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**United Nations Commission
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Provisional agenda, annotations thereto and scheduling of meetings of the fortieth session

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II. Annotations

1. Opening of the session

1. The fortieth session of the Commission will be held at the Vienna International Centre, from 25 June to 12 July 2007.¹ The session will be opened on Monday, 25 June 2007, at 10 a.m. (see below, section III, paras. 61-66, for more details about the scheduling of meetings). As at 25 June 2007, the United Nations Commission on International Trade Law will be composed of the following member States: Algeria, Australia, Austria, Belarus, Colombia, Czech Republic, Ecuador, Fiji, Gabon, Guatemala, India, Iran (Islamic Republic of), Israel, Italy, Kenya, Lebanon, Madagascar, Mongolia, Nigeria, Pakistan, Paraguay, Poland, Serbia, Spain, Switzerland, Thailand, Uganda, United States of America, Venezuela (Bolivarian Republic of), Zimbabwe, and an additional thirty States to be elected by the General Assembly to replace States members whose term of office expires on 24 June 2007.

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.

2. Election of officers

3. 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. Adoption of a draft UNCITRAL legislative guide on secured transactions and possible future work

4. 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.² At that session, the Commission agreed

¹ *Official Records of the General Assembly, Sixty-first Session, Supplement No. 17 (A/61/17)*, para. 272.

² *Ibid.*, *Fifty-sixth Session, Supplement No. 17 and corrigendum (A/56/17 and Corr.3)*, para. 358.

that security interests was an important subject and had been brought to the attention of the Commission at the right time, in particular in view of the close link of security interests with the work of the Commission on insolvency law. It was widely felt that modern secured credit laws could have a significant impact on the availability and the cost of credit and thus on international trade. It was also widely felt that modern secured credit laws could alleviate the inequalities in the access to lower-cost credit between parties in developed countries and parties in developing countries, and in the share such parties had in the benefits of international trade.³

5. The Working Group worked on the preparation of a draft legislative guide on secured transactions during twelve one-week sessions.⁴ In addition, the Working Group held two joint sessions with Working Group V (Insolvency Law).⁵ At its thirty-eighth session, the Commission noted with appreciation the coordination of the work of Working Group VI with Working Group V, as well as with The Hague Conference on Private International Law, the International Institute for the Unification of Private Law (UNIDROIT), the World Bank and the World Intellectual Property Organization.⁶ At its thirty-ninth session, the Commission considered and approved the substance of the recommendations of the draft Guide.⁷ At its eleventh and twelfth sessions, the Working Group completed its work on a draft legislative guide and transmitted it to the Commission for finalization and adoption.

6. At its fortieth session, the Commission will have before it the reports of the eleventh (Vienna, 4-8 December 2006) and twelfth (New York, 12-16 February 2007) sessions of the Working Group (A/CN.9/617 and A/CN.9/620,

³ Ibid., *Fifty-fifth Session, Supplement No. 17 (A/55/17)*, para. 459.

⁴ The Working Group's 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, the report of the fifth session (New York, 22-25 March 2004) is contained in document A/CN.9/549, the report of the sixth session (Vienna, 27 September-1 October 2004) is contained in document A/CN.9/570, the report of the seventh session (New York, 24-28 January 2005) is contained in document A/CN.9/574, the report of the eighth session (Vienna, 5-9 September 2005) is contained in document A/CN.9/588, the report of the ninth session (New York, 30 January-3 February 2006) is contained in document A/CN.9/593, the report of the tenth session (New York, 1-5 May 2006) is contained in document A/CN.9/603, the report of the eleventh session (Vienna, 4-8 December 2006) is contained in document A/CN.9/617 and the report of the twelfth session (New York, 12-16 February 2007) is contained in document A/CN.9/620. For the consideration by the Commission of the reports of the Working Group on its work from the first to the tenth sessions, see *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 17 (A/57/17)*, paras. 202-204; *ibid.*, *Fifty-eighth Session, Supplement No. 17 (A/58/17)*, paras. 217-222; *ibid.*, *Fifty-ninth Session, Supplement No. 17 (A/59/17)*, paras. 75-78; *ibid.*, *Sixtieth Session, Supplement No. 17 (A/60/17)*, paras. 186-187; and *ibid.*, *Sixty-first Session, Supplement No. 17 (A/61/17)*, paras. 13-78.

