and forty-fifth sessions. The draft provisions are to be recommended for use by States in their treaties and for possible inclusion in a multilateral instrument on ISDS reform, which Working Group III is in the process of developing with a view to applying them to existing treaties. The draft provisions aim to provide a clear legal basis to conduct mediation in order to encourage parties to use mediation as a means to solve their investment disputes.

(c) Consideration of draft UNCITRAL guidelines on investment mediation

8. At its fifty-sixth session, the Commission will have before it the draft UNCITRAL guidelines on investment mediation ([A/CN.9/1151](#)), which was considered by Working Group III at its forty-third and forty-fifth sessions. The draft guidelines are an explanatory text on issues that arise in the context of investment mediation and are to be recommended for use by parties to investment disputes, mediators, institutions as well as for other purposes to promote the use of mediation to resolve investment disputes.

5. Consideration of draft guide on access to credit for micro, small and medium sized enterprises

9. At its fifty-second session, in 2019, the Commission agreed to strengthen and complete Working Group I's work on reducing the legal obstacles faced by micro, small and medium-sized enterprises (MSMEs) throughout their life cycle with

³ *Official Records of the General Assembly, Seventy-second Session, Supplement No. 17 (A/72/17)*, para. 264.

⁴ The deliberations and decisions of the Working Group at its thirty-fourth to thirty-seventh sessions are set out in documents [A/CN.9/930/Rev.1](#); [A/CN.9/930/Rev.1/Add.1](#); [A/CN.9/935](#); [A/CN.9/964](#); and [A/CN.9/970](#), respectively.

⁵ The deliberations and decisions of the Working Group at its thirty-eighth to forty-fourth sessions are set out in documents [A/CN.9/1004](#); [A/CN.9/1004/Add.1](#); [A/CN.9/1044](#); [A/CN.9/1050](#); [A/CN.9/1054](#); [A/CN.9/1086](#); [A/CN.9/1092](#); [A/CN.9/1124](#); [A/CN.9/1130](#) and [A/CN.9/1131](#) (forthcoming).

guidance on access to credit for MSMEs and requested the secretariat to start preparing draft materials with a view to their consideration by the Working Group.⁶

10. At its thirty-sixth session (Vienna, 4 to 8 October 2021), the Working Group commenced its deliberations on the topic on the basis of a preliminary draft text contained in a note by the Secretariat ([A/CN.9/WG.I/WP.124](#)). The Working Group continued such work at its thirty-seventh session (New York, 9 to 13 May 2022) and thirty-eighth session (Vienna, 19–23 September 2022), on the basis of notes by the Secretariat ([A/CN.9/WG.I/WP.126](#) and [A/CN.9/WG.I/WP.128](#), respectively). The Working Group completed such work at its thirty-ninth session (New York, 13–17 February 2023) on the basis of the note by the Secretariat [A/CN.9/WG.I/WP.130](#).

11. At its fifty-sixth session, the Commission will have before it the draft guide on access to credit for micro, small and medium sized enterprises ([A/CN.9/1156](#)) revised in accordance with the deliberations of the Working Group as presented in the reports of the thirty-eighth and thirty-ninth sessions of the Working Group ([A/CN.9/1122](#) and [A/CN.9/1128](#)).

6. UNCITRAL Colloquium on Climate Change and International Trade Law

12. At its fifty-fourth session, the Commission heard a proposal to examine (a) how existing UNCITRAL texts could be aligned with climate change mitigation, adaptation and resilience goals, and (b) whether further work could be done by UNCITRAL to facilitate those goals in the implementation of those texts or through the development of new texts. Broad support had been expressed at that time for the Commission to consider the proposal further, on the basis of more precise information on the potential work involved.⁷

13. At its fifty-fifth session, the Commission considered a note by the Secretariat summarizing the findings and recommendations of a study on private law aspects of climate change, commissioned from an outside expert with a view to assisting the Commission in considering the desirability and feasibility of undertaking work in that area ([A/CN.9/1120](#) and [A/CN.9/1120/Add.1](#)). There was wide agreement within the Commission on the importance of the topic and on the usefulness of exploring how UNCITRAL could offer its own contribution to the international community's efforts to combat climate change and mitigate its effects by updating existing private law instruments and developing new enabling legal mechanisms, if necessary.⁸ At that session, the Commission requested the secretariat to organize a colloquium or an expert group meeting on the various legal issues surrounding climate change mitigation, adaptation and resilience, in conjunction with relevant and interested international organizations, the results of which would facilitate its consideration at a future session.⁹

