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United Nations Commission on International Trade Law

Fifty-fifth session

New York, 27 June–15 July 2022

Provisional agenda, annotations thereto and scheduling of meetings of the fifty-fifth session

I. Provisional agenda, scheduling of meetings and documentation

<i>Agenda item</i>	<i>Proposed date(s)/time for consideration</i>	<i>Pre-session documentation</i>
1. Opening of the session.	Monday, 27 June, 10:30 a.m.	Provisional agenda, annotations thereto and scheduling of meetings of the fifty-fifth session: A/CN.9/1083
2. Election of officers.		
3. Adoption of the agenda.		
4. Consideration of draft convention on the international effects of judicial sales of ships	Monday, 27 June– Thursday, 30 June	Draft convention on the international effects of judicial sales of ships: A/CN.9/1108 Compilation of comments on the draft convention: A/CN.9/1109 Draft explanatory note (Part I): A/CN.9/1110 Draft explanatory note (Part II): A/CN.9/1111 Reports of Working Group VI (Judicial Sale of Ships) on the work of its thirty-ninth and fortieth sessions: A/CN.9/1089 and A/CN.9/1095
5. Consideration of draft Recommendations to Assist Mediation Centres under the UNCITRAL Mediation Rules	Friday, 1 July	Draft recommendations to assist mediation centres and other interested bodies with regard to mediation under the UNCITRAL Mediation Rules (2021): A/CN.9/1118
6. Consideration of draft Model Law on the Use and Cross-border	Tuesday, 5 July– Thursday, 7 July	Draft Model Law on the Use and Cross-border Recognition of



<i>Agenda item</i>	<i>Proposed date(s)/time for consideration</i>	<i>Pre-session documentation</i>
Recognition of Identity Management and Trust Services		Identity Management and Trust Services and Explanatory Note: A/CN.9/1112 Compilation of comments on the draft Model Law on the Use and Cross-border Recognition of Identity Management and Trust Services: A/CN.9/1113 , A/CN.9/1113/Add.1 and A/CN.9/1113/Add.2
7. Progress report of working groups	Thursday, 7 July	Reports of Working Group IV (Electronic Commerce) on the work of its sixty-second and sixty-third sessions: A/CN.9/1087 and A/CN.9/1093
11. Work programme of the Commission: - Consideration of the results of the Secretariat exploratory and preparatory work on legal issues arising from digital economy	Id.	Notes by the Secretariat on exploratory and preparatory work on legal issues of digital economy – progress report and work on data transactions: A/CN.9/1116 and A/CN.9/1117
7. Progress report of working groups (cont.):	Monday, 11 July	Reports of Working Group I (MSMEs) on the work of its thirty-sixth and thirty-seventh sessions: A/CN.9/1084 and A/CN.9/1090 Report of Working Group II (Dispute Settlement) on the work of its seventy-fourth session: A/CN.9/1085 and A/CN.9/1114 Reports of Working Group III (ISDS Reform) on the work of its forty-first and forty-second sessions: A/CN.9/1086 and A/CN.9/1092 Reports of Working Group V (Insolvency Law) on the work of its fifty-ninth and sixtieth sessions: A/CN.9/1088 and A/CN.9/1094
8. Coordination and cooperation	Id.	A note by the Secretariat on coordination and cooperation: A/CN.9/1107 A note by the Secretariat on invited organizations: A/CN.9/1106 [Oral reports by invited international organizations may be expected at the session under this item]
9. Endorsement of texts of other organizations: ICC's International Standard Demand Guarantee Practice for URDG 758 (ISDGP)	Id.	A note by the Secretariat transmitting the request by the International Chamber of Commerce to UNCITRAL to endorse the International Standard

