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**United Nations Commission
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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. Finalization and adoption of a revised version of the UNCITRAL Arbitration Rules.
5. Finalization and adoption of a draft supplement to the UNCITRAL Legislative Guide on Secured Transactions dealing with security rights in intellectual property.
6. Finalization and adoption of part III of the UNCITRAL Legislative Guide on Insolvency Law on the treatment of enterprise groups in insolvency.
7. Procurement: progress report of Working Group I.
8. Current and possible future work in the area of electronic commerce.
9. Possible future work in the area of insolvency law.
10. Possible future work in the area of security interests.
11. Possible future work in the area of microfinance.
12. Monitoring implementation of the 1958 New York Convention.
13. Technical assistance to law reform.
14. Promotion of ways and means of ensuring a uniform interpretation and application of UNCITRAL legal texts.

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15. Status and promotion of UNCITRAL legal texts.
16. Working methods of UNCITRAL.
17. Coordination and cooperation:
 - (a) General;
 - (b) Reports of other international organizations.
18. Role of UNCITRAL in promoting the rule of law at the national and international levels.
19. International commercial arbitration moot competitions.
20. Relevant General Assembly resolutions.
21. Other business.
22. Date and place of future meetings.
23. Adoption of the report of the Commission.

II. Annotations

1. Opening of the session

1. The forty-third session of the Commission will be held at the United Nations Headquarters in New York, from 21 June to 9 July 2010 (5 July being an official holiday).¹ The session will be opened on Monday, 21 June 2010, at 10.30 a.m. (see below, section III, paras. 73-80 for more details about the scheduling of meetings). As at 21 June 2010, the United Nations Commission on International Trade Law will be composed of the following member States: Algeria, Argentina, Armenia, Australia, Austria, Bahrain, Belarus, Benin, Bolivia (Plurinational State of), Brazil, Bulgaria, Cameroon, Canada, Chile, China, Colombia, Czech Republic, Egypt, El Salvador, Fiji, France, Gabon, Germany, Greece, Honduras, India, Iran (Islamic Republic of), Israel, Italy, Japan, Jordan, Kenya, Latvia, Malaysia, Malta, Mauritius, Mexico, Morocco, Namibia, Nigeria, Norway, Pakistan, Philippines, Poland, Republic of Korea, Russian Federation, Senegal, Singapore, South Africa, Spain, Sri Lanka, Thailand, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and Venezuela (Bolivarian Republic of), and an additional two member States, one from the Group of African States and one from the Group of Latin American and Caribbean States, as will be elected by the General Assembly.

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.

¹ *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 17 (A/64/17)*, para. 435.

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. Finalization and adoption of a revised version of the UNCITRAL Arbitration Rules

4. At its thirty-ninth session, in 2006, the Commission agreed that the topic of revising the UNCITRAL Arbitration Rules² should be given priority and entrusted its Working Group II (Arbitration and Conciliation), with the consideration, among other priority items, of such revision. The Commission noted that, as one of the early instruments elaborated by UNCITRAL in the field of arbitration, the UNCITRAL Arbitration Rules were recognized as a very successful text, adopted by many arbitration centres and used in many different instances, such as, for example, in investor-State disputes. In recognition of the success and status of the UNCITRAL Arbitration Rules, the Commission was generally of the view that any revision of the UNCITRAL Arbitration Rules should not alter the structure of the text, its spirit, its drafting style, and should respect the flexibility of the text rather than add to its complexity. It was suggested that the Working Group should undertake to carefully define the list of topics which might need to be addressed in a revised version of the UNCITRAL Arbitration Rules.³

5. At its forty-second session, in 2009, the Commission noted that the Working Group, at its fiftieth session (New York, 9-13 February 2009), had agreed to request the Commission for sufficient time to complete its work on the revision of the UNCITRAL Arbitration Rules in order to bring the draft text of revised Rules to the necessary level of maturity and quality (A/CN.9/669, para. 120). The Commission agreed that the time should be taken as required in order to meet the high standard of UNCITRAL, taking account of the international impact of the Rules. It further expressed the hope that the Working Group would complete its work on the revision of the UNCITRAL Arbitration Rules in their generic form, so that the final review and adoption of the revised Rules would take place at the forty-third session of the Commission, in 2010.⁴ At its fifty-second session (New York, 1-5 February 2010), the Working Group proceeded with the third reading of the draft revised text. The Secretariat was requested to circulate the draft revised UNCITRAL Arbitration Rules to Governments for their comments, with a view to consideration and adoption of the draft revised Rules by the Commission at its forty-third session (A/CN.9/688, para. 14).

6. At its forty-third session, the Commission will have before it the reports of the fifty-first (Vienna, 14-18 September 2009) and fifty-second sessions of the Working Group (A/CN.9/684 and A/CN.9/688, respectively). The Commission will also have before it the following documents: (i) a note by the Secretariat containing the revised version of the draft revised UNCITRAL Arbitration Rules (A/CN.9/703 and Add.1); (ii) a note containing comments by the Secretariat on the revised version of

² For the text of the UNCITRAL Arbitration Rules, see *ibid.*, *Thirty-first Session, Supplement No. 17* (A/31/17), para. 57.

³ *Ibid.*, *Sixty-first Session, Supplement No. 17* (A/61/17), para. 184.

⁴ *Ibid.*, *Sixty-fourth Session, Supplement No. 17* (A/64/17), para. 298.

the draft revised UNCITRAL Arbitration Rules (A/CN.9/705); and (iii) a compilation of comments relating to the revised version of the draft revised UNCITRAL Arbitration Rules by Governments and international organizations (A/CN.9/704 and addenda).

7. In planning the future activities of the Working Group, the Commission may wish to recall the conclusions reached at its forty-first session, in 2008, and forty-second session, in 2009, that the topic of transparency in investor-State treaty-based arbitration was worthy of future consideration and should be dealt with as a matter of priority immediately after completion of the current revision of the UNCITRAL Arbitration Rules. The Commission also recalled that, as decided at its thirty-ninth session, in 2006, the issue of arbitrability and online dispute resolution should be maintained by the Working Group on its agenda.⁵

(For suggested scheduling of meetings to consider this agenda item, see para. 73 below.)

