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**United Nations Commission on
International Trade Law**
Fifty-second session
Vienna, 8–19 July 2019

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

I. Provisional agenda, scheduling of meetings and documentation

Agenda item	Proposed date(s)/time for consideration	Pre-session documentation
1. Opening of the session. 2. Election of officers. 3. Adoption of the agenda.	Monday, 8 July, 10–10:30 a.m.	Provisional agenda, annotations thereto and scheduling of meetings of the fifty-second session: A/CN.9/962
4. Finalization and adoption of model legislative provisions on public-private partnerships with an accompanying legislative guide	Monday, 8 July– Wednesday, 10 July, a.m.	Model legislative provisions on public-private partnerships with an accompanying legislative guide: A/CN.9/982 and addenda
5. Consideration of issues in the area of security interests: (a) Finalization and adoption of a practice guide to the UNCITRAL Model Law on Secured Transactions; (b) Correction of an error in article 64(2) of the UNCITRAL Model Law on Secured Transactions.	Wednesday, 10 July, p.m.– Friday, 12 July	Report of Working Group VI (Security Interests) on the work of its thirty-fourth session: A/CN.9/967 Draft practice guide to the UNCITRAL Model Law on Secured Transactions: A/CN.9/993 Compilation of comments by States and international organizations on the draft practice guide: A/CN.9/994



Agenda item	Proposed date(s)/time for consideration	Pre-session documentation
<p>6. Finalization and adoption of texts in the area of insolvency law:</p> <p>(a) Model law on enterprise group insolvency and its guide to enactment;</p> <p>(b) Text on obligations of directors of enterprise group companies in the period approaching insolvency.</p>	Monday, 15 July, a.m.	<p>Reports of Working Group V (Insolvency Law) on the work of its fifty-fourth and fifty-fifth sessions: A/CN.9/966 and A/CN.9/972</p> <p>Draft Model Law: A/CN.9/966, annex</p> <p>Compilation of comments of States and international organizations on the draft model law: A/CN.9/989 and addenda</p> <p>Draft guide to enactment: A/CN.9/WG.V/WP.165</p> <p>Text on obligations of directors of enterprise group companies in the period approaching insolvency: A/CN.9/990</p>
7. Consideration of draft UNCITRAL mediation rules and draft UNCITRAL notes on mediation.	Monday, 15 July, p.m.	<p>Draft UNCITRAL mediation rules: A/CN.9/986</p> <p>Draft UNCITRAL notes on mediation: A/CN.9/987</p>
A CLOUT national correspondents meeting will take place in parallel with Commission meetings on Monday, 15 July, with no interpretation.		
8. Review of draft UNCITRAL secretariat notes on the main issues of cloud computing contracts	Tuesday, 16 July, a.m.	<p>Draft UNCITRAL secretariat notes on the main issues of cloud computing contracts: A/CN.9/974</p> <p>A note by the Secretariat on considerations relating to the preparation of a pilot online tool containing a legal text: A/CN.9/975</p>
9. Progress report of working groups	Id. + p.m.	<p>Reports of Working Group I (MSMEs) on the work of its thirty-first and thirty-second sessions: A/CN.9/963 and A/CN.9/968</p> <p>Report of Working Group II (Dispute Settlement) on the work of its sixty-ninth session: A/CN.9/969</p> <p>Reports of Working Group III (ISDS Reform) on the work of its thirty-sixth and thirty-seventh sessions: A/CN.9/964 and A/CN.9/970</p>

Agenda item	Proposed date(s)/time for consideration	Pre-session documentation
		<p>Reports of Working Group IV (Electronic Commerce) on the work of its fifty-seventh and fifty-eighth sessions: A/CN.9/965 and A/CN.9/971</p> <p>Reports of Working Group V (Insolvency Law) on the work of its fifty-fourth and fifty-fifth sessions: A/CN.9/966 and A/CN.9/972</p> <p>Report of Working Group VI (Judicial Sale of Ships) on the work of its thirty-fifth session: A/CN.9/973</p>
10. Work programme of the Commission	Wednesday, 17 July	<p>A note by the Secretariat giving a general overview of the work programme of the Commission, its working groups and secretariat: A/CN.9/981</p> <p>Report of the colloquium on contractual networks: A/CN.9/991</p> <p>Note by the Secretariat on possible future work on warehouse receipts: A/CN.9/992</p> <p>Possible proposals by States and international organizations for future work</p>
11. Date and place of future meetings	Id.	<p>Provisional agenda, annotations thereto and scheduling of meetings of the fifty-second session: A/CN.9/962 (see paras. 30–34 below)</p>
12. Coordination and cooperation	Thursday, 18 July	<p>A note by the Secretariat on coordination and cooperation: A/CN.9/978</p> <p>A note by the Secretariat on invited organizations: A/CN.9/984</p> <p>[Oral reports by invited international organizations may be expected at the session under this item]</p>

