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**United Nations Commission
on International Trade Law**
Thirty-eighth session
Vienna, 4-15 July 2005

Provisional agenda, annotations thereto and scheduling of meetings of the thirty-eighth session

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* The late submission is due to the need for additional consultations concerning the dates for future meetings.



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II. Annotations

1. Opening of the session

1. The thirty-eighth session was authorized to be held for three weeks from 4 to 22 July 2005.¹ Bearing in mind the ongoing work in the various working groups of the Commission and on the basis of informal consultations with the chairmen of the respective working groups, it is expected that the Commission will be able to deal with the entire agenda in ten working days in a two-week session. Therefore, the thirty-eighth session of the Commission, shortened by one week, will be held at the Vienna International Centre, from 4 to 15 July 2005. The session will be opened on Monday, 4 July 2005, at 10 a.m. (see below, section III, paras. 56-61, for more details about the scheduling of meetings). As at 4 July 2005, the United Nations Commission on International Trade Law will be composed of the following member States: Algeria, Argentina, Australia, Austria, Belarus, Belgium, Benin, Brazil, Cameroon, Canada, Chile, China, Colombia, Croatia, Czech Republic, Ecuador, Fiji, France, Gabon, Germany, Guatemala, India, Iran (Islamic Republic of), Israel, Italy, Japan, Jordan, Kenya, Lebanon, Lithuania, Madagascar, Mexico, Mongolia, Morocco, Nigeria, Pakistan, Paraguay, Poland, Qatar, Republic of Korea, Russian Federation, Rwanda, Serbia and Montenegro, Sierra Leone, Singapore, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela and Zimbabwe. In addition, States not members of the Commission, as well as invited international organizations, may attend as observers and participate in the deliberations leading to decisions, which are taken by consensus.

2. Election of officers

2. Pursuant to a decision taken by the Commission at its first session, the Commission elects, for each session, a Chairman, three Vice-Chairmen and a Rapporteur.

4. Finalization and adoption of a draft convention on the use of electronic communications in international contracts

3. At its thirty-fourth session, in 2001, the Commission entrusted Working Group IV (Electronic Commerce) with the task of preparing an international instrument dealing with issues of electronic contracting and considering ways of removing possible legal barriers to electronic commerce in existing international instruments relating to international trade.²

4. The Working Group commenced its work at its thirty-ninth session (New York, 11-15 March 2002), by considering a note by the Secretariat containing an initial draft of a possible new instrument in that area (A/CN.9/WG.IV/WP.95). From its fortieth to its forty-fourth sessions, the Working Group considered revised draft articles prepared by the Secretariat (A/CN.9/WG.IV/WP.100, A/CN.9/WG.IV/WP.103, A/CN.9/WG.IV/WP.108 and A/CN.9/WG.IV/WP.110) and, at its forty-fourth session (Vienna, 11-22 October 2004), it adopted articles of a draft convention on the use of electronic communications in international contracts (A/CN.9/571, paras. 13-206).

5. At its thirty-eighth session, the Commission will have before it the report of the forty-fourth session of the Working Group (Vienna, 11-22 October 2004) (A/CN.9/571). The Commission will also have before it the following documents: (i) a note by the Secretariat containing the newly revised version of the draft convention, which includes the articles adopted by the Working Group at its forty-fourth session, as well as the draft preamble and final provisions on which the Working Group only held a general exchange of views at that time (A/CN.9/577); (ii) a note by the Secretariat containing a summary of the relevant deliberations by the Working Group and the Commission, and short remarks on the main provisions of the draft convention intended to facilitate the consideration of the draft convention by the Governments, in particular those that have not actively participated in the deliberations by the Working Group, and by the Commission (A/CN.9/577/Add.1); (iii) a compilation of comments on the draft convention by Governments and international organizations (A/CN.9/578 and addenda, as necessary); and (iv) the report of the forty-second session of Working Group II (Arbitration) (A/CN.9/573, paras. 96 and 97), reflecting deliberations of the Working Group on possible inclusion of the 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards ("the New York Convention")³ in the list of international instruments to which the draft convention would apply (see below, para. 11).