5. Finalization and adoption of a draft supplement to the UNCITRAL Legislative Guide on Secured Transactions dealing with security rights in intellectual property

8. At the first part of its fortieth session (Vienna, 25 June-12 July 2007), the Commission considered a note by the Secretariat entitled “Possible future work on security rights in intellectual property” (A/CN.9/632).⁶ The note took into account the discussions at a colloquium (Vienna, 18-19 January 2007) on security interests in intellectual property rights, held pursuant to a decision of the Commission.⁷ In order to provide sufficient guidance to States as to the adjustments necessary to make in their laws to avoid inconsistencies between secured transactions law and intellectual property law, the Commission decided to entrust its Working Group VI (Security Interests) with the preparation of an annex to the UNCITRAL Legislative Guide on Secured Transactions addressing specifically security rights in intellectual property (the “draft Annex”).⁸

9. Working Group VI began its work on the preparation of the draft Annex at its thirteenth session (New York, 19-23 May 2008) and completed it at its seventeenth session (New York, 8-12 February 2010) with the adoption of the draft Supplement to the UNCITRAL Legislative Guide on Secured Transactions dealing with security rights in intellectual property.⁹

10. At its forty-first session, in 2008, the Commission noted with satisfaction the progress achieved by the Working Group and invited its Working Group V (Insolvency Law) to express any preliminary opinion on certain matters related to the impact of insolvency on a security right in intellectual property.¹⁰ At its

⁵ Ibid., *Sixty-third Session, Supplement No. 17* (A/63/17 and Corr.1), paras. 314 and 316; and *ibid.*, *Sixty-fourth Session, Supplement No. 17* (A/64/17), para. 299.

⁶ Ibid., *Sixty-second Session, Supplement No. 17* (A/62/17 (Part I)), para. 155.

⁷ Ibid., *Sixty-first Session, Supplement No. 17* (A/61/17), para. 86.

⁸ Ibid., *Sixty-second Session, Supplement No. 17* (A/62/17 (Part I)), paras. 155-157 and 162.

⁹ The reports of the Working Group on its work during these five sessions are contained in documents A/CN.9/649, A/CN.9/667, A/CN.9/670, A/CN.9/685 and A/CN.9/689.

¹⁰ *Official Records of the General Assembly, Sixty-third Session, Supplement No. 17* and corrigendum (A/63/17 and Corr.1), para. 326.

thirty-fifth session (Vienna, 17-21 November 2008), Working Group V reviewed the issues referred to it by Working Group VI and confirmed that the responses given in the table at the end of document A/CN.9/667 accurately reflected the impact of the UNCITRAL Legislative Guide on Insolvency Law¹¹ (A/CN.9/666, paras. 112-117).

11. At its forty-second session, in 2009, the Commission expressed its appreciation for the progress achieved thus far and emphasized the importance of the draft Annex (renamed the “draft Supplement”). The Commission also noted with appreciation the results of the coordination efforts of Working Groups V and VI. Noting the interest of the international intellectual property community, the Commission requested the Working Group to expedite its work so that the draft Supplement could be submitted to the Commission for finalization and adoption at its forty-third session.¹²

12. At its forty-third session, the Commission will have before it: (i) the reports of the sixteenth and seventeenth sessions of the Working Group (A/CN.9/685 and A/CN.9/689, respectively); (ii) a note by the Secretariat containing the revised version of the draft Supplement to the UNCITRAL Legislative Guide on Secured Transactions dealing with security rights in intellectual property (A/CN.9/700 and Add.1-7); and (iii) a compilation of comments received from States with regard to the draft Supplement (A/CN.9/701 and addenda). The Commission may wish to note that the draft Supplement was developed in close cooperation with the World Intellectual Property Organization (WIPO), the Permanent Bureau of the Hague Conference on Private International Law and UNCITRAL Working Group V (Insolvency Law) (see paras. 10 and 11 above).

(For suggested scheduling of meetings to consider this agenda item, see para. 74 below.)

6. Finalization and adoption of part III of the UNCITRAL Legislative Guide on Insolvency Law on the treatment of enterprise groups in insolvency

13. At its thirty-ninth session, in 2006, the Commission referred the topic of treatment of enterprise groups in insolvency to its Working Group V (Insolvency Law) for consideration, giving the Working Group the flexibility 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. The Commission also agreed that post-commencement finance should initially be considered as a component of work to be undertaken on insolvency of enterprise groups, with the Working Group being given sufficient flexibility to consider any proposals for work on additional aspects of the topic.¹³

14. The Working Group commenced its consideration of the treatment of enterprise groups in insolvency at its thirty-first session (Vienna, 11-15 December 2006) on the basis of a note by the Secretariat covering both domestic and international treatment of enterprise groups (A/CN.9/WG.V/WP.74 and Add.1 and

¹¹ United Nations publication, Sales No. E.05.V.10.

¹² *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 17* (A/64/17), paras. 312-317.

¹³ *Ibid.*, *Sixty-first Session, Supplement No. 17* (A/61/17), para. 209 (a) and (b).

2).¹⁴ It continued that consideration at its thirty-second to thirty-eighth sessions, in 2007 to 2010, respectively.¹⁵

15. At its fortieth session, in 2007, the Commission took note of the Working Group's agreement at its thirty-first session that the UNCITRAL Legislative Guide on Insolvency Law¹⁶ and the UNCITRAL Model Law on Cross-Border Insolvency¹⁷ provided a sound basis for the unification of insolvency law and that the current work on enterprise groups was intended to complement those texts, not to replace them (A/CN.9/618, para. 69). The Commission further noted the suggestion made at that session of the Working Group that a possible method of work entailed consideration of the provisions contained in those existing texts that might be relevant in the context of enterprise groups and the identification of those issues that required additional discussion and the preparation of additional recommendations.¹⁸

16. At its forty-third session, the Commission will have before it: (i) the version of part three of the Legislative Guide: treatment of enterprise groups in insolvency, prepared for consideration by Working Group V at its thirty-eighth session (New York, 19-23 April 2010) (A/CN.9/WG.V/WP.92 and Add.1); (ii) the reports of Working Group V on the work of its thirty-seventh and thirty-eighth sessions (A/CN.9/686 and A/CN.9/691, respectively); and (iii) a compilation of comments on part three (A/CN.9/699 and any addenda if necessary).