Agenda item	Proposed date(s)/time for consideration	Pre-session documentation
<p>13. Secretariat reports on non-legislative activities:</p> <p>(a) CLOUT and digests;</p> <p>(b) Technical assistance and cooperation;</p> <p>(c) Status and promotion of UNCITRAL legal texts and the New York Convention;</p> <p>(d) Relevant General Assembly resolutions;</p> <p>(e) Current role of UNCITRAL in promoting the rule of law;</p> <p>(f) Bibliography of recent writings related to the work of UNCITRAL.</p>	Id.	<p>A note by the Secretariat on CLOUT and digests, including a proposal for restructuring the CLOUT system: A/CN.9/976</p> <p>[An oral report by the Secretariat from the national correspondents meeting (see above after provisional agenda 7)]</p> <p>A note by the Secretariat on technical assistance and cooperation activities: A/CN.9/980</p> <p>Report of the Regional Centre for Asia and the Pacific: A/CN.9/988</p> <p>A note by the Secretariat on the status and promotion of UNCITRAL legal texts and the New York Convention: A/CN.9/979</p> <p>A note by the Secretariat on relevant General Assembly resolutions: A/CN.9/983</p> <p>A note by the Secretariat on the current role of UNCITRAL in promoting the rule of law: A/CN.9/985</p> <p>Bibliography of recent writings related to the work of UNCITRAL: A/CN.9/977</p>
14. Other business	Id.	–
A round table on technical assistance and cooperation (see para. 40 below), Friday, 19 July, a.m.		
15. Adoption of the report of the Commission	Friday, 19 July, p.m.	–

II. Annotations

1. Opening of the session

1. The fifty-second session of the Commission will be held at the Vienna International Centre in Vienna, from 8 to 19 July 2019.¹ The session will be opened on Monday, 8 July 2019, at 10 a.m.

2. As at 8 July 2019, the United Nations Commission on International Trade Law will be composed of the following member States: Algeria (2025), Argentina (2022), Australia (2022), Austria (2022), Belarus (2022), Belgium (2025), Brazil (2022), Burundi (2022), Cameroon (2025), Canada (2025), Chile (2022), China (2025), Colombia (2022), Côte d'Ivoire (2025), Croatia (2025), Czechia (2022), Dominican Republic (2025), Ecuador (2025), Finland (2025), France (2025), Germany (2025), Ghana (2025), Honduras (2025), Hungary (2025), India (2022), Indonesia (2025), Iran (Islamic Republic of) (2022), Israel (2022), Italy (2022), Japan (2025), Kenya (2022), Lebanon (2022), Lesotho (2022), Libya (2022), Malaysia (2025), Mali (2025), Mauritius (2022), Mexico (2025), Nigeria (2022), Pakistan (2022), Peru (2025), Philippines (2022), Poland (2022), Republic of Korea (2025), Romania (2022), Russian Federation (2025), Singapore (2025), South Africa (2025), Spain (2022), Sri Lanka (2022), Switzerland (2025), Thailand (2022), Turkey (2022), Uganda (2022), Ukraine (2025), United Kingdom of Great Britain and Northern Ireland (2025), United States of America (2022), Venezuela (Bolivarian Republic of) (2022), Viet Nam (2025) and Zimbabwe (2025).

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.

4. Finalization and adoption of model legislative provisions on public-private partnerships with an accompanying legislative guide

5. At its fiftieth session, in 2017, the Commission reaffirmed the mandate given to its secretariat to update, as necessary, the *UNCITRAL Legislative Guide on Privately Financed Infrastructure Projects* (2000),² involving experts. The Commission also recalled that it had requested the Secretariat to consolidate the provisions of the *Legislative Guide* with the Model Legislative Provisions on Privately Financed Infrastructure Projects (2003).^{3,4} The Commission requested the Secretariat to report to the Commission, with draft texts as appropriate, at its fifty-first session, in 2018.⁵

6. At its fifty-first session, in 2018, the Commission considered a note setting out the proposals of the Secretariat on both scope and nature of the proposed amendments

¹ The dates of the fifty-second session of UNCITRAL announced in the report of the fifty-first session of the Commission (8–26 July 2019) (*Official Records of the General Assembly, Seventy-third Session, Supplement No. 17 (A/73/17)*, para. 283) were subsequently changed to 8–19 July 2019 upon consultation with States members of UNCITRAL.

² United Nations publication, Sales No. E.01.V.4.

³ *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 17 (A/58/17)*, annex I.

⁴ *Ibid.*, paras. 18–21.