14. Pursuant to that request, the UNCITRAL Colloquium on Climate Change and International Trade Law will be held on 12 and 13 July 2023, during the fifty-sixth Commission session, to consider areas in which international trade law can effectively support the achievement of climate action goals set by the international community, the scope and value of legal harmonization in those areas and the need for international guidance for legislators, policymakers, courts and dispute resolution bodies. The Colloquium is intended to assist the Commission consider: (a) the contribution that UNCITRAL could make in the light of its mandate to promote the harmonization and modernization of the law of international trade in the form of possible future work and (b) how existing UNCITRAL instruments in areas such as contract law, electronic commerce, public procurement, public-private partnerships and dispute resolution can be applied to support climate action. The programme of

⁶ *Official Records of the General Assembly, Seventy-fourth Session, Supplement No. 17* ([A/74/17](#)), para. 192(a).

⁷ *Ibid.*, *Seventy-sixth Session, Supplement No. 17* ([A/76/17](#)), paras. 244–245.

⁸ *Ibid.*, *Seventy-seventh Session, Supplement No. 17* ([A/77/17](#)), paras. 211–212.

⁹ *Ibid.*, para. 216.

the colloquium will be available in a separate note (A/CN.9/1153). The first day will focus on emission trading and sustainable finance, whereas the second day will deal with corporate social responsibility, greening the supply chain and climate-related dispute resolution, including from the perspective of UNCITRAL instruments.

15. The main conclusions of the Colloquium will be presented to the Commission for consideration under agenda item 11, along with the notes by the Secretariat on climate change and international trade law (A/CN.9/1153 and A/CN.9/1153/Add.1), during the third week of its fifty-sixth session.

7. Consideration of draft guidance text on early dismissal and preliminary determination for inclusion into the UNCITRAL Notes on Organizing Arbitral Proceedings

16. The Commission, at its fifty-fourth session in 2021, requested Working Group II to discuss the topic of early dismissal and present the results of its discussions to the fifty-fifth session of the Commission in 2022.¹⁰ Accordingly, at its seventy-fourth session (Vienna, 27 September–1 October 2021), Working Group II considered the topic based on a note by the Secretariat (A/CN.9/WG.II/WP.220)¹¹ and requested the Commission to provide guidance on the appropriate form of such work (A/CN.9/1085, para. 66).

17. The Commission, at its fifty-fifth session in 2022, considered the topic based on a note prepared by the Secretariat containing three legislative options (A/CN.9/1114) and entrusted the Working Group to develop a guidance text on early dismissal and preliminary determination on the basis of the first option outlined in A/CN.9/1114. The Working Group considered the guidance note during its seventy-sixth session (Vienna, 10–14 October 2022) and completed its deliberations during the seventy-seventh session (New York, 6–10 February 2023) on the basis of a note by the Secretariat (A/CN.9/WG.II/WP.230).

18. At its fifty-sixth session, the Commission will have before it the draft guidance text on early dismissal and preliminary determination as a note for inclusion into the UNCITRAL Notes on Organizing Arbitral Proceedings (A/CN.9/1145).

8. Progress report of working groups

(a) Working Group I (Micro, small and medium-sized enterprises (MSMEs))

19. At its fifty-sixth session, the Commission will have before it the reports of the thirty-eighth and thirty-ninth sessions of Working Group I (A/CN.9/1122 and A/CN.9/1128). The Commission is expected to consider that work under agenda item 5 (see paras. 9–11 above).

(b) Working Group II (Dispute Settlement)

20. The Commission, at its fifty-fifth session in 2022, entrusted the Working Group to consider the topics of technology-related dispute resolution and adjudication jointly and to consider ways to further accelerate the resolution of disputes. It was agreed that the work should build on the UNCITRAL Expedited Arbitration Rules and that the model provisions or clauses, or other forms of legislative or non-legislative text could be prepared on matters such as shorter time frames, appointment of experts/neutrals, confidentiality, and the legal nature of the outcome of the proceedings, all of which would allow disputing parties to tailor the proceeding to their needs to further expedite the proceedings.¹²

¹⁰ Ibid., *Seventy-sixth Session, Supplement No. 17* (A/76/17), paras. 25(g), 186, 214(b) and 242.