(For suggested scheduling of meetings to consider this agenda item, see para. 75 below.)

7. Procurement: progress report of Working Group I

17. At its thirty-seventh session, in 2004, the Commission agreed that its 1994 Model Law on Procurement of Goods, Construction and Services¹⁹ 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.²⁰

18. The Working Group began its work at its sixth session (Vienna, 30 August-3 September 2004). It has held thirteen one-week sessions at which it considered studies and drafting materials prepared by the Secretariat. The reports of the sixth to sixteenth sessions of the Working Group²¹ were considered by the Commission at

¹⁴ For the report of the thirty-first session of the Working Group, see A/CN.9/618.

¹⁵ For the reports of those sessions of the Working Group, see A/CN.9/622, A/CN.9/643, A/CN.9/647, A/CN.9/666, A/CN.9/671, A/CN.9/686 and A/CN.9/691.

¹⁶ See footnote 11 above.

¹⁷ United Nations publication, Sales No. E.99.V.3.

¹⁸ *Official Records of the General Assembly, Sixty-second Session, Supplement No. 17 (A/62/17 (Part I))*, para. 188.

¹⁹ *Ibid.*, *Forty-ninth Session, Supplement No. 17* and corrigendum (A/49/17 and Corr.1), annex I.

²⁰ *Ibid.*, *Fifty-ninth Session, Supplement No. 17 (A/59/17)*, paras. 79-82.

²¹ A/CN.9/568, A/CN.9/575, A/CN.9/590, A/CN.9/595, A/CN.9/615, A/CN.9/623, A/CN.9/640, A/CN.9/648, A/CN.9/664, A/CN.9/668 and A/CN.9/672.

its thirty-eighth to forty-second sessions, in 2005 to 2009, respectively. At its thirty-eighth to forty-first sessions, in 2005 to 2008, respectively, the Commission reaffirmed its support for the review being undertaken and for the inclusion of novel procurement practices in the Model Law.²² At its thirty-ninth session, in 2006, 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.²³ At the first part of its fortieth session, in 2007, the Commission recommended that the Working Group should adopt a concrete agenda for its forthcoming sessions in order to expedite progress in its work.²⁴ At its forty-first session, in 2008, the Commission invited the Working Group to proceed expeditiously with the completion of the project, with a view to permitting the finalization and adoption of the revised Model Law, together with its Guide to Enactment, within a reasonable time.²⁵ At its forty-second session, in 2009, the Commission established a Committee of the Whole to consider a draft revised model law, including the issues of defence sector procurement and the use of socio-economic factors in public procurement.²⁶ At that session, the Commission took note of the report of the Committee of the Whole, which in particular concluded that the revised model law was not ready for adoption at that session of the Commission, and requested the Working Group to continue its work on the review of the Model Law.²⁷

19. At its forty-third session, the Commission will have before it the reports of the seventeenth (Vienna, 7-11 December 2009) and eighteenth (New York, 12-16 April 2010) sessions of the Working Group (A/CN.9/687 and A/CN.9/690, respectively).

(For suggested scheduling of meetings to consider this agenda item, see para. 76 below).

8. Current and possible future work in the area of electronic commerce

20. The Commission may wish to recall that, at the first part of its fortieth session, in 2007, it requested the Secretariat to continue to follow closely legal developments in the area of electronic commerce, with a view to making appropriate suggestions about the Commission's possible future work in that area in due course.²⁸ The Commission may also wish to recall that, at its forty-first session, in 2008, it requested the Secretariat to engage actively, in cooperation with the World Customs Organization (WCO) and the United Nations Centre for Trade Facilitation and Electronic Business (UN/CEFACT), and with the assistance of experts, as appropriate, in the study of the legal aspects involved in implementing a cross-border single window facility with a view to formulating a comprehensive

²² *Official Records of the General Assembly, Sixtieth Session, Supplement No. 17 (A/60/17)*, para. 172; *ibid.*, *Sixty-first Session, Supplement No. 17 (A/61/17)*, para. 192; *ibid.*, *Sixty-second Session, Supplement No. 17 (A/62/17 (Part I))*, para. 170; and *ibid.*, *Sixty-third Session, Supplement No. 17 and corrigendum (A/63/17 and Corr.1)*, para. 307.

²³ *Ibid.*, *Sixty-first Session, Supplement No. 17 (A/61/17)*, para. 192.

²⁴ *Ibid.*, *Sixty-second Session, Supplement No. 17 (A/62/17 (Part I))*, para. 170.

²⁵ *Ibid.*, *Sixty-third Session, Supplement No. 17 and corrigendum (A/63/17 and Corr.1)*, para. 307.

²⁶ *Ibid.*, *Sixty-fourth Session, Supplement No. 17 (A/64/17)*, paras. 11 and 48.

²⁷ *Ibid.*, paras. 283 and 284.

²⁸ *Ibid.*, *Sixty-second Session, Supplement No. 17 (A/62/17 (Part I))*, para. 195.

international reference document on legal aspects of creating and managing a single window, and to report to the Commission on the progress of that work.²⁹ That request was reiterated by the Commission at its forty-second session, in 2009.³⁰ The Commission may also wish to recall that, at its forty-second session, in 2009, it had requested the Secretariat to prepare studies on electronic transferable records and on online dispute resolution on the basis of the written proposals received in preparation for the session and transmitted to the Commission in documents A/CN.9/681 and Add.1 and 2 and A/CN.9/682, with a view to considering the possible future work of the Commission on those issues at a future session, and to organize colloquia on those topics, resources permitting.³¹

21. At its forty-third session, the Commission will have before it a note by the Secretariat (A/CN.9/692) containing an update on the progress of the work of the WCO-UNCITRAL Joint Legal Task Force on Coordinated Border Management incorporating the International Single Window. The note will also provide information on electronic transferable records and an update on recent developments in the field of electronic commerce, with particular regard to federated identity management systems and electronic payments performed with mobile devices (m-payments). The Commission will also have before it a note by the Secretariat on the issue of online dispute resolution and, in particular, will inform on the outcome of the colloquium “A fresh look at online dispute resolution (ODR) and global e-commerce”, organized in Vienna on 29-30 March 2010 jointly with the Institute of International Commercial Law (A/CN.9/706).