⁵ *Ibid.*, *Seventy-second Session, Supplement No. 17 (A/72/17)*, para. 274.

to the *Legislative Guide*, as well as the process for implementing them (A/CN.9/939), together with the revised drafts of the introduction and of chapters I, II and III of the *Legislative Guide* reflecting the changes proposed by the Secretariat (documents A/CN.9/939/Add.1, A/CN.9/939/Add.2 and A/CN.9/939/Add.3, respectively). At that session, the Commission endorsed the general policy proposals for amending the *Legislative Guide* and approved in principle the nature of the amendments proposed by the Secretariat to those chapters, subject to specific comments and further adjustments that might be proposed during the consultations with experts that the Commission encouraged the Secretariat to pursue.⁶ With a view to advancing consideration of the revisions to the *Legislative Guide*, the Secretariat convened an Intergovernmental Expert Group meeting (Vienna, 26–30 November 2018), to which also several experts were invited by the Secretariat in their personal capacity.

7. At its fifty-second session, the Commission will have before it a note by the Secretariat with addenda containing revised drafts of the introduction and all chapters of the *Legislative Guide* and model legislative provisions (A/CN.9/982 and addenda) for finalization and adoption as the model legislative provisions on public-private partnerships with an accompanying legislative guide. The drafts reflect the deliberations of the Commission at its fifty-first session with respect to the introduction and chapters I, II and III and of the Intergovernmental Expert Group with respect to chapters IV, V, VI and VII (see para. 6 above). Upon adoption, the Commission may wish to request the Secretariat to publish the text, both electronically and in printed form, as a United Nations publication.

5. Consideration of issues in the area of security interests

(a) Finalization and adoption of a practice guide to the UNCITRAL Model Law on Secured Transactions

8. At its fiftieth session, in 2017, the Commission decided that a practice guide to the UNCITRAL Model Law on Secured Transactions⁷ should be prepared and referred that task to Working Group VI (Security Interests). It was agreed that issues addressed in document A/CN.9/926 and the relevant sections of document A/CN.9/913 should form the basis of that work.⁸ It was widely felt that, to be able to use a law implementing the Model Law to their benefit, parties to transactions, judges, arbitrators, regulators, insolvency administrators and academics would need some guidance with respect to contractual, transactional and regulatory issues as well as issues relating to the financing of micro-businesses.⁹ The Commission agreed that broad discretion should be accorded to the Working Group in determining the scope, structure and content of the practice guide.¹⁰

9. From its thirty-second to thirty-fourth session, the Working Group undertook work on the preparation of the practice guide. At its thirty-fourth session (Vienna, 17–21 December 2018), the Working Group adopted chapters I, II.A to II.D, and III of the draft practice guide (A/CN.9/967, paras. 14, 20, 28, 47, 58, 62, 67 and 71). Considering that the Working Group was not able to adopt chapters II.E to II.J of the draft practice guide, the Working Group agreed that the Secretariat, in preparing a revised version of the draft practice guide for submission to the Commission, should be given flexibility in preparing a revised version of the parts that were not adopted by the Working Group and in making any necessary consequential revisions to the parts of the draft practice guide that had been adopted by the Working Group (A/CN.9/967, para. 11). At its fifty-second session, the Commission will have before it a draft practice guide for finalization and adoption as the *Practice Guide to the UNCITRAL Model Law on Secured Transactions*. Upon adoption, the Commission

⁶ Ibid., *Seventy-third Session, Supplement No. 17 (A/73/17)*, paras. 136–137.

⁷ United Nations publication, Sales No. E.17.V.1.

⁸ *Official Records of the General Assembly, Seventy-second Session, Supplement No. 17 (A/72/17)*, para. 227.

⁹ Ibid., paras. 222 and 223.

¹⁰ Ibid., para. 227.

may wish to request the Secretariat to publish the text, both electronically and in printed form, as a United Nations publication.

(b) Correction of an error in article 64(2) of the UNCITRAL Model Law on Secured Transactions

10. The Commission will hear an oral statement by the Secretariat suggesting a correction of an error found in article 64(2) of the UNCITRAL Model Law on Secured Transactions (2016). The suggested correction will ensure consistency of the provision with other UNCITRAL texts in the area of security interests.