¹¹ In addition, examples of provisions on early dismissal and preliminary determination and guidance text were provided to the Working Group. Available at https://uncitral.un.org/sites/uncitral.un.org/files/media-documents/uncitral/en/early_dismissal_provisions.pdf.

¹² *Official Records of the General Assembly, Seventy-seventh Session, Supplement No. 17* (A/77/17), paras. 223–225.

21. During its seventy-sixth session in October 2022, the Working Group considered the topics of technology-related dispute resolution and adjudication on the basis of a note prepared by the Secretariat ([A/CN.9/WG.II/WP.227](#)) and continued considering the topics based on a note by the Secretariat ([A/CN.9/WG.II/WP.231](#)) at its seventy-seventh session (New York, 6–10 February 2023).

22. At its fifty-sixth session, the Commission will have before it the reports of the seventy-sixth and seventy-seventh sessions of Working Group II ([A/CN.9/1123](#) and [A/CN.9/1129](#)). Furthermore, the Commission is expected to consider that work under agenda item 7 (see paras. 16–18 above).

(c) Working Group III (ISDS Reform)

23. At its fiftieth session, in 2017, the Commission entrusted Working Group III with a broad mandate to work on the possible ISDS reform.¹³

24. At its two-week forty-third session (Vienna, 5–16 September 2022), the Working Group considered a number of the reform elements, including, the selection and appointment of ISDS tribunal members in the context of a standing mechanism, the establishment of an advisory centre, a multilateral instrument on ISDS reform, the assessment of damages and compensation, the draft provisions on procedural reforms, the draft texts on mediation as well as the draft code of conduct ([A/CN.9/1124](#)).

25. At its forty-fourth session (Vienna, 23–27 January 2023), the Working Group considered the draft codes of conduct (one for arbitrators and one for judges) and had a preliminary discussion on the draft provisions on a possible appellate mechanism. The Working Group requested the secretariat to present the draft codes and the respective commentary to the Commission, apart from the articles in the code of conduct for arbitrators relating to limits on multiple roles, which the Working Group agreed to continue its deliberations at the forty-fifth session ([A/CN.9/1130](#)).

26. At its forty-fifth session (New York, 28–31 March 2023), the Working Group completed its work on the draft codes of conduct including article 4 on the limits of multiple roles. The Working Group also approved the draft provisions on mediation as well as the draft guidelines on investment mediation and requested the secretariat to present them to the Commission for its consideration ([A/CN.9/1131](#)). At that session, the Working Group also had a preliminary discussion on a text on dispute prevention and mitigation.

27. At its fifty-sixth session, the Commission will have before it the reports of the forty-third, forty-fourth and forty-fifth sessions of the Working Group ([A/CN.9/1124](#), [A/CN.9/1130](#) and [A/CN.9/1131](#)) and will hear an oral report on the additional resources allocated for Working Group III. The additional one-week session allocated to Working Group III per year was utilized to extend the forty-third session for another week in 2022 and to hold the forty-fourth session in 2023. The same would be utilized to hold the forty-seventh session in 2024 (see para. 48 below).

(d) Working Group IV (Electronic Commerce)

28. The Commission is expected to consider the work of Working Group IV at its sixty-fourth and sixty-fifth sessions on the two topics mandated by the Commission at its fifty-fifth session, namely (a) the use of artificial intelligence (AI) and automation in contracting and (b) data contracts ([A/77/17](#), paras. 159 and 163).

29. It is proposed that the Commission take note of the progress made by the Working Group on the two topics, which have resulted in the elaboration of a set of principles on the use of AI and automation in contracting, and a set of default rules on data provision contracts. It is also proposed that the Commission take note of the suggestion of the Working Group as to how work should proceed on these topics, namely (a) that the secretariat prepare a revised set of principles on automated contracting and a revised set of default rules on data provision contracts for

¹³ Ibid., *Seventy-second Session, Supplement No. 17* ([A/72/17](#)), para. 264.

consideration by the Working Group at its sixty-sixth session, and (b) that the Working Group continue working on both topics in parallel.

