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UNITED NATIONS COMMISSION
ON INTERNATIONAL TRADE LAW
Working Group on
International Contract Practices
Twenty-seventh session
New York, 23 June - 3 July 1997

PROVISIONAL AGENDA

1. Election of officers
2. Adoption of the agenda
3. Preparation of draft Convention on
Assignment in Receivables Financing
4. Other business
5. Adoption of the report

Notes on the provisional agenda

At the current session, the Working Group on International Contract Practices continues its work on the preparation of a uniform law on assignment in receivables financing, pursuant to a decision taken by the Commission at its twenty-ninth session (New York, 28 May-14 June 1996). ^{1/}

^{1/} Report of the United Nations Commission on International Trade Law on the work of its twenty-ninth session (1996), Official Records of the General Assembly, Fifty-first Session, Supplement No. 17 (A/51/17), paras. 231-234.

At its twenty-sixth to twenty-eighth sessions (1993 to 1995), the Commission discussed three reports prepared by the Secretariat concerning certain legal problems in the area of assignment of receivables (A/CN.9/378/Add.3, A/CN.9/397 and A/CN.9/412). Having considered those reports, the Commission concluded that it would be both desirable and feasible to prepare a set of uniform rules, the purpose of which would be to remove obstacles to receivables financing arising from the uncertainty existing in various legal systems as to the validity of cross-border assignments (in which the assignor, the assignee and the debtor would not be in the same country) and as to the effects of such assignments on the debtor and other third parties. ^{2/}

At its twenty-fourth session (Vienna, 8-19 November 1995), the Working Group commenced its work by considering a number of preliminary draft uniform rules contained in a report of the Secretary-General entitled "Discussion and preliminary draft of uniform rules" (A/CN.9/412). At that session, the Working Group was urged to strive for a legal text aimed at increasing the availability of lower cost credit (A/CN.9/420, para. 16).

At its twenty-fifth session (New York, 8-19 July 1996), the deliberations of the Working Group were based on a note prepared by the Secretariat which contained provisions on a variety of issues, including form and content of assignment, rights and obligations of the assignor, the assignee, the debtor and other third parties, subsequent assignments and conflict-of-laws issues (A/CN.9/WG.II/WP.87). At that session, the Working Group adopted the working assumption that the text being prepared would take the form of a convention (A/CN.9/432, para. 28).

At its twenty-sixth session (Vienna, 11-22 November 1996), the Working Group considered newly revised articles of the draft Convention on Assignment in Receivables Financing on the basis of a document prepared by the Secretariat (A/CN.9/WG.II/WP.89). At the conclusion of that session, the Working Group requested the Secretariat to prepare a revised draft of the Convention (A/CN.9/434, para. 13).

The Working Group is composed of all States members of the Commission. These are:

Algeria, Argentina, Australia, Austria, Botswana, Brazil, Bulgaria, Cameroon, Chile, China, Ecuador, Egypt, Finland, France, Germany, Hungary, India, Iran (Islamic Republic of), Italy, Japan, Kenya, Mexico, Nigeria, Poland, Russian Federation, Saudi Arabia, Singapore, Slovakia, Spain, Sudan, Thailand, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America and Uruguay.

^{2/} Report of the United Nations Commission on International Trade Law on the work of its twenty-sixth session (1993), Official Records of the General Assembly, Forty-eighth Session, Supplement No. 17 (A/48/17), paras. 297-301; Report of the United Nations Commission on International Trade Law on the work of its twenty-seventh session (1994), Official Records of the General Assembly, Forty-ninth Session, Supplement No. 17 (A/49/17), paras. 208-214; and Report of the United Nations Commission on International Trade Law on the work of its twenty-eighth session (1995), Official Records of the General Assembly, Fiftieth Session, Supplement No. 17 (A/50/17), paras. 374-381.

Item 1. Election of officers

The Working Group, in accordance with its practice at previous sessions, may wish to elect a Chairman and a Rapporteur.

Item 3. Preparation of draft convention on assignment in receivables financing

The Working Group will have before it, and may wish to use as a basis for its deliberations, a note by the Secretariat containing revised articles of the draft Convention on Assignment in Receivables Financing (A/CN.9/WG.II/WP.93). This note will contain conflict-of-laws rules, which the Working Group decided to address at the beginning of the current session (A/CN.9/434, para. 262).

The following documents will be made available at the session:

- (a) Report of the Working Group on International Contract Practices on the work of its twenty-sixth session (A/CN.9/434);
- (b) Note by the Secretariat: Comments by the Observer of the Commercial Finance Association (A/CN.9/WG.II/WP.91);
- (c) Note by the Secretariat: Comments of the Permanent Bureau of the Hague Conference on Private International Law (A/CN.9/WG.II/WP.90);
- (d) Note by the Secretariat: Newly revised articles of draft uniform rules on assignment in receivables financing (A/CN.9/WG.II/WP.89);
- (e) Report of the Working Group on International Contract Practices on the work of its twenty-fifth session (A/CN.9/432);
- (f) Note by the Secretariat: Revised articles of draft uniform rules on assignment in receivables financing (A/CN.9/WG.II/WP.87);
- (g) Report of the Working Group on International Contract Practices on the work of its twenty-fourth session (A/CN.9/420);
- (h) Report of the Secretary-General: Assignment in receivables financing, Discussion and preliminary draft of uniform rules (A/CN.9/412);
- (i) Report of the Secretary-General: Legal Aspects of Receivables Financing (A/CN.9/397); and
- (j) Note by the Secretariat: Assignment of Claims (A/CN.9/378/Add.3).

Item 5. Adoption of the report

The Working Group may wish to adopt, at the close of its session, a report for submission to the thirty-first session of the Commission (to be held in New York from 1 to 19 June 1998).

Meetings

The session of the Working Group will take place from 23 June to 3 July 1997 at the United Nations Headquarters, New York. There will be 7 working days available for consideration of the agenda items at the session. No meeting will be scheduled for Wednesday, 2 July, in order to allow for the preparation of the draft report of the session. Meeting hours will be from 10:00 to 13:00 and from 15:00 to 18:00, except on Monday, 23 June 1997, when the session will commence at 10:30.

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