⁵ For the report of Working Group V (Insolvency Law) and Working Group VI (Security Interests) on the work of their first joint session (Vienna, 16-17 December 2002), see document A/CN.9/535; and for the report of Working Group V (Insolvency Law) and Working Group VI (Security Interests) on the work of their second joint session (New York, 26 and 29 March 2004), see document A/CN.9/550.

⁶ *Official Records of the General Assembly, Sixtieth Session, Supplement No. 17 (A/60/17)*, para.187.

⁷ *Ibid.*, *Sixty-first Session, Supplement No. 17 (A/61/17)*, paras.13-78.

respectively) and the draft UNCITRAL legislative guide on secured transactions (A/CN.9/631 and addenda). In addition, the Commission will have before it a report on the Colloquium on Security Interests in Intellectual Property Rights (Vienna, 18-19 January 2007) held further to the consideration by the Commission at its thirty-ninth session, in 2006,⁸ with suggestions for possible future work in the area of security interests (A/CN.9/632). (For suggested scheduling of meetings to consider this agenda item, see para. 62 below.)

5. Procurement: progress report of Working Group I

7. At its thirty-seventh session, in 2004, the Commission agreed that its 1994 Model Law on Procurement of Goods, Construction and Services⁹ 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.¹⁰ 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.¹¹

8. Until the Commission's thirty-ninth session, in 2006, the Working Group held four one-week sessions at which it considered studies and drafting materials prepared by the Secretariat.¹² At its thirty-eighth and thirty-ninth sessions, in 2005 and 2006, respectively, the Commission reaffirmed its support for the review being undertaken and for the inclusion of novel procurement practices in the Model Law.¹³ At its thirty-ninth session, the Commission recommended that the Working Group, in updating the Model Law and the Guide, should take into account issues of conflicts of interest and should consider whether any specific provisions addressing those issues would be warranted in the Model Law.¹⁴

9. At its fortieth session, the Commission will have before it the reports of the tenth (Vienna, 25-29 September 2006) and eleventh (New York, 21-25 May 2007) sessions of the Working Group (A/CN.9/615 and A/CN.9/623, respectively). (For suggested scheduling of meetings to consider this agenda item, see para. 63 below.)

6. Arbitration and conciliation: progress report of Working Group II

10. In accordance with a decision of the Commission at its thirty-ninth session, in 2006,¹⁵ Working Group II (Arbitration and Conciliation) commenced its work on a revision of the UNCITRAL Arbitration Rules (1976)¹⁶ at its forty-fifth session (Vienna, 11-15 September 2006), and continued it at its forty-sixth session (New York, 5-9 February 2007).

⁸ Ibid., *Sixty-first Session, Supplement No. 17* (A/61/17), paras. 81-86.

⁹ Ibid., *Forty-ninth Session, Supplement No. 17* and corrigendum (A/49/17 and Corr.1), annex I.

¹⁰ Ibid., *Fifty-ninth Session, Supplement No. 17* (A/59/17), paras. 79-82.

¹¹ Ibid., paras. 81-82.

¹² For the reports of the Working Group on the work of its sixth to ninth sessions, see A/CN.9/568, A/CN.9/575, A/CN.9/590 and A/CN.9/595, respectively.

¹³ *Official Records of the General Assembly, Sixtieth Session, Supplement No. 17* (A/60/17), para. 172; and *ibid.*, *Sixty-first Session, Supplement No. 17* (A/61/17), para. 192.