30. At its fifty-sixth session, the Commission will have before it the reports of the sixty-fourth and sixty-fifth sessions of the Working Group ([A/CN.9/1125](#) and [A/CN.9/1132](#)).

(e) Working Group V (Insolvency Law)

31. The Commission may wish to recall that, at its fifty-fourth session, in 2021, it referred two topics to its Working Group V (Insolvency Law): civil asset tracing and recovery and applicable law in insolvency proceedings.¹⁴ The Working Group commenced consideration of those topics at its fifty-ninth session on the basis of the notes by the Secretariat ([A/CN.9/WG.V/WP.175](#) and [A/CN.9/WG.V/WP.176](#)) and continued that consideration at its sixtieth to sixty-second sessions (New York, 18–21 April 2022; Vienna, 12–16 December 2022; and New York, 17–20 April 2023) on the basis of the notes by the Secretariat.¹⁵ At its fifty-fifth session, in 2022, the Commission considered the reports of the fifty-ninth and sixtieth sessions of the Working Group ([A/CN.9/1088](#) and [A/CN.9/1094](#), respectively).

32. The Commission may wish to note that at its most recent sessions:

(a) The Working Group reviewed relevant provisions of UNCITRAL insolvency texts relevant to the topic of civil asset tracing and recovery in insolvency proceedings. It also considered an inventory of civil asset tracing and recovery tools in insolvency proceedings that reflected submissions by States and the first draft of an educational and informational text on the topic that reflected the results of the secretariat's exploratory and preparatory work and inputs received from States and experts; and

(b) As regards the topic of applicable law in insolvency proceedings, the Working Group considered a set of draft legislative provisions and commentary in the context of insolvency proceedings with respect to a single debtor, deferring consideration of the issues arising from the law applicable in concurrent insolvency proceedings, including in the enterprise group insolvency context, to a later stage.

33. At its fifty-sixth session, the Commission will have before it the reports of the sixty-first and sixty-second sessions of the Working Group ([A/CN.9/1126](#) and [A/CN.9/1133](#)).

(f) Working Group VI (Negotiable Multimodal Transport Documents)

34. At its fifty-fifth session, in 2022, the Commission agreed to add the topic of negotiable multimodal transport documents to the work programme of the Commission.¹⁶ Background information on the decision to add the topic to the work programme may be found in document [A/CN.9/WG.VI/WP.95](#), paragraphs 5–10.

35. At its forty-first session (Vienna, 28 November–2 December 2022), the Working Group considered the topic for the first time. The Working Group began its deliberations with a general exchange of views on the objectives, scope and form of the proposed new instrument. The Working Group proceeded with an article-by-article review of the preliminary draft provisions for an instrument on negotiable cargo documents as contained in the annex to document [A/CN.9/WG.VI/WP.96](#) and reviewed draft articles 3, 4, 7–11 and 12 (1) of the preliminary draft provisions.

36. At its forty-second session (New York, 8–12 May 2023), the Working Group is expected to continue its article-by-article review of the revised preliminary draft

¹⁴ Ibid., *Seventy-sixth Session, Supplement No. 17* ([A/76/17](#)), para. 217.

¹⁵ [A/CN.9/WG.V/WP.178](#), [A/CN.9/WG.V/WP.179](#), [A/CN.9/WG.V/WP.182](#) and its addendum; [A/CN.9/WG.V/WP.183](#) and its addendum; [A/CN.9/WG.V/WP.186](#) and [A/CN.9/WG.V/WP.187](#).

¹⁶ *Official Records of the General Assembly, Seventy-seventh Session, Supplement No. 17* ([A/77/17](#)), paras. 22 (h) and 202.

provisions for an instrument on negotiable cargo documents, focusing on those draft articles not yet considered during its forty-first session. If time permits, the Working Group is expected to examine the revised text of those draft articles considered during its forty-first session.

37. The Commission will have before it the reports of the forty-first and forty-second sessions of Working Group VI ([A/CN.9/1127](#) and [A/CN.9/1134](#)).

9. Coordination and cooperation

38. The Commission will be informed by a note of the Secretariat about activities undertaken by the secretariat since the Commission's previous session to ensure coordination with the work of other organizations active in the field of international trade law ([A/CN.9/1142](#)).