6. After completing its work on the draft convention, the Commission may wish to adopt the draft convention and transfer it for consideration by the General Assembly at its sixtieth session, in 2005. It may also wish to decide whether to recommend to the General Assembly that the final text be adopted as a United Nations convention by the General Assembly or by a diplomatic conference to be convened by the General Assembly for that purpose. In planning the future activities of the Working Group, the Commission may wish to bear in mind various proposals made for future work in the field of electronic commerce, e.g. the preparation of a comprehensive legal guide for use by countries willing to promote the development of electronic commerce. The Commission may wish to request the Secretariat to consider such issues and present the results of those considerations to the Commission at its thirty-ninth session in 2006.

5. Procurement

7. At its thirty-sixth and thirty-seventh sessions, in 2003 and 2004, respectively, the Commission considered a possible revision of its 1994 Model Law on Procurement of Goods, Construction and Services,⁴ on the basis of the notes by the Secretariat (A/CN.9/539 and Add.1, and A/CN.9/553).⁵ At its thirty-seventh session, the Commission agreed that the Model Law would benefit from being updated to reflect new practices, in particular those resulting from the use of electronic communications in public procurement, and the experience gained in the use of the Model Law as a basis for law reform. It decided to entrust the drafting of proposals for the revision of the Model Law to its Working Group I (Procurement). The Working Group was given a flexible mandate to identify the issues to be addressed in its considerations.⁶

8. At its thirty-eighth session, the Commission will have before it the reports of the sixth (Vienna, 30 August-3 September 2004) and seventh (New York, 4-8 April 2005) sessions of the Working Group (A/CN.9/568 and A/CN.9/575, respectively).

6. Arbitration

9. At its thirty-second session, in 1999, the Commission entrusted one of its working groups, subsequently named Working Group II (Arbitration and Conciliation), with the consideration, among other priority items, of the requirement of written form for the arbitration agreement⁷ and enforceability of interim measures of protection.⁸

10. At its thirty-seventh session, in 2004, the Commission noted that the Working Group had continued its discussions on a draft text for a revision of article 17 of the 1985 UNCITRAL Model Law on International Commercial Arbitration (“the Model Law”)⁹ on the power of an arbitral tribunal to grant interim measures of protection, and on a draft provision on the recognition and enforcement of interim measures of protection issued by an arbitral tribunal (for insertion as a new article of the Model Law, tentatively numbered 17 bis), including on how to deal with *ex parte* interim measures in the Model Law. The Commission also noted that the Working Group had yet to complete its work in relation to draft article 17 ter dealing with interim measures issued by State courts in support of arbitration and in relation to the “writing requirement” contained in article 7 (2) of the Model Law and article II (2) of the New York Convention.

11. At its thirty-eighth session, the Commission will have before it the reports of the forty-first (Vienna, 13-17 September 2004) and forty-second (New York, 10-14 January 2005) sessions of the Working Group (A/CN.9/569 and A/CN.9/573, respectively). In respect of the New York Convention, the Commission is invited to take note, while considering agenda item 4, of the deliberations in the Working Group as to the inclusion of a reference to the New York Convention in the list of international instruments to which the draft convention on the use of electronic communications in international contracts would apply (A/CN.9/573, paras. 96 and 97). It may also be noted that the Working Group expects to complete its work in respect of written form for the arbitration agreement and enforceability of interim measures of protection for presentation to the Commission at its thirty-ninth session, in 2006. In planning the future activities of the Working Group, the Commission may wish to bear in mind its considerations of future work in the

field of arbitration at its previous sessions¹⁰ and the suggestions in the Working Group.¹¹ At its forty-second session (New York, 10-14 January 2005), the Working Group, in particular, suggested the following issues for possible future work of the Commission: (i) arbitrability of intra-corporate disputes and other issues relating to arbitrability, e.g., arbitrability in the fields of immovable property, insolvency or unfair competition; (ii) issues arising from online dispute resolution; and (iii) the possible revision of the UNCITRAL Arbitration Rules.¹² The Commission may wish to request the Working Group and the Secretariat to consider proposals for future work on some of these issues and present the results of those considerations to the Commission at its thirty-ninth session, in 2006.