(For suggested scheduling of meetings to consider this agenda item, see para. 76 below.)

9. Possible future work in the area of insolvency law

22. UNCITRAL Working Group V (Insolvency Law) started a preliminary discussion on possible future work in the area of insolvency law at its thirty-seventh session (Vienna, 9-13 November 2009) (A/CN.9/686, paras. 126-131). Topics suggested for future work included: (i) an international insolvency convention; (ii) liability of directors and officers of enterprises in insolvency or in proximity to insolvency; (iii) insolvency of banks and financial institutions; (iv) the concept of centre of main interests (COMI) of an enterprise and the factors relevant to its determination, as well as issues of jurisdiction and recognition; (v) the development of a model law based upon the Legislative Guide on Insolvency Law and in particular the international aspects of part three; (vi) sovereign insolvency; (vii) review of the enactment of the Model Law on Cross-Border Insolvency and promotion of its wider adoption; and (viii) the insolvency of public or State-owned enterprises. The discussion on future work continued at the Working Group’s thirty-eighth session (New York, 19-23 April 2010).

23. At its forty-third session, the Commission will have before it the reports of Working Group V on the work of its thirty-seventh and thirty-eighth sessions (A/CN.9/686 and A/CN.9/691, respectively).

²⁹ Ibid., *Sixty-third Session, Supplement No. 17* and corrigendum (A/63/17 and Corr.1), paras. 333-338.

³⁰ Ibid., *Sixty-fourth Session, Supplement No. 17* (A/64/17), para. 340.

³¹ Ibid., paras. 341-343.

(For suggested scheduling of meetings to consider this agenda item, see para. 75 below.)

10. Possible future work in the area of security interests

24. At its fourteenth (Vienna, 20-24 October 2008) and fifteenth (New York, 27 April-1 May 2009) sessions, UNCITRAL Working Group VI (Security Interests) had a preliminary discussion about its future work programme (A/CN.9/667, para. 141, and A/CN.9/670, paras. 123-126, respectively).

25. At its forty-second session, in 2009, the Commission noted with interest the future work topics discussed by the Working Group. Topics mentioned in the discussion included: (i) security rights in securities not covered by the Convention on Substantive Rules for Intermediated Securities³² of the International Institute for the Unification of Private Law (Unidroit);³³ (ii) a legislative guide on registration of security rights in general security rights registries; (iii) a model law on secured transactions based on the recommendations of the UNCITRAL Legislative Guide on Secured Transactions (the “Guide”); (iv) a contractual guide on secured financing; and (v) a contractual guide on intellectual property licensing.³⁴ At that session, the Commission agreed that, depending on the availability of time, preparatory work could be advanced through a discussion at the sixteenth session of the Working Group. The Commission also agreed that the Secretariat could hold an international colloquium early in 2010 with broad participation of experts from Governments, international organizations and the private sector. It was generally agreed that, on the basis of a note to be prepared by the Secretariat, the Commission would be in a better position to consider and make a decision at its forty-third session on the future work programme of the Working Group.³⁵

26. At its seventeenth session (New York, 8-12 February 2010), the Working Group engaged in a preliminary discussion of its future work programme. At that session, some support was expressed for the work on regulation of registration of security rights and a model law on secured transactions based on the recommendations of the Guide. With regard to a supplement to the Guide on certain types of securities not covered by the Unidroit Convention on Substantive Rules for Intermediated Securities, it was observed that that work would have to be limited to non-intermediated securities in view of the work done on intermediated securities by Unidroit and the Hague Conference on Private International Law. As regards any work with respect to the topic of intellectual property licensing or a possible international registry on security rights in intellectual property, it was noted that any work on those topics would need to be closely coordinated with WIPO (A/CN.9/689, para. 61).

³² The text of the Convention is available on the date of this document at <http://www.unidroit.org/english/conventions/2009intermediatedsecurities/main.htm>.

³³ As related to this convention, the Commission, at the first part of its fortieth session, in 2007, decided that future work should be undertaken with a view to preparing a supplement to the UNCITRAL Legislative Guide on Secured Transactions on certain types of securities, taking into account work by other organizations, in particular Unidroit. *Official Records of the General Assembly, Sixty-second Session, Supplement No. 17* (A/62/17 (Part I)), para. 160.

³⁴ *Ibid.*, *Sixty-fourth Session, Supplement No. 17* (A/64/17), paras. 314 and 318.

³⁵ *Ibid.*, para. 319.

27. In accordance with the decision of the Commission at its forty-second session, in 2009,³⁶ an international colloquium on secured transactions was held in Vienna, from 1 to 3 March 2010. The purpose of the colloquium was to obtain the views and advice of experts with regard to possible future work in the area of security interests. Approximately 100 experts from Governments, international organizations and the private sector participated in this three-day event and the discussions thereof provided a basis for the note prepared by the Secretariat on future work on security interests.

28. The Commission will have before it a note by the Secretariat regarding a possible future work on security interests (A/CN.9/702 and Add.1).

(For suggested scheduling of meetings to consider this agenda item, see para. 74 below.)

11. Possible future work in the area of microfinance

29. At its forty-second session, in 2009, the Commission heard a suggestion that it would be timely for UNCITRAL to carry out a study on microfinance with the purpose of identifying the need for a legal and regulatory framework aimed at protecting and developing the microfinance sector so as to allow its continuous development, consistent with the purpose of microfinance, which was to build inclusive financial sectors for development. After discussion, the Commission requested the Secretariat, subject to the availability of resources, to prepare a detailed study on the legal and regulatory issues of microfinance as well as proposals as to the form and nature of a reference document that the Commission might in the future consider preparing with a view to assisting legislators and policymakers around the world in establishing a favourable legal framework for microfinance. The Commission requested the Secretariat to work in conjunction with experts and to seek possible cooperation with other interested organizations for the preparation of such a study, as appropriate.³⁷

30. At its forty-third session, the Commission will have before it a note by the Secretariat containing a study and proposals as requested (A/CN.9/698).