¹⁴ Ibid., *Sixty-first Session, Supplement No. 17* (A/61/17), para. 192.

¹⁵ Ibid., paras. 182-187.

¹⁶ Ibid., *Thirty-first Session, Supplement No. 17* (A/31/17), para. 57.

11. At its fortieth session, the Commission will have before it the reports of the forty-fifth and forty-six sessions of the Working Group (A/CN.9/614 and A/CN.9/619, respectively). The Commission will also have before it a report of the Secretary-General of the Permanent Court of Arbitration on its activities under the UNCITRAL Arbitration Rules since 1976 (A/CN.9/634). (For suggested scheduling of meetings to consider this agenda item, see para. 63 below.)

7. Transport law: progress report of Working Group III

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.¹⁷ 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.¹⁸ 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.¹⁹ At its thirty-seventh, thirty-eighth and thirty-ninth sessions, in 2004, 2005 and 2006, the Commission reaffirmed its appreciation of the magnitude and complexities of the project, and authorized the Working Group to hold its fourteenth, fifteenth, sixteenth, seventeenth, eighteenth and nineteenth sessions for two-week periods.²⁰ At its thirty-seventh and thirty-eighth sessions, the Commission considered a possible time frame for completion of the draft instrument and expressed its support for the efforts of the Working Group to accelerate the progress of its work.²¹ At its thirty-ninth session, in 2006, the Commission commended the Working Group for the progress it had made and agreed that 2008 would be a desirable goal for completion of the project, but that the issue should again be revisited during its fortieth session, in 2007.²²

13. At its fortieth session, the Commission will have before it the reports of the eighteenth (Vienna, 6-17 November 2006) and nineteenth (New York, 16-27 April 2007) sessions of the Working Group (A/CN.9/616 and A/CN.9/621, respectively). (For suggested scheduling of meetings to consider this agenda item, see para. 63 below.)

¹⁷ Ibid., *Fifty-sixth Session, Supplement No. 17* and corrigendum (A/56/17 and Corr.3), para. 345.

¹⁸ Ibid., *Fifty-seventh Session, Supplement No. 17* (A/57/17), para. 224.

¹⁹ Ibid., *Fifty-eighth Session, Supplement No. 17* (A/58/17), para. 208.

²⁰ Ibid., *Fifty-ninth Session, Supplement No. 17* (A/59/17), paras. 64 and 132-133; *ibid.*, *Sixtieth Session, Supplement No. 17* (A/60/17), paras. 183 and 238; and *ibid.*, *Sixty-first Session, Supplement No. 17* (A/61/17), paras. 200 and 273 (c).

²¹ Ibid., *Fifty-ninth Session, Supplement No. 17* (A/59/17), paras. 64-66; and *ibid.*, *Sixtieth Session, Supplement No. 17* (A/60/17), paras. 181-184.

²² Ibid., *Sixty-first Session, Supplement No. 17* (A/61/17), para. 200.

8. Insolvency law: progress report of Working Group V

14. At its thirty-ninth session, in 2006, the Commission considered a number of proposals for future work in the area of insolvency law on the basis of a report on an international insolvency colloquium (Vienna, 14-16 November 2005) held to facilitate consideration of the Commission's future work in that area and obtain the views and benefit from the expertise of international organizations and insolvency experts (A/CN.9/596).²³

15. At that session, the Commission referred the topic of the treatment of corporate groups in insolvency, including the provision of post-commencement finance, to Working Group V (Insolvency Law) for consideration.²⁴ The Working Group was given a flexible mandate to make appropriate recommendations to the Commission regarding the scope of its future work and the form it should take, depending upon the substance of the proposed solutions to the problems the Working Group would identify under that topic.²⁵ At its fortieth session, the Commission will have before it the reports of the thirty-first (Vienna, 11-15 December 2006) and thirty-second (New York, 14-18 May 2007) sessions of the Working Group (A/CN.9/618 and A/CN.9/622, respectively).