7. Transport law

12. At its thirty-fourth session, in 2001, the Commission established Working Group III (Transport Law) to prepare, in close cooperation with interested international organizations, a legislative instrument on issues relating to the international carriage of goods such as the scope of application, the period of responsibility of the carrier, obligations of the carrier, liability of the carrier, obligations of the shipper and transport documents.¹³ At its thirty-fifth session, in 2002, the Commission approved the working assumption that the draft instrument on transport law should cover door-to-door transport operations.¹⁴ At its thirty-sixth session, in 2003, the Commission noted the complexities involved in the preparation of the draft instrument, and authorized the Working Group, on an exceptional basis, to hold its twelfth and thirteenth sessions on the basis of two-week sessions, with the agreement that the length of the Working Group's sessions would be reassessed at the thirty-seventh session of the Commission.¹⁵ At its thirty-seventh session, in 2004, the Commission reaffirmed its appreciation of the magnitude and complexities of the project, and expressed its support for the efforts of the Working Group to accelerate the progress of its work, particularly in view of the Commission's agreement that 2006 would be a desirable goal for completion of the project, but that the issue of establishing a deadline for such completion should be revisited at its thirty-eighth session, in 2005.¹⁶ At that session, the Commission authorized the Working Group to hold its fourteenth and fifteenth sessions for two-week periods.¹⁷

13. At its thirty-eighth session, the Commission will have before it the report of the fourteenth (Vienna, 29 November-10 December 2004) and fifteenth (New York, 18-28 April 2005) sessions of the Working Group (A/CN.9/572 and A/CN.9/576, respectively).

8. Security interests

14. At its thirty-fourth session, in 2001, the Commission established Working Group VI (Security Interests) and entrusted it with the task of developing an efficient legal regime for security rights.¹⁸ The Working Group, which is preparing a draft legislative guide on secured transactions, has held until the thirty-eighth session of the Commission, in 2005, seven one-week sessions during which it considered draft chapters of the legislative guide prepared by the Secretariat.¹⁹

15. At its thirty-eighth session, the Commission will have before it the reports of the sixth (Vienna, 27 September–1 October 2004) and seventh (New York, 24–28 January 2005) sessions of the Working Group (A/CN.9/570 and A/CN.9/574, respectively).

9. Monitoring implementation of the 1958 New York Convention

16. At its twenty-eighth session, in 1995, the Commission approved the project, undertaken jointly with Committee D of the International Bar Association, aimed at monitoring the legislative implementation of the New York Convention, by the States parties thereto.²⁰ Since 1995, the Secretariat has circulated a questionnaire to the States parties to the Convention requesting them to send replies and copies of their laws that deal with the recognition and enforcement of foreign arbitral awards. The Commission has repeatedly called upon the States parties to the Convention to reply to the questionnaire or update their previous replies, as applicable.²¹ At its thirty-fifth and thirty-sixth sessions, in 2002 and 2003, respectively, the Commission requested the Secretariat to intensify its efforts to obtain information necessary to make progress on the project and for that purpose to recirculate the questionnaire to the States parties requesting those which had not replied to it to do so as soon as possible and requesting the States parties that had already replied to inform the Secretariat about any new developments since their previous replies. The Secretariat was also requested to obtain information from other sources, including from intergovernmental and non-governmental organizations.²² At its thirty-seventh session, in 2004, the Commission invited the Secretariat, subject to the availability of necessary resources, to make every effort to produce a preliminary analysis of the replies received for consideration by the Commission at its thirty-eighth session.²³

17. As at 1 March 2005, there were one hundred and thirty-five States parties to the New York Convention and, on that date, the Secretariat had received seventy-seven replies to the questionnaire. At the Commission's thirty-eighth session, the Secretariat will present to the Commission a preliminary analysis of the replies, as requested by the Commission (A/CN.9/585).