Agenda item	Proposed date(s)/time for consideration	Pre-session documentation
<p>10. Secretariat reports on non-legislative activities:</p> <p>(a) Technical assistance, cooperation and activities to support the use of UNCITRAL texts;</p> <p>(b) Status and promotion of UNCITRAL legal texts and the New York Convention;</p> <p>(c) Relevant General Assembly resolutions;</p> <p>(d) Current role of UNCITRAL in promoting the rule of law;</p> <p>(e) Bibliography of recent writings related to the work of UNCITRAL.</p>	Id.	<p>Demand Guarantee Practice for URDG 758 (ISDGP): A/CN.9/1115</p> <p>A note by the Secretariat on technical cooperation and assistance: A/CN.9/1099</p> <p>A note by the Secretariat on dissemination of information and related activities to support UNCITRAL's work and the use of its texts, including CLOUT, Digests of Case Law and expanding online repository of information on UNCITRAL texts: A/CN.9/1100</p> <p>Report of the Regional Centre for Asia and the Pacific: A/CN.9/1098</p> <p>A note by the Secretariat on the status of conventions, model laws and the operation of the Transparency Registry: A/CN.9/1097</p> <p>A note by the Secretariat on relevant General Assembly resolutions: A/CN.9/1104</p> <p>A note by the Secretariat on the current role of UNCITRAL in promoting the rule of law and the implementation of Sustainable Development Goals: A/CN.9/1105</p> <p>Bibliography of recent writings related to the work of UNCITRAL: A/CN.9/1096</p>
<p>11. Work programme of the Commission (cont.):</p> <ul style="list-style-type: none"> - Consideration of the results of the Secretariat preparatory work on warehouse receipts; - Consideration of the results of the Secretariat preparatory work on legal issues of negotiable multimodal transport documents; - Consideration of the results of the Secretariat exploratory work on the impact of COVID-19 on international trade law; and - Consideration of private law aspects of climate change mitigation, adaptation and resilience. 	Tuesday, 12 July	<p>A note by the Secretariat giving a general overview of the work programme of the Commission and of its working groups and secretariat: A/CN.9/1103</p> <p>Note by the Secretariat on preparatory work on legal issues of warehouse receipts: A/CN.9/1102</p> <p>Note by the Secretariat on preparatory work on legal issues of negotiable multimodal transport documents: A/CN.9/1101</p> <p>Note by the Secretariat on exploratory work on the impact of COVID-19 on international trade law: A/CN.9/1119</p> <p>Note by the Secretariat on private law aspects of climate change mitigation, adaptation and resilience:</p>

<i>Agenda item</i>	<i>Proposed date(s)/time for consideration</i>	<i>Pre-session documentation</i>
11. Work programme of the Commission (cont.):	Wednesday, 13 July	A/CN.9/1120 and A/CN.9/1120/Add.1
<ul style="list-style-type: none"> - Consideration of the report of the colloquium on possible future work in dispute settlement, including dispute resolution in the digital economy (New York, 28 March–1 April 2022); - Consideration of legislative options on early dismissal and preliminary determination; - Consideration of any additional topics for possible future work by UNCITRAL; and - Methods of work. 		<p>Note by the Secretariat on the colloquium on possible future work in dispute settlement: A/CN.9/1091</p> <p>Note by the Secretariat on early dismissal and preliminary determination: A/CN.9/1114</p> <p>A note by the Secretariat giving a general overview of the work programme of the Commission and of its working groups and secretariat: A/CN.9/1103</p> <p>[Proposals by States and international organizations for future work may be expected]</p>
11. Work programme of the Commission (cont.):	Thursday, 14 July, a.m.	A note by the Secretariat giving a general overview of the work programme of the Commission and of its working groups and secretariat: A/CN.9/1103
<ul style="list-style-type: none"> - Methods of work (cont.). 		
12. Date and place of future meetings	Id.	Provisional agenda, annotations thereto and scheduling of meetings of the fifty-fifth session: A/CN.9/1083 (see paras. 38–43 below)
13. Other business	Id.	–
<ul style="list-style-type: none"> (a) Evaluation of the role of the UNCITRAL secretariat in facilitating the work of the Commission; and (b) Other matters. 		
14. Adoption of the report of the Commission	Thursday, 14 July, p.m.	–
<p><i>Virtual panel discussion on non-legislative activities in the area of insolvency law</i> <i>Friday, 15 July, a.m. (see para. 36 below)</i></p>		

II. Annotations to agenda items provisionally scheduled for the fifty-fifth session

1. Opening of the session

1. The fifty-fifth session of the Commission will be held at the United Nations Headquarters in New York, from 27 June to 15 July 2022¹ (no meetings will be held on 4 and 8 July, which are United Nations official holidays in New York). The session will be opened on Monday, 27 June 2022, at 10:30 a.m. (see below, section III, for more details about the schedule of meetings). The Under-Secretary-General for Legal Affairs and Legal Counsel of the United Nations, Mr. Miguel de Serpa Soares, is expected to open the session.