16. At its thirty-ninth session, the Commission also agreed that initial work with respect to a proposal on cross-border insolvency protocols to compile practical experience with respect to negotiating and using those protocols should be facilitated informally through consultation with judges and insolvency practitioners.²⁶ At its fortieth session, the Commission will have before it a preliminary progress report on that work (A/CN.9/629). (For suggested scheduling of meetings to consider this agenda item, see para. 63 below.)

9. Possible future work in the area of electronic commerce

17. At its thirty-eighth session, in 2005, the Commission had before it a note in which the Secretariat summarized the work undertaken by other organizations in various areas related to electronic commerce, in pursuance of the Commission's mandate to coordinate international legal harmonization efforts in the area of international trade law (A/CN.9/579).²⁷

18. The Commission, at that time, welcomed the information provided in the note by the Secretariat and confirmed the usefulness of such a cross-sectoral overview of activities from the viewpoint both of its coordination activities and of the information requirements of Member States. The Commission requested the Secretariat to prepare a more detailed study, for consideration by the Commission at its thirty-ninth session, in 2006, which should include proposals as to the form and nature of a comprehensive reference document, which the Commission might in the future consider preparing with a view to assisting legislators and policymakers around the world.²⁸

²³ Ibid., paras. 207-210.

²⁴ Ibid., para. 209 (a) and (b).

²⁵ Ibid.

²⁶ Ibid., para. 209 (c).

²⁷ Ibid., *Sixtieth Session, Supplement No. 17* (A/60/17), paras. 213-215.

²⁸ Ibid., para. 214.

19. At its thirty-ninth session, the Commission had before it a note prepared by the Secretariat following that request (A/CN.9/604). The note identified the following areas as possible components of a comprehensive reference document: (a) authentication and cross-border recognition of electronic signatures; (b) liability and standards of conduct for information-services providers; (c) electronic invoicing and legal issues related to supply chains in electronic commerce; (d) transfer of rights in tangible goods and other rights through electronic communications; (e) unfair competition and deceptive trade practices in electronic commerce; and (f) privacy and data protection in electronic commerce. The note also identified other issues which, although in a more summary fashion, could be included in such a document: (a) protection of intellectual property rights; (b) unsolicited electronic communications (spam); and (c) cybercrime.

20. At that session, the Commission heard expressions of support for the view that the task of legislators and policymakers, in particular in developing countries, might be greatly facilitated if the Commission were to formulate a comprehensive reference document dealing with the topics identified by the Secretariat. Such a document, it was also said, might also assist the Commission to identify areas in which it might itself undertake future harmonization work.

21. However, there was also support, at that time, for the view that the range of issues identified by the Secretariat was too wide and that the scope of the comprehensive reference document might need to be reduced. Given the variety of issues involved, it was agreed that Member States might need more time, at least to consider the desirability and possible scope of future legislative work on those issues, and that the Commission should postpone a final decision on the topics to be covered until its fortieth session, in 2007. The Commission further agreed that its final decision on that matter might be facilitated if it could review a sample portion of the comprehensive reference document on a discrete topic. The Commission therefore requested the Secretariat to prepare a document dealing specifically with issues related to authentication and cross-border recognition of electronic signatures, for review at its fortieth session, in 2007.²⁹

22. At its fortieth session, the Commission will have before it a note by the Secretariat prepared pursuant to that request, that analyses legal issues related to the cross-border use of electronic authentication and signature methods (A/CN.9/630). (For suggested scheduling of meetings to consider this agenda item, see para. 63 below.)

10. Possible future work in the area of commercial fraud

23. The Commission may wish to recall its consideration of the subject at its thirty-fifth to thirty-ninth sessions, in 2002 to 2006, respectively.³⁰ 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

²⁹ Ibid., *Sixty-first Session, Supplement No. 17* (A/61/17), paras. 203-206.