10. Case law on UNCITRAL texts, digests of case law

18. Pursuant to a decision by the Commission at its twenty-first session, in 1988, the Secretariat established a system for collecting and disseminating information on court decisions and arbitral awards relating to normative texts emanating from the work of the Commission (CLOUT).²⁴ The features of that system are explained in the User Guide (A/CN.9/SER.C/GUIDE/1/Rev.1). Abstracts of court decisions relating to the United Nations Convention on Contracts for the International Sale of Goods, done at Vienna, on 11 April 1980 (the "United Nations Sales Convention"),²⁵ the United Nations Convention on the Carriage of Goods by Sea, done at Hamburg, on 31 March 1978 ("Hamburg Rules"),²⁶ the UNCITRAL Model Law on International Commercial Arbitration (the "Model Law on Arbitration"),⁸ and the UNCITRAL Model Law on Electronic Commerce²⁷ are contained in documents A/CN.9/SER.C/ABSTRACTS/1-46. It is anticipated that other texts will be included in subsequent CLOUT volumes.

19. The CLOUT system relies on national correspondents designated by States that have become parties to an UNCITRAL convention or that have enacted legislation based on an UNCITRAL model law. Seventy-one such States have

designated national correspondents. Since the twenty-second session of the Commission, it has become customary to hold, in conjunction with the Commission's sessions, informal meetings of national correspondents to consider the functioning of the CLOUT system. During the Commission's thirty-eighth session, the national correspondents will meet on Thursday, 14 July 2005, when no meeting of the Commission has been scheduled (see below, para. 56), and on Friday, 15 July 2005. The working languages of the meeting will be English and French but no formal interpretation will be available. An agenda for the meeting will be communicated to the national correspondents and further information concerning the precise time and venue of the meeting of national correspondents will be communicated during the Commission's thirty-eighth session.

20. At its thirty-eighth session, the Commission may wish to note that the digest of the case law on the United Nations Sales Convention, prepared pursuant to the Commission's request at its thirty-fourth session, in 2001,²⁸ was published in December 2004. It may also wish to note that the first draft of a digest of case law related to the Model Law on Arbitration has been prepared pursuant to the Commission's request at its thirty-fifth session, in 2002,²⁹ bearing in mind the discussion at the Commission's thirty-seventh session, in 2004.³⁰ The text will be considered at the meeting of the national correspondents (see above, para. 19).

11. Technical assistance to law reform

21. The Commission will have before it a note by the Secretariat on technical assistance to law reform (A/CN.9/586).

12. Status and promotion of UNCITRAL texts

22. The Commission will have before it a note by the Secretariat concerning the present status of the conventions and model laws resulting from its work as well as the status of the New York Convention (A/CN.9/587).

23. The Commission will also hear an oral report on conferences dedicated to the twenty-fifth anniversary of the adoption of the United Nations Sales Convention and the twentieth anniversary of the adoption of the Model Law on Arbitration.³¹

13. Relevant General Assembly resolutions

24. The Commission may wish to take note of two General Assembly resolutions adopted on the recommendation of the Sixth Committee, resolution 59/39, on the report of the Commission on the work of its thirty-seventh session, and 59/40, on the UNCITRAL Legislative Guide on Insolvency Law, both of 2 December 2004. Copies of the resolutions and the report of the Sixth Committee (A/59/509) will be made available at the thirty-eighth session of the Commission.

14. Coordination and cooperation

(a) General

25. The Commission will have before it a note by the Secretariat entitled "Coordination of work" (A/CN.9/584), providing a brief survey of the work of international organizations related to the harmonization of international trade law, including both substantive work and work on technical assistance to law reform.

26. It may be recalled that, at its thirty-seventh session, in 2004, the Commission took note, in particular, of the provisions of General Assembly resolution 58/75 of 9 December 2003 related to the Commission's coordination role, and the report of the Office of Internal Oversight Services on the in-depth evaluation of legal affairs,³² in particular recommendation 13 for increased coordination with trade law organizations. It may further be recalled that, at that session, the Commission made a number of suggestions aimed at expanding its role in coordination of and cooperation on legal activities of international and regional organizations active in the field of international trade law.³³

27. The Commission's attention is drawn to paragraph 4 of General Assembly resolution 59/39 (see above, para. 24), by which the General Assembly has endorsed the relevant efforts and initiatives of the Commission and appealed to relevant international and regional organizations to coordinate their legal activities with those of the Commission, to avoid duplication of efforts and to promote efficiency, consistency and coherence in the modernization and harmonization of international trade law.