6. Finalization and adoption of texts in the area of insolvency law

(a) Model law on enterprise group insolvency and its guide to enactment

11. The work on the topic of enterprise group insolvency has continued in Working Group V (Insolvency Law) pursuant to the mandate approved by the Commission at its forty-seventh session, in 2014.¹¹ At its fifty-fourth session (Vienna, 10–14 December 2018), the Working Group approved the text of the draft model law on enterprise group insolvency annexed to the report of that session (A/CN.9/966, annex). The Working Group requested the Secretariat to transmit the text to the Commission for finalization and adoption at its fifty-second session, in 2019, as the UNCITRAL Model Law on Enterprise Group Insolvency. It also requested the Secretariat to circulate the draft model law for comment to States and international organizations invited to sessions of the Working Group (A/CN.9/966, para. 110). The comments that the Secretariat has received on the text are transmitted to the Commission for consideration together with the draft model law (A/CN.9/989 and addenda).

12. At its fifty-fifth session (New York, 28–31 May 2019), the Working Group expects to finalize the draft guide to enactment of the model law and transmit it to the Commission for finalization and adoption together with the model law (A/CN.9/966, para. 111). Upon adoption of the model law together with its guide to enactment, the Commission may wish to request the Secretariat to publish them together, both electronically and in printed form, as a United Nations publication.

(b) Text on obligations of directors of enterprise group companies in the period approaching insolvency

13. The work on this topic proceeded in Working Group V (Insolvency Law) in parallel with work on a legislative text on enterprise group insolvency on the basis of drafts prepared by the Secretariat (A/CN.9/WG.V/WP.125, A/CN.9/WG.V/WP.129, A/CN.9/WG.V/WP.139 and A/CN.9/WG.V/WP.153).¹² It was undertaken recognizing that neither part three of the *UNCITRAL Legislative Guide on Insolvency Law*, dealing with the treatment of enterprise groups in insolvency (2010),¹³ nor part four of that *Legislative Guide*, dealing with directors' obligations in the period approaching insolvency (2013),¹⁴ addresses the specific issues that might affect the obligations of directors who perform that function for one or more enterprise group members (e.g., a conflict between a director's obligations to its own company and the interests of the enterprise group to which that company belongs). At its forty-fourth session (Vienna, 16–20 December 2013), the Working Group agreed on the importance of addressing those issues and examining how part four of the *Legislative Guide* could be applied in the enterprise group context (A/CN.9/798, para. 23).

¹¹ Ibid., *Sixty-ninth Session, Supplement No. 17* (A/69/17), para. 155.

¹² See the reports of the Working Group on the work of its forty-sixth, forty-seventh, forty-ninth, fifty-second and fifty-fourth sessions (A/CN.9/829, A/CN.9/835, A/CN.9/870, A/CN.9/931 and A/CN.9/966).

¹³ Available at <https://uncitral.un.org/sites/uncitral.un.org/files/media-documents/uncitral/en/leg-guide-insol-part3-ebook-e.pdf>.

¹⁴ Available at <https://uncitral.un.org/sites/uncitral.un.org/files/media-documents/uncitral/en/leg-guide-insol-part4-ebook-e.pdf>.

14. At its forty-eighth to fiftieth sessions, in 2015–2017, respectively the Commission noted that, while the work on the topic was already well developed, it would not be referred to the Commission for finalization and approval until the work on enterprise group insolvency was sufficiently advanced in order to ensure consistency of approach between the related texts.¹⁵ At its fifty-first session, in 2018, the Commission noted that a draft commentary and recommendations on the obligations of directors of enterprise group companies in the period approaching insolvency had been prepared and it was likely that the text could be finalized and adopted at the same time as a draft model law and guide to enactment on enterprise group insolvency.¹⁶

15. At its fifty-fourth session (Vienna, 10–14 December 2018), the Working Group approved a text addressing the obligations of directors of enterprise group companies in the period approaching insolvency contained in document [A/CN.9/WG.V/WP.153](#) as amended at the session. The Working Group requested the Secretariat to transmit the text to the Commission for finalization and adoption at its fifty-second session, in 2019 ([A/CN.9/966](#), para. 113). The text has been transmitted to the Commission in a note by the Secretariat ([A/CN.9/990](#)). Upon adoption of the text, the Commission may wish to request the Secretariat to publish it as an additional section of part four of the *UNCITRAL Legislative Guide on Insolvency Law*, both electronically and in printed form, as a United Nations publication.

7. Consideration of draft UNCITRAL mediation rules and draft UNCITRAL notes on mediation

16. At its fifty-first session, in 2018, the Commission noted that in the area of dispute settlement, the Secretariat would prepare notes on organizing mediation proceedings and update the UNCITRAL Conciliation Rules¹⁷ in the light of the two texts prepared by the Commission at that session (the United Nations Convention on International Settlement Agreements Resulting from Mediation adopted by the General Assembly in December 2018¹⁸ and the UNCITRAL Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation adopted by the Commission in July 2018¹⁹).²⁰ The Commission will have before it draft UNCITRAL mediation rules as well as draft notes on mediation for its consideration ([A/CN.9/986](#) and [A/CN.9/987](#)).