39. Representatives of international organizations will be given an opportunity to apprise the Commission of their current activities and possible means of strengthening cooperation with UNCITRAL.

40. The Commission may wish to recall that from its forty-fourth to fiftieth session, in 2011 to 2017, it heard oral reports by the secretariat about intergovernmental and non-governmental organizations invited to sessions of UNCITRAL,¹⁷ including comments on the manner in which invited organizations fulfilled the criteria applied by the secretariat in making its decision to invite non-governmental organizations.¹⁸ At its fiftieth session, in 2017, the Commission requested the secretariat to provide such information in writing for future sessions.¹⁹ Pursuant to that request, since its fifty-first session the Commission had before it notes by the Secretariat on international governmental and non-governmental organizations invited to sessions of UNCITRAL and its working groups ([A/CN.9/951](#), [A/CN.9/984](#), [A/CN.9/1023](#), [A/CN.9/1072](#) and [A/CN.9/1106](#)).²⁰ A similar note will be before the Commission at its fifty-sixth session ([A/CN.9/1143](#)).

10. Secretariat reports on non-legislative activities

41. As requested by the Commission at its fifty-first session, in 2018,²¹ the Commission will have before it for information notes by the Secretariat on: (a) technical assistance and cooperation activities ([A/CN.9/1138](#)); (b) dissemination of information and related activities to support UNCITRAL's work and the use of its texts, including CLOUT, Digests of Case Law and expanding online repository of information on UNCITRAL texts ([A/CN.9/1139](#)); (c) the report of the Regional Centre for Asia and the Pacific ([A/CN.9/1137](#)); (d) status of conventions, model laws, and the operation of the Transparency Registry ([A/CN.9/1136](#)); (e) relevant General Assembly resolutions ([A/CN.9/1141](#)); (f) the current role of UNCITRAL in promoting the rule of law and the implementation of Sustainable Development Goals ([A/CN.9/1147](#)); and (g) bibliography of recent writings related to the work of UNCITRAL ([A/CN.9/1135](#)).

¹⁷ Ibid., *Sixty-sixth Session, Supplement No. 17* ([A/66/17](#)), paras. 288–298; *ibid.*, *Sixty-seventh Session, Supplement No. 17* ([A/67/17](#)), paras. 174–178; *ibid.*, *Sixty-eighth Session, Supplement No. 17* ([A/68/17](#)), paras. 257–261; *ibid.*, *Sixty-ninth Session, Supplement No. 17* ([A/69/17](#)), paras. 205–207; *ibid.*, *Seventieth Session, Supplement No. 17* ([A/70/17](#)), paras. 279–281; *ibid.*, *Seventy-first Session, Supplement No. 17* ([A/71/17](#)), paras. 286–290; and *ibid.*, *Seventy-second Session, Supplement No. 17* ([A/72/17](#)), paras. 360–364.

¹⁸ Ibid., *Seventieth Session, Supplement No. 17* ([A/70/17](#)), para. 280.

¹⁹ Ibid., *Seventy-second Session, Supplement No. 17* ([A/72/17](#)), para. 364.

²⁰ Ibid., *Seventy-third Session, Supplement No. 17* ([A/73/17](#)), paras. 185–186; *ibid.*, *Seventy-fourth Session, Supplement No. 17* ([A/74/17](#)), paras. 236–238; *ibid.*, *Seventy-fifth Session, Supplement No. 17* ([A/75/17](#)), part one, paras. 51–53; *ibid.*, *Seventy-sixth Session, Supplement No. 17* ([A/76/17](#)), para. 283; and *ibid.*, *Seventy-seventh Session, Supplement No. 17* ([A/77/17](#)), paras. 254–255.

²¹ Ibid., *Seventy-third Session, Supplement No. 17* ([A/73/17](#)), paras. 258–267.