(b) Insolvency law

28. The Commission will have before it a note by the Secretariat (A/CN.9/580 and addenda, as necessary) outlining current activities by other organizations in the area of insolvency law and developments in the area of cross-border insolvency. The latter will include developments with the enactment of the UNCITRAL Model Law on Cross-Border Insolvency; the use and development of cross-border protocols (based upon the Cross-Border Concordat developed by Committee J of the International Bar Association); the use and development of the Guidelines Applicable to Court-to-Court Communications in Cross-Border Cases (developed by the American Law Institute in association with the International Insolvency Institute); and case law relevant to interpretation of the UNCITRAL Model Law on Cross-Border Insolvency.

29. The Commission will also have before it a proposal by INSOL International (A/CN.9/582) that UNCITRAL undertake work on the treatment of corporate groups in insolvency. The Commission will recall that the topic was introduced in the UNCITRAL Legislative Guide on Insolvency Law,³⁴ adopted by the Commission at its thirty-seventh session, in 2004,³⁵ but it was not pursued in any great detail as part of the deliberations on the Legislative Guide and no recommendations were proposed for inclusion in the Guide. There may be other proposals on possible future work.

(c) Electronic commerce

30. The Commission may wish to recall that, at its thirty-seventh session, in 2004, it requested the Secretariat to consider preparing any relevant study to facilitate discussion by the Commission at its thirty-eighth session, in 2005, of future work in the area of electronic commerce.³⁶ Pursuant to that request, the Secretariat will submit a report on current activities by other organizations in the area of electronic commerce (A/CN.9/579).

(d) Commercial fraud

31. The Commission may wish to recall its consideration of the subject at its thirty-fifth to thirty-seventh sessions, in 2002-2004, respectively.³⁷ At its

thirty-seventh session, in 2004, the Commission agreed that it would be useful if, wherever appropriate, examples of commercial fraud were to be discussed in the particular contexts of projects worked on by the Commission so as to enable delegates involved in those projects to take the problem of fraud into account in their deliberations. In addition, the Commission agreed that the preparation of lists of common features present in typical fraudulent schemes could be useful as educational material for participants in international trade and other potential targets of fraudsters to the extent they would help them protect themselves and avoid becoming victims of fraudulent schemes. While it was not proposed that the Commission itself or its intergovernmental working groups be directly involved in that activity, it was agreed that the Secretariat would keep the Commission informed about it.³⁸

32. In this regard, the Commission's attention is drawn to resolution 2004/26 adopted by the Economic and Social Council (ECOSOC) on 21 July 2004, entitled "International cooperation in the prevention, investigation, prosecution and punishment of fraud, the criminal misuse and falsification of identity and related crimes". The resolution envisages convening an intergovernmental expert group³⁹ that would prepare a study on fraud and the criminal misuse and falsification of identity, and develop on the basis of such a study relevant practices, guidelines or other materials, taking into account in particular the relevant work of UNCITRAL. The resolution also recommends that the Secretary-General designate the United Nations Office on Drugs and Crime (UNODC) to serve as secretariat for the intergovernmental expert group, in consultation with the secretariat of UNCITRAL.

33. At its thirty-eighth session, the Commission will hear an oral report from the Secretariat on the results of the intergovernmental expert group meeting that was held from 17 to 18 March 2005 by UNODC. The Commission may wish to take note of the ECOSOC resolution and express its position in particular with respect to the role of UNCITRAL and its secretariat in the project. It may also wish to reiterate its appeal for the need to develop lists of common features present in typical fraudulent schemes (see above, para. 31), which could be done in conjunction with the preparation of the study entrusted to the intergovernmental expert group.

(e) Reports of other international organizations

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

15. Other business

35. An oral report will be presented on the Twelfth Annual Willem C. Vis International Commercial Arbitration Moot competition.

36. The Commission may wish to note developments with respect to the UNCITRAL information resources, and, in particular, UNCITRAL website (www.uncitral.org).