(For suggested scheduling of meetings to consider this agenda item, see para. 76 below.)

12. Monitoring implementation of the 1958 New York Convention

31. The Commission may wish to recall that, at its twenty-eighth session, in 1995, it had approved a project, undertaken jointly with Committee D (now known as the Arbitration Committee) of the International Bar Association, aimed at monitoring the legislative implementation of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, done at New York on 10 June 1958³⁸ (the "New York Convention").³⁹ At its forty-first session, in 2008, the Commission considered a written report in respect of the project, covering implementation of the

³⁶ Ibid.

³⁷ Ibid., paras. 432-433.

³⁸ United Nations, *Treaty Series*, vol. 330, No. 4739.

³⁹ *Official Records of the General Assembly, Fiftieth Session, Supplement No. 17 (A/50/17)*, paras. 401-404.

New York Convention by States, its interpretation and application, and the requirements and procedures put in place by States for enforcing an award under the New York Convention, based on replies sent by 108 States parties to the New York Convention (A/CN.9/656 and Add.1).⁴⁰

32. At that session, the Commission welcomed the recommendations and conclusions contained in the report, noting that they highlighted areas where additional work might need to be undertaken to enhance uniform interpretation and effective implementation of the New York Convention. The Commission agreed that work should be undertaken to eliminate or limit the effect of legal disharmony in that field. The Commission was generally of the view that the outcome of the project should consist in the development of a guide to enactment of the New York Convention, with a view to promoting a uniform interpretation and application of the Convention, thus avoiding uncertainty resulting from its imperfect or partial implementation and limiting the risk that practices of States diverge from the spirit of the Convention. The Commission requested the Secretariat to study the feasibility of preparing such a guide.⁴¹ The Commission also requested the Secretariat to publish on the UNCITRAL website the information collected during the project implementation, in the language in which it was received, and urged States to provide the Secretariat with accurate information to ensure that the data published on the UNCITRAL website remained up to date.⁴² In addition, the Commission agreed that, resources permitting, the activities of the Secretariat in the context of its technical assistance programme could usefully include dissemination of information on the judicial interpretation of the New York Convention, which would usefully complement other activities in support of the Convention.⁴³

33. At its forty-second session, in 2009, the Commission heard an oral report of the Secretariat on the project. It agreed that a more substantive presentation of the progress on the project should be made at a future session of the Commission. In view of the common features identified in the work of the Commission and ICC for the promotion of the New York Convention, the Commission expressed the wish that more opportunities for joint activities would be identified in the future. The Secretariat was encouraged to develop new initiatives in that respect.⁴⁴

34. At its forty-third session, the Commission will hear an oral progress report from the Secretariat.

(For suggested scheduling of meetings to consider this agenda item, see para. 76 below.)

13. Technical assistance to law reform

35. At its forty-third session, the Commission will have before it a note by the Secretariat on technical assistance activities undertaken since the Commission's forty-second session and on the technical assistance resources, including

⁴⁰ Ibid., *Sixty-third Session, Supplement No. 17* and corrigendum (A/63/17 and Corr.1), paras. 353-360.

⁴¹ Ibid., para. 355.

⁴² Ibid., para. 356.

⁴³ Ibid., para. 360.

⁴⁴ Ibid., *Sixty-fourth Session, Supplement No. 17* (A/64/17), paras. 360-361.

UNCITRAL publications and the UNCITRAL website (A/CN.9/695 and any addenda if necessary).

36. The Commission will also have before it a bibliography of recent writings related to its work (A/CN.9/693).

(For suggested scheduling of meetings to consider this agenda item, see para. 76 below.)

14. Promotion of ways and means of ensuring a uniform interpretation and application of UNCITRAL legal texts

(a) Case Law on UNCITRAL texts (CLOUT)

37. At its twenty-first session, in 1988, the Commission decided to establish a system for collecting and disseminating information on court decisions and arbitral awards relating to conventions and model laws that had emanated from the work of the Commission, known as the “Case Law on UNCITRAL texts (CLOUT)”.⁴⁵ The purpose of the system has been to promote international awareness of such legal texts to enable judges, arbitrators, lawyers, parties to commercial transactions and other interested persons to take decisions and awards relating to those texts into account in dealing with matters within their responsibilities and to promote the uniform interpretation and application of those texts. The system has relied on a network of national correspondents designated by States parties to a convention emanated from the work of the Commission or that have enacted legislation based on a UNCITRAL model law. Since the establishment of the CLOUT system, the Secretariat has regularly reported to the Commission on the development of the system.

38. At its forty-third session, the Commission will have before it a note by the Secretariat on the development of CLOUT (A/CN.9/696).

(b) Digests of case law relating to UNCITRAL legal texts

39. At its thirty-fourth session, in 2001, the Commission considered a note by the Secretariat (A/CN.9/498), in which the Secretariat informed the Commission that, since the establishment of the CLOUT system, 393 cases had been reported, including more than 250 cases on the United Nations Convention on Contracts for the International Sale of Goods (the “Sales Convention”).⁴⁶ In light of the fact that divergences in the interpretation of the Sales Convention had been noted, it had been suggested by users of CLOUT that appropriate advice and guidance would be useful to foster a more uniform interpretation of that Convention. It was considered that the preparation of an analytical digest of court and arbitration cases, identifying trends in interpretation, would be one way of providing such advice and guidance. In the same note, the Secretariat suggested that the reasons for which the Commission might wish to take steps to foster uniform interpretation of the Sales Convention applied similarly to the UNCITRAL Model Law on International Commercial Arbitration (the “Model Law on Arbitration”).⁴⁷ After discussion, the Commission requested the Secretariat to draft a digest of case law on the Sales

⁴⁵ *Ibid.*, *Forty-third Session, Supplement No. 17* (A/43/17), paras. 98-109.

⁴⁶ United Nations, *Treaty Series*, vol. 1489, No. 25567.

⁴⁷ United Nations publication, Sales No. E.08.V.4.