³⁰ 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; *ibid.*, *Fifty-ninth Session, Supplement No. 17* (A/59/17), paras. 108-112; *ibid.*, *Sixtieth Session, Supplement No. 17* (A/60/17), paras. 216-220; and *ibid.*, *Sixty-first Session, Supplement No. 17* (A/61/17), paras. 211-217.

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 perpetrators of fraud 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.³¹

24. At its thirty-eighth session, in 2005, the Commission's attention was 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 envisaged an intergovernmental expert group³² 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 recommended 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. As the Commission also heard at its thirty-eighth session, an intergovernmental expert group meeting was held by UNODC from 17 to 18 March 2005.³³ At that same session, the Commission expressed its support for the assistance of the UNCITRAL secretariat in the UNODC project.³⁴

25. At its thirty-ninth session, in 2006, the Commission heard a progress report of work by the Secretariat on materials listing common features present in typical fraudulent schemes and took note of the suggested format for the preparation of those common features. The Commission concluded that its secretariat should continue its work on the identification of common features of fraudulent schemes, with a view to presenting interim or final materials for the consideration of the Commission at a future session, and that it should continue to cooperate with the UNODC secretariat in its study on fraud, the criminal misuse and falsification of identity and related crimes, and should report to the Commission on the progress of that work.³⁵

26. At its fortieth session, the Commission will have before it a note by the Secretariat reporting on the progress made in the preparation of lists of common features present in typical fraudulent schemes, and attaching an interim text of those features with a proposal that it should be circulated to Governments and international organizations for comment (A/CN.9/624).

³¹ *Ibid.*, *Fifty-ninth Session, Supplement No. 17 (A/59/17)*, paras. 110-112.

³² 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.

³³ *Official Records of the General Assembly, Sixtieth Session, Supplement No. 17 (A/60/17)*, para. 218.

³⁴ *Ibid.*, para. 219.

³⁵ *Ibid.*, *Sixty-first Session, Supplement No. 17 (A/61/17)*, paras. 214-217.

27. The Secretariat will inform the Commission about the second meeting of the intergovernmental expert group, convened by UNODC from 16 to 19 January 2007, at which the UNODC intergovernmental expert group completed its work on the Study on Fraud and the Criminal Misuse and Falsification of Identity (E/CN.15/2007/8 and Add.1-3). (A copy of the Study will be made available to the Commission at its fortieth session.) (For suggested scheduling of meetings to consider this agenda item, see para. 63 below.)

11. Monitoring implementation of the 1958 New York Convention

28. The Commission may wish to recall that, at its twenty-eighth session, in 1995, it had approved a project, undertaken jointly with Committee D of the International Bar Association, aimed at monitoring the legislative implementation of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958)³⁶ (the “New York Convention”).³⁷ At its thirty-seventh session, in 2004, the Commission requested the Secretariat, subject to the availability of the necessary resources, to undertake its best efforts to produce for consideration by the Commission at its thirty-eighth session a preliminary analysis of the replies received by the Secretariat in response to the questionnaire circulated in connection with the project.³⁸ In accordance with that request, the Secretariat presented an interim report (A/CN.9/585) to the Commission at its thirty-eighth session, in 2005, which provided the Commission with an overview of issues raised by the replies and envisaged questions which might be added to the survey of the implementation of the New York Convention.³⁹

29. At its fortieth session, the Commission will hear an oral report from the Secretariat on this matter. (For suggested scheduling of meetings to consider this agenda item, see para. 63 below).

12. Endorsement of texts of other organizations: Unidroit Principles of International Commercial Contracts 2004

30. The Commission may wish to recall its decision at its thirty-ninth session that the 2004 edition of the Unidroit Principles of the International Commercial Contracts⁴⁰ be circulated to States with a view to possible endorsement by the Commission at its fortieth session. It was agreed that such circulation would facilitate coordination between UNCITRAL and Unidroit and would be of

³⁶ United Nations, *Treaty Series*, vol. 330, No. 4739.