37. The Commission will also have before it a bibliography of recent writings related to its work (A/CN.9/588).

16. Date and place of future meetings*Thirty-ninth session of the Commission*

38. The thirty-ninth session of the Commission will be held in New York. Arrangements have been made for the session to be held for up to four weeks, from 19 June to 14 July 2006.

Sessions of working groups

39. 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.⁴⁰

40. In view of the magnitude and complexities of the project before Working Group III (Transport Law), the Commission may wish to consider authorizing two-week sessions of the Working Group to be held in the autumn of 2005 and the spring of 2006, as suggested in paragraph 45 below, utilizing the entitlement of Working Group V (Insolvency Law), which is not expected to meet before the Commission's thirty-ninth session. The Commission may wish to consider the matter in conjunction with its consideration of a possible time frame for the completion of the draft instrument by the Working Group (see above, para. 12).

41. The Commission may wish to recall that, at its thirty-seventh session, in 2004, it approved the holding of a two-week session of Working Group IV (Electronic Commerce) in October 2004, noting that by accelerating the work of the Working Group, it would be possible not to hold one week of meetings of the Working Group in late 2005.⁴¹ Owing to the completion by the Working Group of its work on the draft convention on the use of electronic communications in international contracts at its forty-fourth session (see above, para. 4), no session of the Working Group was held in April 2005 and is not envisaged in the autumn of 2005. Subject to the Commission's decision on the future work in the area of electronic commerce (see above, para. 30), arrangements have been made for two one-week sessions of the Working Group in the spring and autumn of 2006, as reflected in paragraphs 46 and 52 below.

42. Subject to the Commission's decision on a possible future work in the area of insolvency law (see above, paras. 28 and 29), arrangements have been made for a one-week session of Working Group V (Insolvency Law) in the autumn of 2006, as reflected in paragraph 53 below.

Sessions of working groups up to the thirty-ninth session of the Commission

Working Group I (Procurement)

43. The eighth session of the Working Group could be held in Vienna from 7 to 11 November 2005, and the ninth session could be held in New York, from 24 to 28 April 2006.

Working Group II (Arbitration)

44. The forty-third session of the Working Group could be held in Vienna from 3 to 7 October 2005, and the forty-fourth session could be held in New York, from 23 to 27 January 2006.

Working Group III (Transport Law)

45. The sixteenth session of the Working Group could be held in Vienna, from 28 November to 9 December 2005, and the seventeenth session could be held in New York, from 13 to 24 March 2006.

Working Group IV (Electronic Commerce)

46. The forty-fifth session of the Working Group could be held in New York, from 1 to 5 May 2006.

Working Group V (Insolvency Law)

47. No session of the Working Group is envisaged.

Working Group VI (Security Interests)

48. The eighth session of the Working Group could be held in Vienna, from 5 to 9 September 2005, and the ninth session could be held in New York, from 30 January to 3 February 2006.

Sessions of working groups in 2006 after the thirty-ninth session of the Commission

Working Group I (Procurement)

49. Tentative arrangements have been made for the tenth session of the Working Group to be held in Vienna, from 4 to 8 December 2006.

Working Group II (Arbitration)

50. Tentative arrangements have been made for the forty-fifth session of the Working Group to be held in Vienna, from 11 to 15 September 2006.

Working Group III (Transport Law)

51. Tentative arrangements have been made for the eighteenth session of the Working Group to be held in Vienna, from 6 to 17 November 2006 (other possible dates, from 9 to 20 October 2006, are being considered).

Working Group IV (Electronic Commerce)

52. Tentative arrangements have been made for the forty-sixth session of the Working Group to be held in Vienna, from 11 to 15 December 2006.

Working Group V (Insolvency Law)

53. Tentative arrangements have been made for the thirty-first session of the Working Group to be held in Vienna, from 18 to 22 September 2006.

Working Group VI (Security Interests)

54. Tentative arrangements have been made for the tenth session of the Working Group to be held in Vienna, from 18 to 22 September 2006.