8. Review of draft UNCITRAL secretariat notes on the main issues of cloud computing contracts

17. At its fifty-first session, in 2018, the Commission considered the recommendation of Working Group IV (Electronic Commerce) that the Commission should review the draft notes on the main issues of cloud computing contracts and authorize its publication or issuance in the form of an online reference tool, in both cases as a work product of the Secretariat ([A/CN.9/936](#), para. 44). After discussion, the Commission decided to review the draft notes on the main issues of cloud computing contracts at its fifty-second session, in 2019²¹ and requested the Secretariat to prepare, within existing resources, a pilot online tool containing the draft notes on the main issues of cloud computing contracts, for consideration at its fifty-second session, in 2019. The Commission also requested the Secretariat to prepare a note

¹⁵ *Official Records of the General Assembly, Seventieth Session, Supplement No. 17 (A/70/17)*, para. 235; *ibid.*, *Seventy-first Session, Supplement No. 17 (A/71/17)*, para. 243; and *ibid.*, *Seventy-second Session, Supplement No. 17 (A/72/17)*, para. 269.

¹⁶ *Ibid.*, *Seventy-third Session, Supplement No. 17 (A/73/17)*, para. 132.

¹⁷ *Ibid.*, *Thirty-fifth Session, Supplement No. 17 (A/35/17)*, chap. V, sect. A, para. 106. See also *UNCITRAL Yearbook*, vol. XI: 1980, part three, annex II.

¹⁸ General Assembly resolution [73/198](#). See also *Official Records of the General Assembly, Seventy-third Session, Supplement No. 17 (A/73/17)*, para. 49 and annex I.

¹⁹ *Official Records of the General Assembly, Seventy-third Session, Supplement No. 17 (A/73/17)*, para. 68 and annex II.

²⁰ *Ibid.*, para. 254.

²¹ *Ibid.*, para. 150.

illustrating the considerations relating to the preparation of the pilot online tool, including budgetary and other implications, and departure from the existing UNCITRAL publication policy.²²

18. At its fifty-second session, the Commission will have before it draft notes on main issues of cloud computing contracts ([A/CN.9/974](#)), a note by the Secretariat on considerations relating to the preparation of a pilot online tool containing a legal text ([A/CN.9/975](#)) and a pilot online tool (expected to be made available before the session only in English on the UNCITRAL website).

9. Progress report of working groups

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

19. At its forty-sixth session, in 2013, the Commission requested that a working group should commence work aimed at reducing the legal obstacles encountered by micro, small and medium-sized enterprises (MSMEs) throughout their life cycle, and, in particular, in developing economies.²³ At that session, the Commission also agreed that such work should start with a focus on the legal questions surrounding the simplification of incorporation,²⁴ and that the work should be allocated to Working Group I.²⁵ That mandate was reaffirmed by the Commission at its forty-seventh to fifty-first session, in 2014 to 2018, respectively.²⁶

20. In accordance with that mandate, the Working Group proceeded to consider the legal issues surrounding the simplification of incorporation as well as good practices in business registration, both of which aimed at reducing the legal obstacles encountered by MSMEs throughout their life cycle. At its forty-ninth session, in 2016, the Commission noted the decision of the Working Group to proceed with the preparation of a legislative guide in respect of each of those two topics.²⁷

21. The work of the Working Group on business registration resulted in the adoption by the Commission at its fifty-first session, in 2018, of the *UNCITRAL Legislative Guide on Key Principles of a Business Registry*.²⁸ At its thirty-first (Vienna, 8–12 October 2018) and thirty-second (New York, 25–29 March 2019) sessions, the Working Group resumed its work on the draft legislative guide on an UNCITRAL Limited Liability Organisation (UNLLO). The reports of those sessions are before the Commission at its fifty-second session ([A/CN.9/963](#) and [A/CN.9/968](#)).

(b) Working Group II (Dispute Settlement)

22. At its fifty-first session, in 2018, the Commission heard a proposal for possible future work in the field of dispute resolution, in particular on expedited arbitration ([A/CN.9/959](#)) and agreed that Working Group II should be mandated to take up issues relating to expedited arbitration.²⁹ At its sixty-ninth session (New York, 4–8 February 2019), the Working Group commenced its consideration of issues relating to expedited arbitration with preliminary discussion on the scope of the work, characteristics of expedited arbitration, and possible form of work. The report of the session is before the Commission at its fifty-second session ([A/CN.9/969](#)).

²² Ibid., para. 155.

²³ Ibid., *Sixty-eighth Session, Supplement No. 17 (A/68/17)*, para. 321.

²⁴ Ibid.

²⁵ Ibid., para. 322.