2. As at 27 June 2022, the United Nations Commission on International Trade Law will be composed of the following member States: Afghanistan (2028), Algeria (2025), Argentina (2028), Armenia (2028), Australia (2028), Austria (2028), Belarus (2028), Belgium (2025), Brazil (2028), Bulgaria (2028), Cameroon (2025), Canada (2025), Chile (2028), China (2025), Colombia (2028), Côte d'Ivoire (2025), Croatia (2025), Czechia (2028), Democratic Republic of the Congo (2028), Dominican Republic (2025), Ecuador (2025), Finland (2025), France (2025), Germany (2025), Ghana (2025), Honduras (2025), Hungary (2025), India (2028), Indonesia (2025), Iran (Islamic Republic of) (2028), Iraq (2028), Israel (2028), Italy (2028), Japan (2025), Kenya (2028), Kuwait (2028), Malawi (2028), Malaysia (2025), Mali (2025), Mauritius (2028), Mexico (2025), Morocco (2028), Nigeria (2028), Panama (2028), Peru (2025), Poland (2028), Republic of Korea (2025), Russian Federation (2025), Saudi Arabia (2028), Singapore (2025), Somalia (2028), South Africa (2025), Spain (2028), Switzerland (2025), Thailand (2028), Turkey (2028), Turkmenistan (2028), Uganda (2028), Ukraine (2025), United Kingdom of Great Britain and Northern Ireland (2025), United States of America (2028), Venezuela (Bolivarian Republic of) (2028), Viet Nam (2025) and Zimbabwe (2025).²

3. 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.

2. Election of officers

4. 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. Consideration of draft convention on the international effects of judicial sales of ships

5. Pursuant to the decision of the Commission at its fifty-first session, in 2018,³ Working Group VI has been working on the preparation of a draft instrument on the judicial sale of ships and their recognition since its thirty-fifth session (New York,

¹ *Official Records of the General Assembly, Seventy-sixth Session, Supplement No. 17 (A/76/17)*, para. 386.

² The membership of the Commission was increased from 60 to 70 States by resolution [A/RES/76/109](#) of 9 December 2021. Five additional members were to be elected during the seventy-sixth session of the General Assembly, with the remaining five additional members to be elected during the seventy-ninth session of the General Assembly. As of 5 April 2022, one seat in the Western European and other States regional group remains vacant.

³ *Official Records of the General Assembly, Seventy-third Session, Supplement No. 17 (A/73/17)*, para. 252.

13–17 May 2019) (A/CN.9/973). At its fifty-fourth session, the Commission confirmed that the Working Group should continue its work with a view, if possible, to approval of the draft by the Commission at its fifty-fifth session. Since then, the Working Group has completed a further article-by-article review of the substantive provisions of a draft convention at its thirty-ninth and fortieth sessions (A/CN.9/1089 and A/CN.9/1095).

6. At its fifty-fifth session, the Commission will have before it a draft convention on the international effects of judicial sales of ships (A/CN.9/1108), which reflects the outcome of the Working Group's work on the topic. The Commission will also have before it a compilation of comments submitted by States and relevant international organizations on the draft convention (A/CN.9/1109), as well as a draft explanatory note on the convention (A/CN.9/1110 and A/CN.9/1111).

5. Consideration of draft Recommendations to Assist Mediation Centres under the UNCITRAL Mediation Rules

7. At its fifty-fourth session, in 2021, the Commission adopted the UNCITRAL Mediation Rules⁴, and agreed that the secretariat should be tasked with preparation of recommendations to assist mediation centres and other interested bodies with respect to mediation under the UNCITRAL Mediation Rules (2021), including how to adjust the Rules for use in the institutional context.⁵

8. At its fifty-fifth session, the Commission will have before it the draft “Recommendations to assist mediation centres and other interested bodies with regard to mediation under the UNCITRAL Mediation Rules (2021)” (A/CN.9/1118), which was prepared in consultation with mediation centres and experts.

6. Consideration of draft Model Law on the Use and Cross-border Recognition of Identity Management and Trust Services

9. 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.⁶ 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). The Commission agreed that the topic of IdM and trust services should be retained on the work agenda of Working Group IV,⁷ and Working Group IV worked on that subject from its fifty-fifth session (New York, 24–28 April 2017) to its sixty-third session (New York, 4–8 April 2022).

10. At its sixty-second session (Vienna, 22–26 November 2021), Working Group IV requested the secretariat to revise the draft provisions on IdM and trust services and their explanatory note to reflect its deliberations and decisions at the session and to transmit the revised text to the Commission, in the form of a model law, for consideration at its fifty-fifth session (A/CN.9/1087, para. 11).