³⁷ *Official Records of the General Assembly, Fiftieth Session, Supplement No. 17 (A/50/17)*, paras. 401-404.

³⁸ *Ibid.*, *Fifty-ninth Session, Supplement No. 17 (A/59/17)*, para. 84.

³⁹ *Ibid.*, *Sixtieth Session, Supplement No. 17 (A/60/17)*, paras. 188-191.

⁴⁰ The 2004 edition of the Principles of International Commercial Contracts was adopted at the eighty-third session of the Governing Council of Unidroit in 2004. As compared to the earlier 1994 edition of the Principles, the 2004 edition of the Principles contains five additional chapters, an expanded Preamble and, where appropriate, the 1994 edition of the Principles have been adapted to meet the needs of electronic contracting. The text of the 2004 edition of the Principles is available as at the date of the preparation of the present provisional agenda at <http://www.unidroit.org/english/principles/contracts/main.htm> in over twelve languages, including all of the official languages of the United Nations except Arabic.

assistance to States that were not members of Unidroit and to other prospective users in using the Unidroit principles in their legislative and other work.⁴¹

31. Pursuant to that decision of the Commission, the Secretariat circulated the text of the Principles to all States. The Commission may wish to consider endorsing the Principles at its fortieth session, taking into account that they complement a number of international trade law instruments, including the United Nations Convention on Contracts for the International Sale of Goods (Vienna, 1980),⁴² and are aimed at providing a balanced set of rules designed for the use throughout the world irrespective of the legal traditions of the countries involved. (For suggested scheduling of meetings to consider this agenda item, see para. 63 below.)

13. Technical assistance to law reform

32. At its fortieth session, the Commission will have before it a note by the Secretariat on technical assistance activities undertaken since the Commission's thirty-ninth session and on the technical assistance resources, including UNCITRAL publications, the UNCITRAL website, Case Law on UNCITRAL texts (CLOUT) and digests of case law (A/CN.9/627).

33. The Commission will also have before it a bibliography of recent writings related to its work (A/CN.9/625). (For suggested scheduling of meetings to consider this agenda item, see para. 63 below.)

14. Status and promotion of UNCITRAL legal texts

34. At its fortieth session, the Commission will have before it a note by the Secretariat concerning the status of the conventions and model laws resulting from its work as well as the status of the New York Convention (A/CN.9/626). (For suggested scheduling of meetings to consider this agenda item, see para. 63 below.)

15. Coordination and cooperation

(a) General

35. At its fortieth session, the Commission will have before it a note by the Secretariat entitled "Coordination of work" (A/CN.9/628), providing a brief survey of the work of international organizations related to the harmonization of international trade law.

(b) Reports of other international organizations

36. Representatives of other international organizations will be given an opportunity to apprise the Commission of their current activities and possible means of strengthening cooperation. (For suggested scheduling of meetings to consider this agenda item, see para. 63 below.)

⁴¹ *Official Records of the General Assembly, Sixty-first Session, Supplement No. 17 (A/61/17)*, para. 234.

⁴² United Nations, *Treaty Series*, vol. 1489, No. 25567, and United Nations publication, Sales No. E.95.V.12.

16. Willem C. Vis International Commercial Arbitration Moot competition

37. An oral report will be presented on the Fourteenth Annual Willem C. Vis International Commercial Arbitration Moot competition. (For suggested scheduling of meetings to consider this agenda item, see para. 63 below.)

17. Relevant General Assembly resolutions

38. The Commission may wish to take note of two General Assembly resolutions adopted on the recommendation of the Sixth Committee, resolution 61/32, on the report of the Commission on the work of its thirty-ninth session, and 61/33, on the revised articles of the Model Law on International Commercial Arbitration, and the recommendation regarding the interpretation of article II, paragraph 2, and article VII, paragraph 1, of the New York Convention. Copies of the resolutions and the report of the Sixth Committee (A/61/453) will be made available at the fortieth session of the Commission.

