



General Assembly

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**United Nations Commission
on International Trade Law**
Working Group on Electronic Commerce
Forty-third session
New York, 15-19 March 2004

Provisional agenda, annotations thereto and scheduling of meetings of the forty-third session

I. Provisional agenda

1. Opening of the session.
2. Election of officers.
3. Adoption of the agenda.
4. Electronic contracting: provisions for a draft convention.
5. Other business.
6. Adoption of the report.

II. Annotations

Item 1. Opening of the session

1. The forty-second session of the Working Group will be held at the United Nations Headquarters in New York, from 15 to 19 March 2004. The session will be opened on Monday, 15 March 2004, at 10.30 a.m. The Working Group is composed of all States members of the Commission, which are the following States: Austria, Benin, Brazil, Burkina Faso, Cameroon, Canada, China, Colombia, Fiji, France, Germany, Honduras, Hungary, India, Iran (Islamic Republic of), Italy, Japan, Kenya, Lithuania, Mexico, Morocco, Paraguay, Romania, Russian Federation, Rwanda, Sierra Leone, Singapore, Spain, Sudan, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay (alternating annually with Argentina).



Item 2. Election of officers

2. In accordance with its practice at previous sessions, the Working Group may wish to elect a Chairman and a Rapporteur.

Item 4. Electronic contracting: provisions for a draft convention

3. At its thirty-fourth session (Vienna, 25 June-13 July 2001), the Commission endorsed a set of recommendations for future work that had been made by the Working Group on Electronic Commerce at its thirty-eighth session (New York, 12-23 March 2001). They included, among other topics, the preparation of an international instrument dealing with selected issues on electronic contracting and a comprehensive survey of possible legal barriers to the development of electronic commerce in international instruments.¹

4. The Working Group's deliberations on those topics began at its thirty-ninth session (New York, 11-15 March 2002), when the Working Group considered a note by the Secretariat that contained, as its annex I, an initial draft tentatively entitled "Preliminary Draft Convention on [International] Contracts Concluded or Evidenced by Data Messages" (A/CN.9/WG.IV/WP.95). The Working Group's deliberations are reflected in the report of its work at that session (A/CN.9/509). The Working Group resumed its consideration of the preliminary draft convention at its fortieth session (Vienna, 14-18 October 2002), when it concluded its initial review of the text (see A/CN.9/527, paras. 72-126). The Working Group requested the Secretariat to prepare a revised version of the preliminary draft convention for consideration by the Working Group at its forty-first session. The Working Group considered the revised version of the preliminary draft convention (contained in A/CN.9/WG.IV/WP.100) at its forty-first session (New York, 5-9 May 2003), when it reviewed articles 1-11 (see A/CN.9/528, paras. 26-151). At its forty-second (Vienna, 17-21 November 2003), the Working Group held a general discussion on the scope of the preliminary draft convention (A/CN.9/546, paras. 33-38). The Working Group noted that a task force had been established by the International Chamber of Commerce to develop contractual rules and guidance on legal issues related to electronic commerce, tentatively called "E-terms 2004". The Working Group considered the work being undertaken by that task force as a useful complement to the work being undertaken by the Working Group to develop an international convention. The Working Group reviewed articles 8 to 15 of the revised preliminary draft convention (contained in annex I of the note by the Secretariat A/CN.9/WG.IV/WP.103).

5. The Working Group will have before it a newly revised version of the preliminary draft convention, which reflects the deliberations at the Working Group's forty-second session (A/CN.9/WG.IV/WP.108). The following background documents, which are also available from the UNCITRAL web site (<http://www.uncitral.org>), will be made available at the session:

(a) The reports of the Working Group's thirty-ninth, fortieth, forty-first and forty-second sessions (A/CN.9/509, A/CN.9/527, A/CN.9/528 and A/CN.9/546 respectively);

(b) The notes by the Secretariat containing the earlier versions of the preliminary draft convention (A/CN.9/WG.IV/WP.95, A/CN.9/WG.IV/WP.100 and A/CN.9/WG.IV/WP.103);

(c) The notes by the Secretariat transmitting comments thereon by an ad hoc expert group established by the International Chamber of Commerce (A/CN.9/WG.IV/WP.96 and A/CN.9/WG.IV/WP.101);

(d) The note by the Secretariat containing a survey of legal barriers to the development of electronic commerce in international instruments relating to international trade (A/CN.9/WG.IV/WP.94);

(e) The notes by the Secretariat transmitting comments on document A/CN.9/WG.IV/WP.94 that were received from member and observer States, intergovernmental organizations and international non-governmental organizations (A/CN.9/WG.IV/WP.98 and Add.1 to 6).

Item 6. Adoption of the report

6. The Working Group may wish to adopt, at the close of its session, on Friday, 19 March 2004, a report for submission to the thirty-seventh session of the Commission (to be held in New York, from 14 June to 2 July 2004). The main conclusions reached by the Working Group at its ninth meeting (on Friday morning) will be summarily read out for the record by the Chairman at the tenth meeting and subsequently incorporated into the report.

Meetings

7. The session of the Working Group will take place from 15 to 19 March 2004 at the United Nations Headquarters in New York. There will be five working days available for consideration of the agenda items at the session. Meeting hours will be from 1000 to 1300 and from 1500 to 1800, except on Monday, 15 March 2004, when the session will commence at 10.30 a.m. The Working Group may wish to note that, consistent with decisions taken by the Commission at its thirty-fourth session,² the Working Group is expected to hold substantive deliberations during the first nine half-day meetings (that is, from Monday to Friday morning), with a draft report on the entire period being prepared by the Secretariat for adoption at the tenth and last meeting of the Working Group (on Friday afternoon). The Working Group may wish to devote its first eight half-day meetings (from Monday to Thursday) to its deliberations on agenda item 4. The Working Group may wish to reserve its penultimate half-day meeting (on Friday morning) for an exchange of views on the possible additional issues of electronic contracting that might need to be dealt with in the preliminary draft convention.

Notes

¹ *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 17* and corrigendum (A/56/17 and Corr.3), paras. 291-293.

² *Ibid.*, *Fifty-sixth Session, Supplement No. 17* and corrigendum (A/56/17 and Corr.3), para. 381.