17. Adoption of the report of the Commission

55. 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,⁴² the report of the Commission is introduced to the General Assembly by the Chairman of the Commission or by another officer designated by the Chairman.

III. Scheduling of meetings and documentation

56. The Commission will have nine days of formal meetings to consider the agenda items. Thursday, 14 July, will be used by the Secretariat to prepare the draft report, which will be presented to the Commission for adoption on Friday, 15 July.

57. The Secretariat recommends that, after agenda items 1 to 3, the Commission take up agenda item 4 (the draft convention on the use of electronic communications in international contracts) and that it devote to it six working days of the session (i.e. from Monday, 4 July, until Monday, 11 July). The formal adoption of the draft convention could take place on Friday, 15 July, together with the adoption of the report of the session.

58. It is suggested that two working days of the second week of the session, i.e. 12-13 July, be devoted to agenda items 5-16.

59. It should be noted that the above recommendations on the scheduling of agenda items are intended to assist States and interested organizations in planning the attendance of their pertinent representatives; the actual scheduling will be determined by the Commission itself.

60. 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, 4 July, when the morning meeting will commence at 10 a.m.

61. UNCITRAL documents are posted on the UNCITRAL website (<http://www.uncitral.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 thirty-eighth session by accessing the page of the thirty-eighth session of the Commission in the "Commission Sessions" section of the UNCITRAL website (<http://www.uncitral.org/>).

Notes

- ¹ *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 17 (A/59/17)*, para. 135.
- ² *Ibid.*, *Fifty-sixth Session, Supplement No. 17 (A/56/17)*, paras. 291-295.
- ³ United Nations, *Treaty Series*, vol. 330, p. 3.
- ⁴ For the text of the Model Law, see *Official Records of the General Assembly, Forty-ninth Session, Supplement No. 17* and corrigendum (A/49/17 and Corr.1), annex I (also published in the Yearbook of the United Nations Commission on International Trade Law, vol. XXV:1994 (United Nations publication, Sales No. E.95.V.20), part three, annex I. The Model Law is available in electronic form at the UNCITRAL website (<http://www.uncitral.org/english/texts/procurem/ml-procure.htm>).
- ⁵ *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 17 (A/58/17)*, paras. 225-230, and *Fifty-ninth Session, Supplement No. 17 (A/59/17)*, paras. 79-82.
- ⁶ *Ibid.*, *Fifty-ninth Session, Supplement No. 17 (A/59/17)*, paras. 81-82.
- ⁷ *Ibid.*, *Fifty-fourth Session, Supplement No. 17 (A/54/17)*, paras. 344-350 and 380.
- ⁸ *Ibid.*, paras. 371-373 and 380.
- ⁹ *Ibid.*, *Fortieth Session, Supplement No. 17 (A/40/17)*, annex I.
- ¹⁰ See, in particular, *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 17 (A/54/17)*, para. 380.
- ¹¹ See, in particular, the report of the forty-second (New York, 10-14 January 2005) session of the Working Group (A/CN.9/573), para. 100.
- ¹² *Official Records of the General Assembly, Thirty-first Session, Supplement No. 17 (A/31/17)*, para. 57.
- ¹³ *Ibid.*, *Fifty-sixth Session, Supplement No. 17* and corrigendum (A/56/17 and Corr.3), para. 345.
- ¹⁴ *Ibid.*, *Fifty-seventh Session, Supplement No. 17 (A/57/17)*, para. 224.
- ¹⁵ *Ibid.*, *Fifty-eighth Session, Supplement No. 17 (A/58/17)*, para. 208.
- ¹⁶ *Ibid.*, *Fifty-ninth Session, Supplement No. 17 (A/59/17)*, paras. 64-66.
- ¹⁷ *Ibid.*, paras. 132-133.
- ¹⁸ *Ibid.*, *Fifty-sixth Session, Supplement No. 17* and corrigendum (A/56/17 and Corr.3), para. 358.
- ¹⁹ The report of the first session (New York, 20-24 May 2002) is contained in document A/CN.9/512, the report of the second session (Vienna, 17-20 December 2002) is contained in document A/CN.9/531, the report of the third session (New York, 3-7 March 2003) is contained in document A/CN.9/532, the report of the fourth session (Vienna, 8-12 September 2003) is contained in document A/CN.9/543, and the report of the fifth session (New York, 22-25 March 2004) is contained in document A/CN.9/549.
- ²⁰ *Official Records of the General Assembly, Fiftieth Session, Supplement No. 17 (A/50/17)*, paras. 401-404.
- ²¹ *Ibid.*, *Fifty-first Session, Supplement No. 17 (A/51/17)*, para. 243; *ibid.*, *Fifty-second Session, Supplement No. 17* and corrigendum (A/52/17 and Corr.1), para. 258; *ibid.*, *Fifty-third Session, Supplement No. 17 (A/53/17)*, para. 233; *ibid.*, *Fifty-fourth Session, Supplement No. 17 (A/54/17)*, para. 332; *ibid.*, *Fifty-fifth Session, Supplement No. 17 (A/55/17)*, para. 412; *ibid.*, *Fifty-sixth Session, Supplement No. 17 (A/56/17)*, para. 318; and *ibid.*, *Fifty-ninth Session, Supplement No. 17 (A/59/17)*, para. 84.