39. The Commission may also wish to take note of General Assembly resolution 61/39 on the rule of law at the national and international levels. By that resolution, the General Assembly requested the Secretary-General to prepare an inventory of the current activities of the various organs, bodies, offices, departments, funds and programmes within the United Nations system devoted to the promotion of the rule of law at the national and international levels, for submission at its sixty-third session, in 2008, and to submit an interim report thereon to the General Assembly for its consideration at its sixty-second session, in 2007. Furthermore, by the same resolution, the General Assembly requested the Secretary-General, after having sought the views of Member States, to prepare and submit, at its sixty-third session, a report identifying ways and means for strengthening and coordinating the activities listed in the inventory with special regard to the effectiveness of assistance that may be requested by States in building capacity for the promotion of the rule of law at the national and international levels.

40. At its fortieth session, the Commission will hear an oral report from the Secretariat on preparation of an inventory requested by the General Assembly in its resolution 61/39 and involvement of the UNCITRAL secretariat in it. The Commission may wish to formulate its position as regards the relevance of its activities to the promotion of the rule of law at the national and international levels (For suggested scheduling of meetings to consider this agenda item, see para. 63 below.)

18. Other business

41. An oral report will be presented on the internship programme in the Commission's secretariat. (For suggested scheduling of meetings to consider this agenda item, see para. 63 below.)

19. Date and place of future meetings

Forty-first session of the Commission

42. The forty-first 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

16 June to 11 July 2008. (The United Nations Headquarters in New York is closed on Friday, 4 July 2008.)

Sessions of working groups

43. 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.⁴³

44. 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 2007 and the spring of 2008, as suggested in paragraph 47 below, utilizing the entitlement of Working Group IV (Electronic Commerce), which is not expected to meet before the Commission's forty-first session (see para. 48 below). 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 para. 12 above).

Sessions of working groups up to the forty-first session of the Commission

Working Group I (Procurement)

45. The twelfth session of the Working Group could be held in Vienna from 3 to 7 September 2007, and the thirteenth session could be held in New York, from 28 January to 1 February 2008.

Working Group II (Arbitration and Conciliation)

46. The forty-seventh session of the Working Group could be held in Vienna from 10 to 14 September 2007, and the forty-eighth session could be held in New York, from 4 to 8 February 2008.

Working Group III (Transport Law)

47. The twentieth session of the Working Group could be held in Vienna, from 15 to 25 October 2007 (the United Nations offices in Vienna will be closed on 26 October), and the twenty-first session could be held in New York, from 7 to 18 April 2008.

Working Group IV (Electronic Commerce)

48. No sessions of the Working Group are envisaged.

⁴³ *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 17 (A/58/17)*, para. 275.

Working Group V (Insolvency Law)

49. The thirty-third session of the Working Group could be held in Vienna from 5 to 9 November 2007, and the thirty-fourth session could be held in New York, from 3 to 7 March 2008.

Working Group VI (Security Interests)

50. The thirteenth session of the Working Group could be held in Vienna, from 24 to 28 September 2007, and the fourteenth session could be held in New York, from 10 to 14 March 2008.

*Sessions of working groups in 2008 after the forty-first session of the Commission**Working Group I (Procurement)*

51. Tentative arrangements have been made for the fourteenth session of the Working Group to be held in Vienna, from 8 to 12 September 2008.

Working Group II (Arbitration and Conciliation)

52. Tentative arrangements have been made for the forty-ninth session of the Working Group to be held in Vienna, from 15 to 19 September 2008.

Working Group III (Transport Law)

53. Tentative arrangements have been made for the twenty-second session of the Working Group to be held in Vienna, from 20 to 24 October 2008.

Working Group IV (Electronic Commerce)

54. Tentative arrangements have been made for the forty-fifth session of the Working Group to be held in Vienna, from 27 to 31 October 2008.