²⁶ Ibid., *Sixty-ninth Session, Supplement No. 17 (A/69/17)*, para. 134; *ibid.*, *Seventieth Session, Supplement No. 17 (A/70/17)*, paras. 225 and 340; *ibid.*, *Seventy-first Session, Supplement No. 17 (A/71/17)*, para. 347; *ibid.*, *Seventy-second Session, Supplement No. 17 (A/72/17)*, para. 235; and *ibid.*, *Seventy-third session, Supplement No. 17 (A/73/17)*, para. 238(a).

²⁷ Ibid., *Seventy-first Session, Supplement No. 17 (A/71/17)*, paras. 220–221.

²⁸ Ibid., *Seventy-third Session, Supplement No. 17 (A/73/17)*, para. 111.

²⁹ Ibid., paras. 244–245 and 252.

(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 reform of investor-State dispute settlement (ISDS), and in particular: (a) to identify and consider concerns regarding ISDS; (b) to consider whether reform was desirable in light of any identified concerns; and (c) if the Working Group were to conclude that reform was desirable, to develop any relevant solutions to be recommended to the Commission.³⁰

24. At its thirty-sixth session (Vienna, 29 October – 2 November 2018), the Working Group concluded that development of reforms by UNCITRAL was desirable to address concerns relating to cost and duration of ISDS, the appointment mechanism and related issues regarding arbitrators and decision makers, as well as the lack of consistency, coherence, predictability and correctness of decisions by ISDS tribunals (A/CN.9/964, paras. 43, 53, 63, 83, 90, 98, 108, 123 and 133). At its thirty-seventh session (New York, 1–5 April 2019), the Working Group concluded that development of reforms by UNCITRAL was desirable to address concerns relating to third-party funding and also concluded that there was no additional concern that could be identified with regard to ISDS at the current stage of its deliberations (A/CN.9/970, paras. 25, 39 and 40). At that session, the Working Group commenced work on phase three of its mandate, the development of relevant solutions, by preparing a workplan which would aim at considering multiple potential reform solutions simultaneously. It was also agreed that a project schedule will be created at the next session to further the elaboration and development of potential solutions to be recommended to the Commission (A/CN.9/970, para. 83). The Commission will have before it the reports of those sessions of the Working Group (A/CN.9/964 and A/CN.9/970).

(d) Working Group IV (Electronic Commerce)

25. At its fifty-first session, in 2018, the Commission requested Working Group IV to conduct work on legal issues relating to identity management and trust services with a view to preparing a text aimed at facilitating cross-border recognition of identity management and trust services, on the basis of the principles and issues identified by the Working Group at its fifty-sixth session (A/CN.9/936, paras. 61–94).³¹ The Working Group considered legal aspects of identity management and trust services at its fifty-seventh (Vienna, 19–23 November 2018) and fifty-eighth (New York, 8–12 April 2019) sessions. At its fifty-second session, the Commission will have before it the reports of those sessions (A/CN.9/965 and A/CN.9/971) and hear an oral report on the activities in the field of paperless trade facilitation carried out by the Secretariat in cooperation with other concerned organizations.³²

(e) Working Group V (Insolvency Law)

26. In addition to its work on enterprise group insolvency referred to under agenda item 6 above, Working Group V continued consideration of aspects of MSME insolvency pursuant to the mandate given to it by the Commission at its forty-seventh session, in 2014,³³ and clarified at its forty-ninth session, in 2016.³⁴ At its fifty-fourth session (Vienna, 10–14 December 2018), the Working Group considered a draft text on a simplified insolvency regime prepared by the Secretariat (A/CN.9/WG.V/WP.163) and suggested revisions to that text (A/CN.9/966, chapter VI). At its fifty-fifth session (New York, 28–31 May 2019), the Working Group is expected to consider a revised draft text on a simplified insolvency regime prepared by the Secretariat pursuant to those suggestions (A/CN.9/WG.V/WP.166).

³⁰ Ibid., *Seventy-second Session, Supplement No. 17 (A/72/17)*, para. 264.

³¹ Ibid., *Seventy-third Session, Supplement No. 17 (A/73/17)*, para. 159.

³² Ibid., *Sixty-sixth Session, Supplement No. 17 (A/66/17)*, para. 240.

³³ Ibid., *Sixty-ninth Session, Supplement No. 17 (A/69/17)*, para. 156.

³⁴ Ibid., *Seventy-first Session, Supplement No. 17 (A/71/17)*, para. 246.