Convention. It was noted that, in doing so, the Secretariat should avail itself of the help of the network of CLOUT national correspondents and avoid criticism of the decisions of national courts.⁴⁸ At its thirty-fifth session, in 2002, the Commission requested the Secretariat to prepare a digest of case law on the Model Law on Arbitration.⁴⁹

40. Since 2004, the Commission has regularly been informed by the Secretariat on the progress of work on both digests,⁵⁰ noting in particular that the first edition of the digest of case law on the Sales Convention was published in December 2004⁵¹ and the second edition of that digest was published in 2008.⁵² The General Assembly, in its resolutions, has repeatedly expressed support for the work on digests.⁵³

41. At its forty-third session, the Commission will have before it a note by the Secretariat (A/CN.9/696) (see para. 38 above). In that note, the Secretariat will also refer to the work on preparation of the third edition of the digest of case law on the Sales Convention and of a digest of case law on the Model Law on Arbitration.

(For suggested scheduling of meetings to consider this agenda item, see para. 76 below.)

15. Status and promotion of UNCITRAL legal texts

42. At its forty-third 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.9/694).

(For suggested scheduling of meetings to consider this agenda item, see para. 76 below.)

16. Working methods of UNCITRAL

43. At the first part of its fortieth session (Vienna, 25 June-12 July 2007), the Commission had before it observations and proposals by France on the working methods of the Commission (A/CN.9/635), and engaged in a preliminary exchange of views on those observations and proposals. It was agreed at that session that the issue of working methods would be placed as a specific item on the agenda of the Commission at its resumed fortieth session (Vienna, 10-14 December 2007). In order to facilitate informal consultations among all interested States, the Secretariat

⁴⁸ *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 17* and corrigendum (A/56/17 and Corr.3), paras. 386-395.

⁴⁹ *Ibid.*, *Fifty-seventh Session, Supplement No. 17* (A/57/17), para. 243.

⁵⁰ *Ibid.*, *Sixtieth Session, Supplement No. 17* (A/60/17), para. 194; *ibid.*, *Sixty-first Session, Supplement No. 17* (A/61/17), para. 226; *ibid.*, *Sixty-second Session, Supplement No. 17* (A/62/17 (Part I)), para. 220; *ibid.*, *Sixty-third Session, Supplement No. 17* and corrigendum (A/63/17 and Corr.1), para. 367; and *ibid.*, *Sixty-fourth Session, Supplement No. 17* (A/64/17), para. 373.

⁵¹ A/CN.9/SER.C/DIGEST/CISG, available at http://www.uncitral.org/uncitral/en/case_law/digests/cisg.html.

⁵² United Nations publication, Sales No. E.08.V.15. Available at http://www.uncitral.org/uncitral/en/case_law/digests/cisg.html.

⁵³ Resolutions 59/39, para. 13; 60/20, para. 13; 61/32, para. 15; 62/64, para. 14; 63/120, para. 18; and 64/111, para. 21.

was requested to prepare a compilation of procedural rules and practices established by UNCITRAL itself or by the General Assembly in its resolutions regarding the work of the Commission. The Secretariat was also requested to make the necessary arrangements, as resources permitted, for representatives of all interested States to meet on the day prior to the opening of the resumed fortieth session of the Commission and, if possible, during the resumed session.⁵⁴

44. At its resumed fortieth session, the Commission considered the issue of working methods on the basis of the observations and proposals by France on the working methods of the Commission (A/CN.9/635), observations by the United States on the same topic (A/CN.9/639) as well as the requested note by the Secretariat on rules of procedure and methods of work of the Commission (A/CN.9/638 and Add.1-6). The Commission was informed about the informal consultations held on 7 December 2007 among representatives of all interested States on the rules of procedure and methods of work of the Commission. At that session, the Commission agreed that: (i) any future review should be based on the previous deliberations on the subject in the Commission, the observations by France and the United States (A/CN.9/635 and A/CN.9/639, respectively), and the note by the Secretariat (A/CN.9/638 and addenda), which was considered as providing a particularly important historical overview of the establishment and evolution of UNCITRAL rules of procedure and methods of work; (ii) the Secretariat should be entrusted with the preparation of a working document describing current practices of the Commission with the application of rules of procedure and methods of work, in particular as regards decision-making and participation of non-State entities in the work of UNCITRAL, distilling the relevant information from its previous note (A/CN.9/638 and addenda); this working document would serve for future deliberations on the subject in the Commission in formal and informal settings. It was understood that, where appropriate, the Secretariat should indicate its observations on rules of procedure and methods of work for consideration by the Commission; (iii) the Secretariat should circulate the working document to all States for comment and subsequently compile any comments it might receive; (iv) informal consultations among all interested States might be held, if possible, before the forty-first session of the Commission; and (v) the working document might be discussed already at the Commission's forty-first session, time permitting.⁵⁵

45. At its forty-first session, in 2008, the Commission had before it a note by the Secretariat describing current practices of the Commission as regards decision-making, the status of observers in UNCITRAL, and preparatory work by the Secretariat (A/CN.9/653). At that session, the Commission also had before it a note by the Secretariat compiling the comments received by the Secretariat on the note A/CN.9/653 prior to the Commission's forty-first session (A/CN.9/660 and Add.1-5). The Commission requested the Secretariat to prepare a first draft of a reference document, based on the note by the Secretariat (A/CN.9/653), for use by chairpersons, delegates and observers and by the Secretariat itself. It was understood that the reference document should be somewhat more normative in nature than document A/CN.9/653. While the term "guidelines" was most often used

⁵⁴ *Official Records of the General Assembly, Sixty-second Session, Supplement No. 17 (A/62/17 (Part I))*, paras. 234-241.

⁵⁵ *Ibid.* (A/62/17 (Part II)), paras. 101-107.

to describe the future reference document, no decision was made as to its final form. The Secretariat was requested to circulate the draft reference document for comments by States and interested international organizations and to prepare a compilation of those comments for consideration by the Commission at its forty-second session. Without prejudice to other forms of consultation, the Commission decided that two days should be set aside for informal meetings to take place, with interpretation in the six official languages of the United Nations, at the beginning of the forty-second session of the Commission to discuss the draft reference document.⁵⁶

46. At its forty-second session, in 2009, the Commission had before it a note by the Secretariat containing a first draft of a reference document (A/CN.9/676), the compilation of comments received by the Secretariat on UNCITRAL working methods (A/CN.9/676/Add.1-9), and a proposal by France (A/CN.9/680) for revisions to be made to the reference document A/CN.9/676. As requested by the Commission at its forty-first session, the Commission devoted the first two days of its forty-second session to informal consultations on the topic of working methods. The discussion in the plenary was based on document A/CN.9/676. The Commission agreed on some revisions to be made in the document and postponed the consideration of other proposed revisions on which the Commission was not able to reach a decision. The Commission also deferred the consideration of those parts of the document that the Commission was not able to consider at that session for lack of time.⁵⁷

47. At its forty-third session, the Commission will have before it a note by the Secretariat containing a revised draft of a reference document (A/CN.9/697 and an addendum if necessary).

