



General Assembly

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**United Nations Commission on
International Trade Law
Working Group IV (Electronic Commerce)
Fifty-seventh session
Vienna, 19–23 November 2018**

Annotated provisional agenda

I. Provisional agenda

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II. Composition of the Working Group

1. The Working Group is composed of all States members of the Commission, which are the following: Argentina (2022), Armenia (2019), Australia (2022), Austria (2022), Belarus (2022), Brazil (2022), Bulgaria (2019), Burundi (2022), Cameroon (2019), Canada (2019), Chile (2022), China (2019), Colombia (2022), Côte d'Ivoire (2019), Czechia (2022), Denmark (2019), Ecuador (2019), El Salvador (2019), France (2019), Germany (2019), Greece (2019), Honduras (2019), Hungary (2019), India (2022), Indonesia (2019), Iran (Islamic Republic of) (2022), Israel (2022), Italy (2022), Japan (2019), Kenya (2022), Kuwait (2019), Lebanon (2022), Lesotho (2022), Liberia (2019), Libya (2022), Malaysia (2019), Mauritania (2019), Mauritius (2022), Mexico (2019), Namibia (2019), Nigeria (2022), Pakistan (2022), Panama (2019), Philippines (2022), Poland (2022), Republic of Korea (2019), Romania (2022), Russian Federation (2019), Sierra Leone (2019), Singapore (2019), Spain (2022), Sri Lanka (2022), Switzerland (2019), Thailand (2022), Turkey (2022), Uganda (2022), United Kingdom of Great Britain and Northern Ireland (2019), United States of America (2022), Venezuela (Bolivarian Republic of) (2022) and Zambia (2019). The term of the membership expires on the last day prior to the beginning of the annual session of the Commission in the year indicated in parentheses.



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

III. Annotations to agenda items

Item 1. Opening of the session

3. The fifty-seventh session of the Working Group will be held at the Vienna International Centre in Vienna from 19 to 23 November 2018. Meeting hours will be from 9.30 a.m. to 12.30 p.m. and from 2 to 5 p.m., except on Monday, 19 November 2018, when the session will be opened at 10.00 a.m.

4. The Working Group may wish to note that, consistent with decisions taken by the Commission at its thirty-fourth session,¹ the Working Group is expected to hold substantive deliberations during the first nine half-day meetings (that is, from Monday to Friday morning), with a draft report being prepared by the Secretariat for adoption at the tenth and last meeting of the Working Group (on Friday afternoon).

Item 2. Election of officers

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

Item 4. Legal issues related to identity management and trust services

(a) Background information

6. At its forty-eighth session, in 2015, the Commission requested the Secretariat to conduct preparatory work on legal aspects of identity management (“IdM”) and trust services, including through the organization of colloquia and expert group meetings, for future discussion at the Working Group level following the completion of work on electronic transferable records on the basis of a proposal submitted to the Commission for its consideration (A/CN.9/854).²

7. At that session, the Commission also asked the Secretariat to share the result of such preparatory work with Working Group IV, with a view to seeking recommendations on the exact scope, possible methodology and priorities for the consideration of the Commission at its forty-ninth session.³

8. At its forty-ninth session, in 2016, the Commission had before it a note by the Secretariat on legal issues related to IdM and trust services (A/CN.9/891) summarizing the discussions during the UNCITRAL Colloquium on Legal Issues Related to Identity Management and Trust Services held in Vienna on 21 and 22 April 2016 and complemented by other material.⁴

9. At that session, the Commission agreed that the topics of IdM and trust services, as well as of cloud computing, should be retained on the work agenda of the Working Group and that it would be premature to prioritize between the two topics. The Commission confirmed its decision that the Working Group could take up work on those topics upon completion of the work on the Model Law on Electronic Transferable Records. In that context, the Secretariat, within its existing resources,

¹ *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 17* and corrigendum (A/56/17 and Corr. 3), para. 381.

² *Ibid.*, *Seventieth Session, Supplement No. 17* (A/70/17), paras. 354–355 and 358.

³ *Ibid.*, para. 358.

⁴ *Ibid.*, *Seventy-first Session, Supplement No. 17* (A/71/17), para. 228.

and the Working Group were asked to continue to update and conduct preparatory work on the two topics including their feasibility in parallel and in a flexible manner and report back to the Commission so that it could make an informed decision at a future session, including the priority to be given to each topic.⁵

10. At its fifty-fourth session (Vienna, 31 October–4 November 2016), the Working Group engaged in discussions on legal issues related to IdM and trust services as well as on contractual aspects of cloud computing.

11. At that session the Working Group agreed that its future work on IdM and trust services should be limited to the use of IdM systems for commercial purposes and that it should not take into account the private or public nature of the IdM services provider. The Working Group also agreed that, while work on IdM could be taken up before work on trust services, the identification and definition of terms relevant for IdM and trust services should take place simultaneously given the close relationship between the two. It was further agreed that focus should be placed on multi-party identity systems and on natural and legal persons, without excluding consideration of two-party identity systems and of physical and digital objects when appropriate. In addition, it was agreed that the Working Group should continue its work by further clarifying the goals of the project, specifying its scope, identifying applicable general principles and drafting necessary definitions (A/CN.9/897, paras. 118–120 and 122).

12. At its fifty-fifth session (New York, 24–28 April 2017), the Working Group discussed, among other topics, the objectives of the project, the applicable general principles and the subjects to be addressed in its work on IdM and trust services (A/CN.9/902, paras. 29–85).