(f) Working Group VI (Judicial Sale of Ships)

27. At its fiftieth session, in 2017, the Commission noted the importance of a proposal by the Comité Maritime International (CMI) for possible future work on cross-border issues related to the judicial sale of ships (A/CN.9/923) and requested CMI to develop and advance the proposal by holding a colloquium so as to provide additional information to the Commission and allow it to take an informed decision in due course.³⁵ At its fifty-first session, in 2018, the Commission considered a proposal from the Government of Switzerland, “Possible future work on cross-border issues related to the judicial sale of ships” (A/CN.9/944/Rev.1), which included the outcomes and conclusions of the colloquium and requested that UNCITRAL undertake work to develop an international instrument on foreign judicial sale of ships and their recognition.³⁶ After discussion, the Commission agreed that the topic of judicial sale of ships should be allocated to the first available working group.³⁷

28. Working Group VI, having completed its work on the draft practice guide to the UNCITRAL Model Law on Secured Transactions referred to under agenda item 5 above, is expected at its thirty-fifth session (New York, 13–17 May 2019) to start work on preparation of a draft instrument on the judicial sale of ships on the basis of the CMI proposal, taking into account the outcomes and conclusions of the colloquium. The Commission will have before it at its fifty-second session the report of that session (A/CN.9/973).

10. Work programme of the Commission

29. 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.³⁸ 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, its working groups and secretariat (A/CN.9/981), containing also a summary of the exploratory work conducted by the Secretariat on legal issues related to digital economy, including of meetings organised or attended by the Secretariat for such purpose (Prague, 5–6 September 2018; Paris, 15 March 2019; Rome, 6–7 May 2019; and Bogotá, 5 June 2019);³⁹ (b) a report of an international colloquium on contractual networks and other forms of inter-firm cooperation (A/CN.9/991), held in conjunction with the thirty-second session of Working Group I on 25–26 March 2019 in New York further to a decision of the Commission at its fifty-first session, in 2018⁴⁰; and (c) a note by the Secretariat on possible future work on warehouse receipts (A/CN.9/992).⁴¹ The Commission may receive proposals by States and international organizations on possible future work.

11. Date and place of future meetings*Fifty-third session of the Commission*

30. The Commission may wish to note that its fifty-third session will be held in New York. Tentative arrangements have been made for the session to be held from 6 to 24 July 2020.

Sessions of working groups

31. 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

³⁵ Ibid., *Seventy-second Session, Supplement No. 17 (A/72/17)*, paras. 456–465.

³⁶ Ibid., *Seventy-third Session, Supplement No. 17 (A/73/17)*, para. 242.

³⁷ Ibid., para. 252.

³⁸ Ibid., *Sixty-eighth Session, Supplement No. 17 (A/68/17)*, para. 310.

³⁹ Ibid., *Seventy-third Session, Supplement No. 17 (A/73/17)*, para. 253(b).

⁴⁰ Ibid., paras. 241 and 253(c).

⁴¹ Ibid., para. 253(a).

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.⁴²

32. The Commission has before it a request from Working Group III (ISDS Reform) that it consider allocating an additional week of conference time available in 2019 to the Working Group in light of the anticipated workload. Working Group III further requested that, if and when additional conference time were to become available in the future (including in 2020), the Commission could consider allocating that time to the Working Group (A/CN.9/970, para. 86).

33. In lieu of unused conference services in July 2019 (22–26 July 2019), the Commission may request one week of additional conference services in autumn 2019 in Vienna. The time slot from 9 to 13 December 2019 is available.

34. 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.⁴³ Dates proposed below do not include significant holidays. A United Nations official holiday (10 April 2020), on which no meetings can be held since the United Nations will be closed, coincides with the proposed dates of Working Group IV in April 2020 (see below).

	Second half of 2019 (Vienna)	First half of 2020 (New York)	<i>Second half of 2020 (Vienna)</i> (to be confirmed by the Commission at its fifty-third session, in 2020)
Working Group I (MSMEs)	33rd session 7–11 October 2019	34th session 23 to 27 March 2020	35th session 28 September– 2 October 2020
Working Group II (Dispute Settlement)	70th session 23–27 September 2019	71st session 3 to 7 February 2020	72nd session 21–25 September 2020
Working Group III (ISDS Reform)	38th session 14–18 October 2019	39th session 30 March to 3 April 2020	40th session 5–9 October 2020
Working Group IV (Electronic Commerce)	59th session 25–29 November 2019	60th session 6 to 9 April 2020 (a four-day session, the United Nations will be closed on 10 April 2020, that day being a United Nations official holiday)	61st session 19–23 October 2020

⁴² Ibid., *Fifty-eighth Session, Supplement No. 17 (A/58/17)*, para. 275.

⁴³ Ibid., *Seventy-second Session, Supplement No. 17 (A/72/17)*, para. 485.