Working Group V (Insolvency Law)

55. Tentative arrangements have been made for the thirty-fifth session of the Working Group to be held in Vienna, from 17 to 21 November 2008.

Working Group VI (Security Interests)

56. Tentative arrangements have been made for the fifteenth session of the Working Group to be held in Vienna, from 24 to 28 November 2008.

20. Adoption of the report of the Commission

57. 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,⁴⁴ 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. (For suggested scheduling of meetings to consider this agenda item, see para. 61 below.)

⁴⁴ Ibid., *Twenty-third Session, annexes*, agenda item 88, document A/7408, para. 3.

21. Congress 2007

58. The Commission may wish to recall that, at its thirty-eighth session, in 2005, it approved a plan, in the context of the fortieth session of the Commission, to hold a congress similar to the UNCITRAL Congress on Uniform Commercial Law in the Twenty-first Century (New York, 18-22 May 1992).⁴⁵ The Commission had envisaged that the congress would review the results of the past work programme of UNCITRAL, as well as related work of other organizations active in the field of international trade law, assess current work programmes and consider and evaluate topics for future work programmes.⁴⁶

59. The Commission may also wish to recall that, at its thirty-ninth session, in 2006, it considered a proposal by the Secretariat regarding a suggested programme outline for the congress, contained in a conference room paper A/CN.9/XXXIX/CRP.2. At that time, the Commission welcomed the proposals by the Secretariat and heard expressions of support for the overall concept of the congress. However, concerns were expressed about the proposed duration of the congress (five days), in particular in view of the overall duration of the Commission's fortieth session. The Commission encouraged the Secretariat to consider limiting the number of topics proposed to be covered and to focus on matters directly related to the Commission's line of work.⁴⁷

60. The Congress "Modern Law for Global Commerce" will take place at the Vienna International Centre from 9 to 12 July 2007 (see para. 64 below). It will focus on the identification of emerging issues in the field of international commercial law that may require attention at international level by either UNCITRAL, other international governmental organizations or international non-governmental organizations.⁴⁸

III. Scheduling of meetings and documentation

61. The formal deliberations on the agenda in the Commission will be held from Monday, 25 June, to Friday, 6 July 2007. Thursday, 5 July, will be used by the Secretariat to prepare the draft report, which will be presented to the Commission for adoption on Friday, 6 July.

62. The Secretariat recommends that, after agenda items 1 to 3, the Commission take up agenda item 4 (Adoption of a draft UNCITRAL legislative guide on secured transactions) and that it devote to it six working days of the session (i.e. from Monday, 25 June, until Monday, 2 July). The adoption of the Legislative Guide could take place on Friday, 6 July 2007, together with the adoption of the report of the session.

⁴⁵ For the proceedings of the Congress, see *Uniform Commercial Law in the Twenty-first Century: Proceedings of the Congress of the United Nations Commission on International Trade Law*, New York, 18-22 May 1992, United Nations publication, Sales No. E.94.V.14 (A/CN.9/SER.D/1).

⁴⁶ *Official Records of the General Assembly, Sixtieth Session, Supplement No. 17* (A/60/17), para. 231.

⁴⁷ *Ibid.*, *Sixty-first Session, Supplement No. 17* (A/61/17), para. 257.

⁴⁸ The latest version of the programme is available at <http://www.uncitral.org/uncitral/en/about/congress.html>.

63. The Secretariat recommends that the remaining time of the second week of the session (Tuesday, 3 July, and Wednesday, 4 July) be devoted to items 5-19.
64. After the completion of the formal deliberations in the Commission, the UNCITRAL congress will be held for four days, from Monday, 9 July, to Thursday, 12 July 2007 (see paras. 58 to 60 above).
65. 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.
66. 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, 25 June, when the morning meeting will commence at 10 a.m.
67. 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 fortieth session by accessing the page of the fortieth session of the Commission in the "Commission Sessions" section of the UNCITRAL website (<http://www.uncitral.org/>).
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