13. At its fiftieth session, in 2017, the Commission reaffirmed the mandate given to the Working Group at its forty-ninth session, in 2016 (see para. 9 above). It agreed to revisit that mandate at its fifty-first session, in particular if the need arose to prioritize between the topics of legal aspects of IdM and trust services and of contractual aspects of cloud computing, or to give a more specific mandate to the Working Group as regards its work in the area of IdM and trust services. The Secretariat was requested to consider convening expert group meetings as it deemed necessary to expedite the work in both areas and ensure the productive use of conference resources by the Working Group. States and international organizations were invited to share with the Working Group and the Secretariat their expertise in the areas of work assigned to the Working Group.⁶

14. The Secretariat convened an expert group meeting on legal aspects of IdM and trust services in Vienna on 23 and 24 November 2017.

15. At its fifty-sixth session (New York, 16–20 April 2018), the Working Group identified the following topics as relevant for its discussion of legal aspects of IdM and trust services: scope of work; general principles; definitions; mutual recognition requirements and mechanisms; certification of IdM and trust services; levels of assurance for IdM and trust services; liability; institutional cooperation mechanisms; transparency; obligation to identify; data retention; and supervision of service providers (A/CN.9/936, paras. 61–94).

16. At that session, the Working Group recommended to the Commission that it should request the Working Group to conduct work on legal issues relating to IdM and trust services with a view to preparing a text aimed at facilitating cross-border recognition of IdM and trust services, on the basis of the principles and discussing the issues identified by the Working Group at its fifty-sixth session (A/CN.9/936, para. 95).

17. At its fifty-first session, in 2018, the Commission requested the Working Group to conduct work on legal issues relating to IdM and trust services with a view to preparing a text aimed at facilitating cross-border recognition of IdM and trust

⁵ Ibid., para. 235.

⁶ Ibid., *Seventy-second Session, Supplement No. 17* (A/72/17), para. 127.

services, on the basis of the principles and issues identified by the Working Group at its fifty-sixth session.⁷

(b) Documentation

18. The Working Group will have before it a note by the Secretariat on legal issues related to IdM and trust services contained in documents [A/CN.9/WG.IV/WP.153](#) and [A/CN.9/WG.IV/WP.154](#). Proposals by States may be expected.

19. A limited number of the following background documents will be made available at the session:

(a) United Nations Convention on the Use of Electronic Communications in International Contracts;

(b) UNCITRAL Model Law on Electronic Commerce with Guide to Enactment;

(c) UNCITRAL Model Law on Electronic Signatures with Guide to Enactment;

(d) Promoting confidence in electronic commerce: legal issues on international use of electronic authentication and signature methods;

(e) Report of Working Group IV (Electronic Commerce) on the work of its fifty-fourth session ([A/CN.9/897](#));

(f) Report of Working Group IV (Electronic Commerce) on the work of its fifty-fifth session ([A/CN.9/902](#));

(g) Report of Working Group IV (Electronic Commerce) on the work of its fifty-sixth session ([A/CN.9/936](#));

(h) Possible future work in the area of electronic commerce — legal issues related to identity management and trust services — Proposal by Austria, Belgium, France, Italy and Poland ([A/CN.9/854](#));

(i) Overview of identity management — Background paper submitted by the Identity Management Legal Task Force of the American Bar Association ([A/CN.9/WG.IV/WP.120](#));

(j) Submissions by the Russian Federation ([A/CN.9/WG.III/WP.136](#) and [A/CN.9/WG.IV/WP.141](#));

(k) Proposal by Austria, Belgium, France, Italy, the United Kingdom and the European Union ([A/CN.9/WG.IV/WP.144](#));

(l) Submission by the United States ([A/CN.9/WG.IV/WP.145](#));

(m) Submission by the United Kingdom ([A/CN.9/WG.IV/WP.146](#));

(n) A note by the Secretariat on legal issues related to identity management and trust services ([A/CN.9/891](#));

(o) A note by the Secretariat on legal issues related to identity management and trust services ([A/CN.9/WG.IV/WP.149](#));

(p) A note by the Secretariat containing definitions of terms and concepts relevant to identity management and trust services ([A/CN.9/WG.IV/WP.150](#)).

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

⁷ Ibid., *Seventy-third Session, Supplement No. 17* ([A/73/17](#)), para. 159.

Item 5. Technical assistance and coordination

21. The Working Group will hear an oral report on technical assistance and coordination activities undertaken by the Secretariat related to the promotion of UNCITRAL texts on electronic commerce.

Item 6. Other business

22. The Working Group may wish to consider other issues related to its work programme, in particular any activity in furtherance of the mandate received from the Commission with respect to legal issues relating to electronic single-window facilities and paperless trade facilitation.⁸

23. In addition, the Working Group may wish to take note of the request of the Commission to the Secretariat to compile information on legal issues related to the digital economy, including by organizing, within existing resources and in cooperation with other organizations, symposiums, colloquiums and other expert meetings, and to report that information for the Commission's consideration at a future session.⁹

24. The Working Group may also wish to take note that its fifty-eighth session is scheduled to be held in New York from 8 to 12 April 2019.

Item 7. Adoption of the report

25. The Working Group may wish to adopt, at the close of its session, on Friday 23 November 2018, a report for submission to the fifty-second session of the Commission. The main conclusions reached by the Working Group at its ninth meeting (on Friday morning) will be summarily read out for the record at the tenth meeting (on Friday afternoon) and subsequently incorporated into the report.

⁸ Ibid., *Sixty-sixth Session, Supplement No. 17 (A/66/17)*, para. 240. For the most recent consideration of the issue, see *ibid.*, *Seventy-third Session, Supplement No. 17 (A/73/17)*, para. 160.

⁹ Ibid., *Seventy-third Session, Supplement No. 17 (A/73/17)*, para. 253(b).