11. The Working Group recalled that UNCITRAL practice was to circulate the text as recommended by an UNCITRAL working group to all Governments and relevant international organizations for comment. It was noted that the same practice would be followed with respect to the draft model law, so that the comments would be before the Commission at its fifty-fifth session (A/CN.9/1087, para. 114).

12. The Commission will have before it the draft Model Law on the Use and Cross-border Recognition of Identity Management and Trust Services with Explanatory Note (A/CN.9/1112) as well as a compilation of comments by States and international organizations on that Model Law (A/CN.9/1113 and addenda). The Commission may also wish to take into consideration the deliberations and decisions

⁴ *Official Records of the General Assembly, Seventy-sixth Session Supplement No. 17 (A/76/17)*, para. 101.

⁵ *Ibid.*, para. 100.

⁶ *Ibid.*, *Seventieth Session, Supplement No. 17 (A/70/17)*, paras. 354-355 and 358.

⁷ *Ibid.*, *Seventy-first Session, Supplement No. 17 (A/71/17)*, para. 235.

relating to the Model Law made by Working Group IV at its sixty-third session ([A/CN.9/1093](#)).

7. Progress report of working groups

(a) Working Group I (Micro, small and medium-sized enterprises (MSMEs))

13. At its thirty-sixth session (Vienna, 4–8 October 2021), the Working Group commenced discussion on the topic of access to credit for MSMEs on the basis of a draft “Future Text” discussing in depth a range of topics that could facilitate access to credit for MSMEs ([A/CN.9/WG.I/WP.124](#)). As agreed by the Commission at its fifty-second session in 2019, the draft “Future Text” draws, as appropriate, on the *UNCITRAL Model Law on Secured Transactions*. In addition, other UNCITRAL texts on secured transactions as well as the *UNCITRAL Legislative Guide on Insolvency Law for Micro- and Small Enterprises* (forthcoming) are cross-referred to.

14. At its thirty-seventh session (New York, 9–13 May 2022), the Working Group is expected to continue its consideration of a draft text on access to credit for MSMEs, which was revised to reflect the deliberations of the Working Group during its thirty-sixth session.

15. At its fifty-fifth session, the Commission will have before it the reports of the thirty-sixth and thirty-seventh sessions of the Working Group ([A/CN.9/1084](#) and [A/CN.9/1090](#)).

(b) Working Group II (Dispute Settlement)

16. The Commission, at its fifty-fourth session in 2021, adopted the UNCITRAL Expedited Arbitration Rules (the “Expedited Rules”) and the new article 1, paragraph 5 of the UNCITRAL Arbitration Rules.⁸ The Commission also approved the Explanatory Note to the UNCITRAL Expedited Arbitration Rules (the “Explanatory Note”) in principle and tasked Working Group II to finalize the Explanatory Note.⁹ The Commission further requested the Working Group to discuss the topic of early dismissal and present the results of its discussions to the Commission.¹⁰

17. At its seventy-fourth session (Vienna, 27 September–1 October 2021), the Working Group finalized the Explanatory Note.¹¹ Further, the Working Group requested the Secretariat to present different illustrative options on how the early dismissal and preliminary determination could be addressed in the context of the UNCITRAL Arbitration Rules ([A/CN.9/1085](#)), on the basis of which a note was prepared with these three legislative options for consideration by the Commission ([A/CN.9/1114](#)).

18. At its fifty-fourth session, the Commission requested the secretariat to organize a colloquium during the seventy-fifth session of Working Group II to explore the legal issues relating to dispute resolution in the digital economy and to identify the scope and nature of possible legislative work.¹² Further, the Commission requested that the desirability and feasibility of work on adjudication be discussed.¹³ The aim of the colloquium was to allow the Commission to make an informed decision at the current session on the desirability and feasibility of any future legislative work in the area of dispute settlement.

19. At its fifty-fifth session, the Commission will have before it the report of the seventy-fourth session of the Working Group ([A/CN.9/1085](#)), a note by the Secretariat

⁸ *Official Records of the General Assembly, Seventy-sixth Session, Supplement No. 17 (A/76/17)*, para. 189.

⁹ *Ibid.*, paras. 189 and 214(b).

¹⁰ *Ibid.*, paras. 214(b) and 242.