Working Group V (Insolvency Law)	56th session 2–6 December 2019	57th session 11 to 15 May 2020	58th session 7–11 December 2020
Working Group VI (Judicial Sale of Ships)	36th session 18–22 November 2019	37th session 20–24 April 2020	38th session 14–18 December 2020

12. Coordination and cooperation

35. 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.9/978).

36. 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.

37. 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.⁴⁴ At its forty-eighth session, in 2015, the Commission requested the Secretariat, when presenting its oral report on the topic of organizations invited to sessions of UNCITRAL, to provide comments on the manner in which invited organizations fulfilled the criteria applied by the Secretariat in making its decision to invite non-governmental organizations.⁴⁵ At its forty-ninth session, in 2016, the Commission welcomed the detailed and informative report presented by the Secretariat pursuant to that request.⁴⁶ At its fiftieth session, in 2017, the Commission requested the Secretariat to provide information about intergovernmental and non-governmental organizations invited to sessions of UNCITRAL in writing for future sessions.⁴⁷ Pursuant to that request, the Commission had before it at its fifty-first session, in 2018, a note by the Secretariat on international governmental and non-governmental organizations invited to sessions of UNCITRAL and its working groups (A/CN.9/951).⁴⁸ A similar note will be before the Commission at its fifty-second session (A/CN.9/984).

13. Secretariat reports on non-legislative activities

38. As requested by the Commission at its fifty-first session, in 2018,⁴⁹ the Commission will have before it for information notes by the Secretariat on: (a) CLOUT and digests (A/CN.9/976); (b) technical assistance and cooperation, including the report of the Regional Centre for Asia and the Pacific (A/CN.9/980 and A/CN.9/988); (c) status and promotion of UNCITRAL legal texts and the New York Convention, including results of international moot competitions sponsored by UNCITRAL and information about functioning of the Transparency Repository (A/CN.9/979); (d) relevant General Assembly resolutions (A/CN.9/983); (e) current role of UNCITRAL in promoting the rule of law (A/CN.9/985); and (f) bibliography of recent writings related to the work of UNCITRAL (A/CN.9/977).

39. The Commission may wish to note that a note by the Secretariat on CLOUT and the digests (A/CN.9/976) includes proposals for restructuring the CLOUT system.

⁴⁴ 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.

⁴⁵ Ibid., *Seventieth Session, Supplement No. 17 (A/70/17)*, para. 280.

⁴⁶ Ibid., *Seventy-first Session, Supplement No. 17 (A/71/17)*, para. 290.

⁴⁷ Ibid., *Seventy-second Session, Supplement No. 17 (A/72/17)*, para. 364.

⁴⁸ Ibid., *Seventy-third Session, Supplement No. 17 (A/73/17)*, paras. 185–186.

⁴⁹ Ibid., paras. 258–267.

The Commission will also hear an oral report on the outcome of the meeting of CLOUT national correspondents to be held on 15 July 2019 (see chapter I above).

40. The Commission may also wish to note that it will have before it two notes informing the Commission about the technical assistance and cooperation activities undertaken by the Secretariat from 19 April 2018 to 19 April 2019: (a) a note addressing the technical assistance and cooperation activities undertaken by the UNCITRAL secretariat staff located in Vienna, the resources deployed for such activities, the use of the UNCITRAL website, and additional information and technical assistance and cooperation tools being developed by the Secretariat (A/CN.9/980); and (b) a note addressing the equivalent activities undertaken by the UNCITRAL Regional Centre for Asia and the Pacific (A/CN.9/988). In addition, the Secretariat is planning to organize a panel discussion with participation of States using UNCITRAL texts and partner organizations in UNCITRAL technical assistance and cooperation activities. That panel would aim at informing the Commission about practices and tools available to support the use and implementation of the UNCITRAL texts, and lessons learned, best practices and challenges in the activities undertaken. The objective is to allow the Commission to explore possible ways of enhancing technical assistance and cooperation activities.

41. Pursuant to the requests of the Commission,⁵⁰ the Secretariat will keep the Commission informed of developments regarding the establishment of UNCITRAL regional centres, in particular their funding and budgetary situation.

14. Other business

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

15. Adoption of the report of the Commission

43. 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,⁵¹ 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. Scheduling of meetings and documentation

44. 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, 8 July, when the morning meeting will commence at 10 a.m. (see para. 1 above).

45. 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-second session by accessing the page of the Commission in the “Working Documents” section of the UNCITRAL website (uncitral.un.org).

46. The recommendations on the scheduling of meetings under each agenda item in chapter 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.

⁵⁰ Most recently, *ibid.*, *Seventy-second Session, Supplement No. 17 (A/72/17)*, paras. 293 and 296.

⁵¹ *Ibid.*, *Twenty-third Session, annexes*, agenda item 88, document A/7408, para. 3.