- ²² Ibid., *Fifty-seventh Session, Supplement No. 17* (A/57/17), para. 235; and *ibid.*, *Fifty-eighth Session, Supplement No. 17* (A/58/17), para. 224.
- ²³ Ibid., *Fifty-ninth Session, Supplement No. 17* (A/59/17), para. 84.
- ²⁴ Ibid., *Forty-third Session, Supplement No. 17* (A/43/17), paras. 98-109.
- ²⁵ United Nations, *Treaty Series*, vol. 1489, p. 3.
- ²⁶ United Nations, *Treaty Series*, vol. 1695, p. 3.
- ²⁷ For the text of the Model Law, see *Official Records of the General Assembly, Fifty-first Session, Supplement No. 17* (A/51/17), annex I (also published in the Yearbook of the United Nations Commission on International Trade Law, vol. XXVII:1996 (United Nations publication, Sales No. E.98.V.7), part three, annex I). The Model Law and its accompanying Guide to Enactment have been published as United Nations publication (Sales No. E.99.V.4) and are available in electronic form at the UNCITRAL website (<http://www.uncitral.org/english/texts/electcom/ml-ecomm.htm>).
- ²⁸ *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 17* and corrigendum (A/56/17 and Corr.3), para. 395.
- ²⁹ Ibid., *Fifty-seventh Session, Supplement No. 17* (A/57/17), para. 243.
- ³⁰ Ibid., *Fifty-ninth Session, Supplement No. 17* (A/59/17), paras. 87-91.
- ³¹ Ibid., para. 90.
- ³² E/AC.51/2002/5.
- ³³ *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 17* (A/59/17), paras. 113-115.
- ³⁴ See the UNCITRAL Legislative Guide on Insolvency Law, Part Two, chapter V, section C, paras. 82-92, available at <http://www.uncitral.org/en-index.htm>.
- ³⁵ *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 17* (A/59/17), para. 55. See also General Assembly resolution 59/40.
- ³⁶ Ibid., para. 72.
- ³⁷ Ibid., *Fifty-seventh Session, Supplement No. 17* (A/57/17), paras. 279-290; *ibid.*, *Fifty-eighth Session, Supplement No. 17* (A/58/17), paras. 231-241; and *ibid.*, *Fifty-ninth Session, Supplement No. 17* (A/59/17), paras. 108-112.
- ³⁸ Ibid., *Fifty-ninth Session, Supplement No. 17* (A/59/17), paras. 110-112.
- ³⁹ The representation in the intergovernmental expert group is based on the regional composition of the Commission on Crime Prevention and Criminal Justice and is to reflect the diversity of legal systems and open to any Member State wishing to participate as an observer.
- ⁴⁰ *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 17* (A/58/17), para. 275.
- ⁴¹ Ibid., *Fifty-ninth Session, Supplement No. 17* (A/59/17), para. 134.
- ⁴² Ibid., *Twenty-third Session, annexes*, agenda item 88, document A/7408, para. 3.