¹¹ See https://uncitral.un.org/sites/uncitral.un.org/files/media-documents/uncitral/en/21-07996_expedited-arbitration-e-ebook.pdf (currently only available in English).

¹² *Official Records of the General Assembly, Seventy-sixth Session, Supplement No. 17 (A/76/17)*, paras. 214(b) and 233.

¹³ *Ibid.*, paras. 214(b) and 243.

on early dismissal and preliminary determination (A/CN.9/1114) as well as a note by the Secretariat on the colloquium on possible future work in dispute settlement (A/CN.9/1091).

(c) Working Group III (ISDS Reform)

20. At its fiftieth session, in 2017, the Commission entrusted Working Group III with a broad mandate to work on the possible reform of investor-State dispute settlement (ISDS).¹⁴

21. At its forty-first session (Vienna, 15–19 November 2021), the Working Group considered a draft code of conduct for adjudicators in international investment disputes (A/CN.9/1086). At its forty-second session (New York, 14–18 February 2022), the Working Group continued its deliberations on a draft code of conduct and also considered the selection and appointment of ISDS tribunal members in the context of a standing multilateral mechanism (A/CN.9/1092).

22. At its fifty-fifth session, the Commission will have before it the reports of the forty-first and forty-second sessions of the Working Group (A/CN.9/1086 and A/CN.9/1092) and will hear an oral report on the additional resources allocated for Working Group III.

(d) Working Group IV (Electronic Commerce)

23. The Commission will have before it the reports of the sixty-second and sixty-third sessions of the Working Group (A/CN.9/1087 and A/CN.9/1093).

24. The Commission is expected to consider the work of Working Group IV in preparing the draft Model Law on the Use and Cross-border Recognition of Identity Management and Trust Services under agenda item 6 (see paras. 9–12 above). The Commission is also expected to consider the outcome of the conceptual discussion hosted by the Working Group at its sixty-third session on future work on legal issues related to the digital economy. That discussion was requested by the Commission at its fifty-fourth session, in 2021, after considering a proposal for legislative work on electronic transactions and the use of artificial intelligence and automation (A/CN.9/1065), with a view to refining the scope and nature of the work to be conducted on that topic.¹⁵ Future work, including on the related topic of data transactions, is expected to be considered further under agenda item 11 (see para. 37 below).

25. It is proposed that the Commission consider these aspects of the current and future work programme in sequence as part of shortened second week of the fifty-fifth session on digital trade.

(e) Working Group V (Insolvency Law)

26. The Commission may wish to recall that, at its fifty-fourth session, in 2021, it adopted the *Legislative Recommendation on Insolvency of Micro- and Small Enterprises* and requested its Working Group V (Insolvency Law) to review and approve the draft commentary to those recommendations at its fifty-ninth session, in December 2021, and to decide whether the approved text should be considered final or should be transmitted for finalization and adoption by the Commission at its fifty-fifth session, in 2022.¹⁶ In response to that mandate, the Working Group, at its fifty-ninth session (Vienna, 13–17 December 2021), approved the commentary to the *Legislative Recommendation on Insolvency of Micro- and Small Enterprises* and

¹⁴ Ibid., *Seventy-second Session, Supplement No. 17 (A/72/17)*, para. 264.

¹⁵ *Official Records of the General Assembly, Seventy-sixth Session, Supplement No. 17 (A/76/17)*, para. 236.

¹⁶ *Official Records of the General Assembly, Seventy-sixth Session, Supplement No. 17 (A/76/17)*, para. 77 (the decision of the Commission, paras. 3 and 4).

agreed that the resulting *UNCITRAL Legislative Guide on Insolvency Law for Micro- and Small Enterprises* should be considered final (A/CN.9/1088, para. 17).

27. The Commission may also wish to recall that at its fifty-fourth session, in 2021, it referred two new topics to the Working Group: civil asset tracing and recovery and applicable law in insolvency proceedings.¹⁷ The Working Group commenced consideration of those topics at its fifty-ninth session on the basis of the notes by the Secretariat (A/CN.9/WG.V/WP.175 and A/CN.9/WG.V/WP.176) and is expected to continue that consideration at its sixtieth session (New York, 18–21 April 2022) on the basis of the notes by the Secretariat (A/CN.9/WG.V/WP.178 and A/CN.9/WG.V/WP.179). The Commission may wish to note that:

