



General Assembly

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**United Nations Commission on
International Trade Law
Working Group I (MSMEs)
Thirty-seventh session
New York, 9–13 May 2022**

Annotated provisional agenda

I. Provisional agenda

1. Opening of the session.
2. Adoption of the agenda.
3. Consideration of issues on access to credit for micro, small and medium-sized enterprises (MSMEs).

II. Composition of the Working Group

1. The Working Group is composed of all States members of the Commission, which are the following: 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).

2. States not members of the Commission and international governmental organizations may attend the session as observers and participate in the deliberations. In addition, invited international non-governmental organizations may attend the session as observers and represent the views of their organizations on matters where the organization concerned has expertise or international experience so as to facilitate the deliberations at the session.



III. Annotations to agenda items

Item 1. Opening of the session

3. The thirty-seventh session of Working Group I will be held in New York from 9 to 13 May 2022. Due to the spread of the Coronavirus disease (COVID-19), the format of the session will be in line with the arrangements put in place by the Commission to allow both in-person and online participation. Meeting hours and other arrangements for the session will be posted on the Working Group web page: https://uncitral.un.org/en/working_groups/1/msmes.

Item 3. Consideration of issues on access to credit for micro, small and medium-sized enterprises (MSMEs)

1. Background information¹

4. At its forty-sixth session, in 2013, the Commission agreed that work on reducing the legal obstacles faced by MSMEs throughout their life cycle, in particular, in developing economies, should be added to the work programme of the Commission, and that such work should begin with a focus on the legal questions surrounding the simplification of incorporation. From February 2014 to January 2021, the Working Group considered two parallel projects: a simplified legal form for MSMEs and good practices in business registration, both of which aimed at reducing the legal obstacles encountered by MSMEs. This work resulted in two texts adopted by the Commission in 2018 and 2021, respectively: the *UNCITRAL Legislative Guide on Key Principles of a Business Registry* and the *UNCITRAL Legislative Guide on Limited Liability Enterprises*.

5. At its fifty-second session, in 2019, the Commission agreed to strengthen and complete the work on reducing the legal obstacles faced by MSMEs throughout their life cycles by requesting the Secretariat to start preparing draft materials on MSMEs' access to credit, drawing, as appropriate, on the relevant recommendations and guidance contained in the *UNCITRAL Model Law on Secured Transactions*, with a view to their consideration by Working Group I.² In keeping with that request, the Secretariat prepared an annotated outline of possible topics on MSMEs' access to credit (A/CN.9/WG.I/WP.119) and another working paper (A/CN.9/WG.I/WP.119/Add.1) which illustrated how some of the topics contained in the annotated outline could be addressed.

6. After devoting its thirty-fourth (Vienna, 28 September–2 October 2020) and thirty-fifth sessions (Vienna, 25–29 January 2021) to finalize the draft legislative guide on an UNCITRAL Limited Liability Organization (now the *UNCITRAL Legislative Guide on Limited Liability Enterprises*, see para. 4), the Working Group commenced discussion on the topic of access to credit at its thirty-sixth session (Vienna, 4–8 October 2021), on the basis of the Note by the Secretariat A/CN.9/WG.I/WP.124. That Note, replacing Note A/CN.9/WG.I/WP.119/Add.1, included a draft "Future Text" discussing in depth a range of topics that could facilitate access to credit for MSMEs. The Working Group examined the scope and structure of each section of the draft Future Text and identified aspects to be improved in the next iteration. As general remarks, the Working Group noted the following: (i) the structural consistency among the different sections and subsections of the document should be strengthened; (ii) while the Future Text should mainly focus on micro and small enterprises (MSEs), it should not completely exclude medium-sized ones and should thus clarify, as appropriate, the different provisions and policy measures applicable to this latter group; and (iii) the applicable provisions to facilitate

¹ A detailed history of the current mandate of Working Group I can be found in A/CN.9/WG.I/WP.108, paras. 5–12.

² *Official Records of the General Assembly, Seventy-fourth Session, Supplement No. 17 (A/74/17)*, para. 192 (a).

access to credit may vary according to the form of MSMEs, for example, whether a natural or legal person. A proposal was also heard that the Future Text could be a document prepared by the secretariat with the assistance of a group of experts. The Working Group postponed further consideration of this proposal until after its reading of the next iteration of the draft Future Text.

2. Documentation

7. The Working Group will have before it, and may wish to use as a basis for its consideration, the following documents: (a) a Note by the Secretariat on access to credit for micro, small and medium-sized enterprises ([A/CN.9/WG.I/WP.126](#)); and (b) such other documents as may be officially submitted by States after the date of this provisional agenda.

8. In planning the attendance of their representatives, States and interested organizations may also wish to consider the following background documents:

(a) Notes by the Secretariat on Access to credit for micro, small and medium-sized enterprises ([A/CN.9/WG.I/WP.119](#) and Add.1, and [A/CN.9/WG.I/WP.124](#));

(b) *Official Records of the General Assembly, Seventy-sixth Session, Supplement No. 17 (A/76/17)*, paragraphs 192–193;

(c) *Official records of the General Assembly Seventy-fourth Session, Supplement No. 17 (A/74/17)*, paragraph 192 (a); and

(d) *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 17 (A/68/17)*, paragraphs 316–322.

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