(For suggested scheduling of meetings to consider this agenda item, see para. 76 below.)

17. Coordination and cooperation

(a) General

48. At its forty-third session, the Commission will have before it a note by the Secretariat providing a brief survey of the work of international organizations related to the harmonization of international trade law (A/CN.9/707).

(b) Reports of other international organizations

49. 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. 76 below.)

⁵⁶ Ibid., *Sixty-third Session, Supplement No. 17* and corrigendum (A/63/17 and Corr.1), paras. 373-381.

⁵⁷ Ibid., *Sixty-fourth Session, Supplement No. 17* (A/64/17), paras. 379-397.

18. Role of UNCITRAL in promoting the rule of law at the national and international levels

50. At its resumed fortieth session (Vienna, 10-14 December 2007), the Commission took note of General Assembly resolution 62/70 on the rule of law at the national and international levels, of 6 December 2007. The Commission in particular noted that, by paragraph 3 of that resolution, the General Assembly invited the Commission to comment, in its report to the General Assembly, on the Commission's current role in promoting the rule of law. At that session, the Commission decided to include the item "Role of UNCITRAL in promoting the rule of law" in the agenda of its forty-first session and invited all States members of UNCITRAL and observers to exchange their views on this agenda item at that session.⁵⁸

51. At its forty-first and forty-second sessions, in 2008 and 2009, respectively, the Commission, in its annual reports to the General Assembly, transmitted comments on its role in promoting the rule of law, as requested by the General Assembly in its resolutions 62/70 and 63/128.⁵⁹ At its forty-second session, the Commission in addition noted that, by operative paragraphs 4 and 6 of General Assembly resolution 63/128, the General Assembly called upon the United Nations system to systematically address aspects of the rule of law in relevant activities, and encouraged the Secretary-General and the United Nations system to accord high priority to rule of law activities. The Commission reiterated in this regard its concern that successful continuation of its programme of technical assistance with domestic law reforms was jeopardized by the lack of sufficient resources. It therefore recalled its requests for additional resources to be allocated to meet the increased demand from developing countries and countries with economies in transition for technical assistance with the implementation of international commercial law.⁶⁰

52. At its forty-third session, the Commission may wish to take note of General Assembly resolution 64/116 on the rule of law at the national and international levels. In particular, the General Assembly, by operative paragraph 9 of that resolution, invited the Commission (and the International Court of Justice and the International Law Commission) to continue to comment, in its reports to the General Assembly, on its current role in promoting the rule of law. The Commission may also wish to note that, by operative paragraph 12 of that resolution, the General Assembly decided that the debate on the agenda item on the rule of law at the sixty-fifth session of the General Assembly, in 2010, would focus on the sub-topic "Laws and practices of Member States in implementing international law". The Sixth Committee reached the understanding⁶¹ that comments related to this sub-topic should address, among others, laws and practices in the domestic implementation and interpretation of international law, strengthening and improving coordination and coherence of technical assistance and capacity-building in this area, mechanisms and criteria for evaluating the effectiveness of such assistance, ways

⁵⁸ Ibid., *Sixty-second Session, Supplement No. 17* (A/62/17 (Part II)), paras. 111-113.

⁵⁹ Ibid., *Sixty-third Session, Supplement No. 17* and corrigendum (A/63/17 and Corr.1), para. 386; and *ibid.*, *Sixty-fourth Session, Supplement No. 17* (A/64/17), paras. 413-419.

⁶⁰ Ibid., *Sixty-fourth Session, Supplement No. 17* (A/64/17), paras. 413 and 418.

⁶¹ See the note by the Chairman of the Sixth Committee (A/C.6/63/L.23), para. 3.

and means of advancing donor coherence and perspectives of recipient States. The Commission may therefore wish to decide to address specifically these aspects in its comments to the General Assembly.

53. The Commission may also wish to draw the attention of its member States and observers to the sub-topic “Rule of law and transitional justice in conflict and post-conflict situations”, expected to be considered under the agenda item on the rule of law at the sixty-sixth session of the General Assembly, in 2011.⁶² The Sixth Committee reached the understanding⁶³ that comments related to this sub-topic should address, among others, the role and future of national and international transitional justice and accountability mechanisms and informal justice systems. The Commission may wish to note the relevance of its work, in particular in the fields of arbitration and conciliation and public procurement, and possible future work in the area of microfinance, to post-conflict reconstruction in general and to some of the specific subjects identified by the Sixth Committee in this sub-topic. It may also wish to invite its member States and observers, as it did at its previous session,⁶⁴ to submit comments in writing or orally addressing the role of UNCITRAL in the relevant context, for reflection in the Commission’s report to the General Assembly in 2011. (Copies of resolution 64/116 and the relevant report of the Sixth Committee (A/64/451) will be made available at the forty-third session of the Commission.)

(For suggested scheduling of meetings to consider this agenda item, see para. 76 below.)

19. International commercial arbitration moot competitions

54. An oral report will be presented on the Seventeenth Annual Willem C. Vis International Commercial Arbitration Moot competition, as well as on the Second Madrid Commercial Arbitration Moot competition.

(For suggested scheduling of meetings to consider this agenda item, see para. 76 below.)

20. Relevant General Assembly resolutions

55. The Commission may wish to take note of the following two General Assembly resolutions adopted on the recommendation of the Sixth Committee: resolution 64/111 on the report of the United Nations Commission on International Trade Law on the work of its forty-second session and resolution 64/112 on the Practice Guide on Cross-Border Insolvency Cooperation of the United Nations Commission on International Trade Law. Copies of the resolutions and the relevant report of the Sixth Committee (A/64/447) will be made available at the forty-third session of the Commission.