11. Work programme of the Commission

42. At its forty-sixth session, in 2013, the Commission agreed that it should reserve time for discussion of future work as a separate topic at each Commission session.²² Under this agenda item, the Commission will have before it:

(a) a note by the Secretariat giving a general overview of the work programme of the Commission and of its working groups and secretariat, including methods of work ([A/CN.9/1140](#));

(b) a note by the Secretariat on preparatory work on legal issues of warehouse receipts ([A/CN.9/1152](#));²³

(c) a note by the Secretariat on exploratory work on the impact of coronavirus disease (COVID-19) on international trade law containing in an annex a document tentatively titled “COVID-19 and international trade law instruments: a legal toolkit by the UNCITRAL secretariat”, which the Commission may wish to authorize the secretariat to publish ([A/CN.9/1144](#));²⁴

(d) notes by the Secretariat on climate change and international trade law ([A/CN.9/1153](#) and [A/CN.9/1153/Add.1](#));²⁵

(e) a note by the Secretariat on legal issues relating to the use of distributed ledger technology in trade (scoping paper) ([A/CN.9/1146](#));²⁶ and

(f) notes by the Secretariat on taxonomy and preliminary findings of stocktaking of developments in dispute resolution in the digital economy ([A/CN.9/1154](#) and [A/CN.9/1155](#)).²⁷

12. Date and place of future meetings

Fifty-seventh session of the Commission

43. The Commission may wish to note that its fifty-seventh session will be held in New York. Tentative arrangements have been made for the session to be held from 24 June to 12 July 2024. The Commission may wish to recall that, at its fifty-second session, it confirmed its understanding that two-week sessions would generally be sufficient and that the duration of each annual session was to be determined on a case-by-case basis depending on the expected workload.²⁸

Sessions of working groups

44. At its thirty-sixth session, in 2003, the Commission agreed that: (a) working groups should normally meet for a one-week session twice a year; (b) extra time, if required, could be allocated from the unused entitlement of another working group provided that such arrangement would not result in the increase of the total number of 12 weeks of conference services per year currently allotted to sessions of all six working groups of the Commission; and (c) if any request by a working group for extra time would result in the increase of the 12-week allotment, it should be reviewed by the Commission, with proper justification being given by that working group regarding the reasons for which a change in the meeting pattern was needed.²⁹

45. At its fifty-second session, in 2019, the Commission decided that extra time for conference services, if required, could also be allocated to working groups from the unused time of the Commission session.³⁰ It confirmed that requests by working

²² Ibid., *Sixty-eighth Session, Supplement No. 17* ([A/68/17](#)), para. 310.

²³ Ibid., *Seventy-seventh Session, Supplement No. 17* ([A/77/17](#)), paras. 196–197.

²⁴ Ibid., para. 208.

²⁵ Ibid., para. 216.

²⁶ Ibid., para. 169.

²⁷ Ibid., para. 222.

²⁸ Ibid., *Seventy-fourth Session, Supplement No. 17* ([A/74/17](#)), para. 331.

²⁹ Ibid., *Fifty-eighth Session, Supplement No. 17* ([A/58/17](#)), para. 275.

³⁰ Ibid., *Seventy-fourth Session, Supplement No. 17* ([A/74/17](#)), para. 323.

groups for additional time for conference services would be considered by the Commission on a case-by-case basis, taking into account the needs of the requesting working group, the needs of other working groups and the other needs of the Commission at the given time, and taking into account the views of all member States of UNCITRAL. The Commission also confirmed that the request from a working group should not by itself be treated as a sufficient ground for granting the request; in each case, the request had to be properly substantiated.³¹

46. At its fifty-fourth session, in 2021, the Commission decided to recommend to the General Assembly that additional conference (one-week session per year) and human resources be allocated to Working Group III (ISDS Reform) for a single period of four years, from 2022 to 2025, on the condition that the Commission would during its annual session re-evaluate and, if needed, revisit its decision concerning the need for allocating one additional one-week session per year and supporting resources to Working Group III taking into consideration the Working Group's report on the use of its resources.³² On 24 December 2021, the General Assembly decided to allocate one additional one-week session per year to Working Group III (ISDS Reform) and the necessary human resources as recommended by the Commission (A/RES/76/229, para. 15).

47. At its fiftieth session, in 2017, the Commission took note of General Assembly resolutions on the pattern of conferences promulgating policies as regards significant holidays, on which the United Nations Headquarters and the Vienna International Centre remained open but United Nations bodies were invited to avoid holding meetings. The Commission agreed to take into account those policies as far as possible when considering the dates of its future meetings.³³

48. The Commission is expected to consider conference service requirements in the light of its work programme and reports of its working groups, taking into account that dates proposed below include the following significant holidays of the United Nations: 25 September 2023 – Yom Kippur (which would fall on the first day of the tentative dates of the fortieth session of Working Group I).