(a) As regards the topic of asset tracing and recovery, the Working Group agreed to commence review of relevant provisions of UNCITRAL insolvency texts in order to identify any gaps (A/CN.9/1088, para. 31). It noted the plans of the secretariat to make available to the Working Group, for consideration at its session in the second half of 2022, an inventory of asset tracing and recovery tools in insolvency proceedings, which would build on the results of the Secretariat's exploratory and preparatory work and inputs expected to be received from States in response to the request circulated by the Secretariat on 29 December 2021 (A/CN.9/1088, para. 55); and

(b) As regards the topic of applicable law in insolvency proceedings, the Working Group agreed to use recommendations 30–34 of the *UNCITRAL Legislative Guide on Insolvency Law* as the starting point. It commenced consideration of issues arising from the law applicable in insolvency proceedings with respect to a single debtor, deferring consideration of the issues arising from the law applicable in concurrent insolvency proceedings, including in the enterprise group insolvency context, to a later stage (A/CN.9/1088, para. 58).

28. The Commission may also wish to recall that, at its fifty-third session, in 2020, it requested the secretariat to prepare and publish an update of the *UNCITRAL Model Law on Cross-Border Insolvency: the Judicial Perspective* as soon as practicable, as both a paper and electronic booklet, in the six official languages of the United Nations, using a mechanism along the lines of that used for the 2013 update of the publication.¹⁸ Pursuant to that request, the secretariat made available updates to that publication for review by the Working Group at its sixtieth session (A/CN.9/WG.V/WP.180). Should the Working Group approve those updates, with or without amendments, it may decide to transmit them to the Commission for consideration and possible approval for publication.

29. At its fifty-fifth session, the Commission will have before it the report of the fifty-ninth session of the Working Group (A/CN.9/1088) as well as the summary or the report of the sixtieth session of the Working Group, as the case may be (A/CN.9/1094). In addition, the Commission may have before it updates to the *UNCITRAL Model Law on Cross-Border Insolvency: the Judicial Perspective* listed in document A/CN.9/WG.V/WP.180, as may be amended by the Working Group in the summary or the report of the session (A/CN.9/1094).

(f) Working Group VI (Judicial Sale of Ships)

30. The Commission will have before it the reports of the thirty-ninth and fortieth sessions of Working Group VI (A/CN.9/1089 and A/CN.9/1095). The Commission is expected to consider that work under agenda item 4 (see paras. 5 and 6 above).

8. Coordination and cooperation

31. The Commission will be informed by a note of the Secretariat about activities undertaken by the Secretariat since the Commission's previous session to ensure

¹⁷ Ibid., *Seventy-sixth Session, Supplement No. 17 (A/76/17)*, para. 217.

¹⁸ Ibid., *Seventy-fifth Session, Supplement No. 17 (A/75/17)*, part one, para. 63.

coordination with the work of other organizations active in the field of international trade law (A/CN.9/1107).

32. Representatives of international organizations will be given an opportunity to apprise the Commission of their current activities and possible means of strengthening cooperation with UNCITRAL.

33. The Commission may wish to recall that from its forty-fourth to fiftieth session, in 2011 to 2017, it heard oral reports by the Secretariat about intergovernmental and non-governmental organizations invited to sessions of UNCITRAL,¹⁹ including comments on the manner in which invited organizations fulfilled the criteria applied by the Secretariat in making its decision to invite non-governmental organizations.²⁰ At its fiftieth session, in 2017, the Commission requested the Secretariat to provide such information in writing for future sessions.²¹ Pursuant to that request, the Commission had before it at its fifty-first, fifty-second, fifty-third and fifty-fourth sessions, in 2018, 2019, 2020 and 2021, respectively, notes by the Secretariat on international governmental and non-governmental organizations invited to sessions of UNCITRAL and its working groups (A/CN.9/951, A/CN.9/984, A/CN.9/1023 and A/CN.9/1072).²² A similar note will be before the Commission at its fifty-fifth session (A/CN.9/1106).