(For suggested scheduling of meetings to consider this agenda item, see para. 76 below.)

⁶² See General Assembly resolution 63/128, para. 10.

⁶³ See the note by the Chairman of the Sixth Committee (A/C.6/63/L.23), para. 4.

⁶⁴ *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 17 (A/64/17)*, para. 420.

21. Other business

56. An oral report will be presented on the internship programme in the Commission's secretariat.

57. The Commission will hear an oral report from the Secretariat on the results of evaluation by UNCITRAL at its forty-second session of the role of the Secretariat in facilitating the work of the Commission.

(For suggested scheduling of meetings to consider this agenda item, see para. 76 below.)

22. Date and place of future meetings

Forty-fourth session of the Commission

58. The forty-fourth session of the Commission will be held in Vienna. Tentative arrangements have been made for the session to be held for its full four-week allotment, from 27 June to 22 July 2011.

Sessions of working groups

59. 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.⁶⁵

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

Working Group I (Procurement)

60. The nineteenth session of the Working Group could be held in Vienna from 11 to 15 October 2010, and the twentieth session could be held in New York, from 11 to 15 April 2011.

Working Group II (Arbitration and Conciliation)

61. The fifty-third session of the Working Group could be held in Vienna, from 4 to 8 October 2010, and the fifty-fourth session could be held in New York, from 7 to 11 February 2011.

Working Group IV (Electronic Commerce)

62. Subject to the Commission's decision on future work in the area of electronic commerce (see paras. 20-21 above), the forty-fifth session of the Working Group

⁶⁵ Ibid., *Fifty-eighth Session, Supplement No. 17 (A/58/17)*, para. 275.

could be held in Vienna, from 6 to 10 December 2010, and the forty-sixth session could be held in New York, from 14 to 18 May 2011.

Working Group V (Insolvency Law)

63. Subject to the Commission's decision on future work in the area of insolvency law (see paras. 22-23 above), the thirty-ninth session of the Working Group could be held in Vienna, from 1 to 5 November 2010, and the fortieth session could be held in New York, from 16 to 20 May 2011.

Working Group VI (Security Interests)

64. Subject to the Commission's decision on future work in the area of security interests (see paras. 24-28 above), the eighteenth session of the Working Group could be held in Vienna, from 8 to 12 November 2010, and the nineteenth session could be held in New York, from 14 to 18 February 2011.

Additional time

65. Tentative arrangements have been made for a one week session in Vienna, from 13 to 17 December 2010, and in New York, from 23 to 27 May 2011. This time could be used to accommodate the need for a session of Working Group III or another working group, depending on the needs of the working groups and subject to the Commission's decision.

Sessions of working groups in 2011 after the forty-fourth session of the Commission

Working Group I (Procurement)

66. Tentative arrangements have been made for the twenty-first session of the Working Group to be held in Vienna, from 17 to 21 October 2011.

Working Group II (Arbitration and Conciliation)

67. Tentative arrangements have been made for the fifty-fifth session of the Working Group to be held in Vienna, from 5 to 9 September 2011.

Working Group III (Transport Law)

68. Tentative arrangements have been made for the twenty-second session of the Working Group to be held in Vienna, from 12 to 16 December 2011.

Working Group IV (Electronic Commerce)

69. Tentative arrangements have been made for the forty-seventh session of the Working Group to be held in Vienna, from 10 to 14 October 2011.

Working Group V (Insolvency Law)

70. Tentative arrangements have been made for the forty-first session of the Working Group to be held in Vienna, from 31 October to 4 November 2011.

Working Group VI (Security Interests)

71. Tentative arrangements have been made for the twentieth session of the Working Group to be held in Vienna, from 12 to 16 September 2011.

(For suggested scheduling of meetings to consider this agenda item, see para. 76 below.)

23. Adoption of the report of the Commission

72. 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,⁶⁶ the report of the Commission is introduced to the General Assembly by the chairperson of the Commission or by another officer designated by the chairperson.

(For suggested scheduling of meetings to consider this agenda item, see paras. 73-75 and 78 below.)

III. Scheduling of meetings and documentation

73. The Secretariat recommends that the Commission devote the time from 21 to 25 June 2010 to consideration of item 4 on the agenda. Adoption of the report of the Commission on this agenda item and of the revised UNCITRAL Arbitration Rules may be expected to take place upon completion of the Commission's consideration of agenda item 4.

74. The Secretariat recommends that the Commission devote the time from 28 to 30 June to consideration of items 5 and 10 on the agenda. Adoption of the report of the Commission on these agenda items and of the Supplement to the UNCITRAL Legislative Guide on Secured Transactions dealing with Security Rights in Intellectual Property may be expected to take place upon completion of the Commission's consideration of these agenda items.

75. The Secretariat recommends that the Commission devote the time from 1 to 2 July to consideration of items 6 and 9 on the agenda. Adoption of the report of the Commission on these agenda items and part III of the UNCITRAL Legislative Guide on Insolvency Law on the Treatment of Enterprise Groups in Insolvency may be expected to take place upon completion of the Commission's consideration of these agenda items.

76. The Secretariat recommends that the Commission devote the time on 6 and 7 July to consideration of items 7, 8 and 11 to 22 on the agenda.

77. No formal meetings will be held on Monday, 5 July (being an official holiday), and Thursday, 8 July 2010, which will be used by the Secretariat to prepare the remaining parts of the draft report (see paras. 73-75 above), which will be presented to the Commission for adoption on Friday, 9 July 2010.

⁶⁶ Ibid., *Twenty-third Session, annexes*, agenda item 88, document A/7408, para. 3.

78. It is suggested that the Commission adopt the remaining parts of the report of the session (see paras. 73-75 above) on Friday, 9 July 2010.

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

80. Meetings will be held from 10 a.m. to 1 p.m. and from 3 p.m. to 6 p.m., except on Monday, 21 June, when the morning meeting will commence at 10.30 a.m.

81. 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 forty-third session by accessing the page of the forty-third session of the Commission in the "Commission Sessions" section of the UNCITRAL website (<http://www.uncitral.org/>).