	<i>Second half of 2023 (Vienna)</i>	<i>First half of 2024 (New York)</i>	<i>Second half of 2024 (Vienna) (to be confirmed by the Commission at its fifty-seventh session, in 2024)</i>
Working Group I (MSMEs)	40th session 25–29 September 2023 (falls on Yom Kippur)	41st session 5–9 February 2024	42nd session 2–6 September 2024
Working Group II (Dispute Settlement)	78th session 18–22 September 2023	79th session 12–16 February 2024	80th session 30 September to 4 October 2024
Working Group III (ISDS Reform)	46th session 9–13 October 2023	47th session (Vienna) 22–26 January 2024 48th session 1–5 April 2024	49th session 23–27 September 2024
Working Group IV (Electronic Commerce)	66th session 16–20 October 2023	67th session 15–19 April 2024	68th session 18–22 November 2024
Working Group V (Insolvency Law)	63rd session 11–15 December 2023	64th session 13–17 May 2024	65th session 25–29 November 2024
Working Group VI (Negotiable Multimodal Transport Documents)	43rd session 27 November– 1 December 2023	44th session 6–10 May 2024	45th session 9–13 December 2024

³¹ Ibid., para. 325.

³² Ibid., *Seventy-sixth Session, Supplement No. 17 (A/76/17)*, para. 263.

³³ Ibid., *Seventy-second Session, Supplement No. 17 (A/72/17)*, para. 485.

13. Other business**(a) Evaluation of the role of the UNCITRAL secretariat in facilitating the work of the Commission**

49. At its fifty-second session, the Commission recalled that “facilitating the work of UNCITRAL” had been listed among the expected accomplishments of the UNCITRAL secretariat in the old budgetary framework and the performance metric for that expected accomplishment had been the level of satisfaction of UNCITRAL with the services provided by its secretariat, as evidenced by a rating on a scale ranging from 1 to 5 (5 being the highest rating). At that session, the Commission also recalled that the UNCITRAL secretariat had in the past circulated an evaluation questionnaire to elicit evaluation from States. The Commission was further informed at the session that, although continuing that practice was no longer necessary as a result of changes introduced in the budgetary framework, the UNCITRAL secretariat intended to continue circulating a questionnaire during the sessions of UNCITRAL for self-evaluation.

50. At the fifty-sixth session of the Commission, States will be requested to fill in an online evaluation questionnaire that will be circulated during the session, and the Commission may expect to hear an oral report from the UNCITRAL secretariat on the number of responses received and the level of satisfaction with the services provided to UNCITRAL by the UNCITRAL secretariat indicated in those responses.

(b) Other matters

51. The Commission may wish to consider possible other matters under this agenda item.

14. Adoption of the report of the Commission

52. The General Assembly, in its resolution 2205 (XXI) of 17 December 1966, decided that the Commission should submit an annual report to it and that the report should be submitted simultaneously to the United Nations Conference on Trade and Development for comments. Pursuant to a decision of the Sixth Committee,³⁴ the report of the Commission is introduced to the General Assembly by the chairperson of the Commission or by another officer designated by the chairperson.

III. Schedule of meetings and documentation

53. Meetings will be held from 9.30 a.m. to 12.30 p.m. and from 2 p.m. to 5 p.m., except on Monday, 3 July, when the morning meeting will commence at 10 a.m. A link can be provided upon request which will allow delegates to listen to the meetings in the six official languages of the United Nations but not to make any intervention remotely.

54. UNCITRAL documents are posted on the UNCITRAL website (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 for the fifty-sixth session by accessing the page of the Commission in the “Working Documents” section of the UNCITRAL website (uncitral.un.org).

55. The recommendations on the scheduling of meetings under each agenda item in section I above are intended to assist States and invited organizations in planning the attendance of their pertinent representatives; the actual scheduling will be determined by the Commission itself.

³⁴ Ibid., Twenty-third Session, annexes, agenda item 88, document [A/7408](#), para. 3.