9. Endorsement of texts of other organizations: ICC's International Standard Demand Guarantee Practice for URDG 758 (ISDGP)

34. The Commission will consider a request from the International Chamber of Commerce to endorse the International Standard Demand Guarantee Practice for URDG 758 (ISDGP) (A/CN.9/1115). The Commission may wish to recall that it endorsed the Uniform Rules for Demand Guarantees: 2010 Revision (URDG 758) at its forty-fourth session, in 2011.²³

10. Secretariat reports on non-legislative activities

35. As requested by the Commission at its fifty-first session, in 2018,²⁴ the Commission will have before it for information notes by the Secretariat on: (a) technical assistance and cooperation activities (A/CN.9/1099); (b) dissemination of information and related activities to support UNCITRAL's work and the use of its texts, including CLOUT, Digests of Case Law and expanding online repository of information on UNCITRAL texts (A/CN.9/1100); (c) the report of the Regional Centre for Asia and the Pacific (A/CN.9/1098); (d) status of conventions, model laws, and the operation of the Transparency Registry (A/CN.9/1097); (e) relevant General Assembly resolutions (A/CN.9/1104); (f) the current role of UNCITRAL in promoting the rule of law and the implementation of Sustainable Development Goals (A/CN.9/1105); and (g) bibliography of recent writings related to the work of UNCITRAL (A/CN.9/1096).

36. The secretariat is planning to organize a panel discussion entitled "entitled "Sharing experience across regions: insolvency reforms in Latin America, Europe and beyond", with participation of States using UNCITRAL texts and partner

¹⁹ Ibid., *Sixty-sixth Session, Supplement No. 17 (A/66/17)*, paras. 288–298; *ibid.*, *Sixty-seventh Session, Supplement No. 17 (A/67/17)*, paras. 174–178; *ibid.*, *Sixty-eighth Session, Supplement No. 17 (A/68/17)*, paras. 257–261; *ibid.*, *Sixty-ninth Session, Supplement No. 17 (A/69/17)*, paras. 205–207; *ibid.*, *Seventieth Session, Supplement No. 17 (A/70/17)*, paras. 279–281; *ibid.*, *Seventy-first Session, Supplement No. 17 (A/71/17)*, paras. 286–290; and *ibid.*, *Seventy-second Session, Supplement No. 17 (A/72/17)*, paras. 360–364.

²⁰ Ibid., *Seventieth Session, Supplement No. 17 (A/70/17)*, para. 280.

²¹ Ibid., *Seventy-second Session, Supplement No. 17 (A/72/17)*, para. 364.

²² Ibid., *Seventy-third Session, Supplement No. 17 (A/73/17)*, paras. 185–186; *ibid.*, *Seventy-fourth Session, Supplement No. 17 (A/74/17)*, paras. 236–238; *ibid.*, *Seventy-fifth Session, Supplement No. 17 (A/75/17)*, part one, paras. 51–53; and *ibid.*, *Seventy-sixth Session, Supplement No. 17 (A/76/17)*, para. 283.

²³ Ibid., *Sixty-sixth Session, Supplement No. 17 (A/66/17)*, paras. 249.

²⁴ Ibid., *Seventy-third Session, Supplement No. 17 (A/73/17)*, paras. 258–267.

organizations in UNCITRAL technical assistance and cooperation activities. It is designed to inform the Commission about lessons learned from recent inter-regional experience-sharing and multilingual exchanges, and the benefits for using and interpreting UNCITRAL texts as the Commission intended.

11. Work programme of the Commission

37. At its forty-sixth session, in 2013, the Commission agreed that it should reserve time for discussion of future work as a separate topic at each Commission session.²⁵ Under this agenda item, the Commission will have before it:

(a) a note by the Secretariat giving a general overview of the work programme of the Commission and of its working groups and secretariat, including methods of work (A/CN.9/1103);²⁶

(b) notes by the Secretariat on exploratory and preparatory work on legal issues related to the digital economy – progress report and work on data transactions (A/CN.9/1116 and A/CN.9/1117);²⁷

(c) a note by the Secretariat on preparatory work on legal issues of warehouse receipts (A/CN.9/1102);²⁸

(d) a note by the Secretariat on preparatory work on legal issues of negotiable multimodal transport documents (A/CN.9/1101);²⁹

(e) a note by the Secretariat on exploratory work on the impact of COVID-19 on international trade law (A/CN.9/1119);³⁰

(f) a note by the Secretariat on private law aspects of climate change mitigation, adaptation and resilience (A/CN.9/1120 and A/CN.9/1120/Add.1);³¹

(g) a note by the Secretariat on the colloquium on possible future work in dispute settlement (A/CN.9/1091);³² and

(h) a note by the Secretariat on early dismissal and preliminary determination (A/CN.9/1114).³³

12. Date and place of future meetings

Fifty-sixth session of the Commission

38. The Commission may wish to note that its fifty-sixth session will be held in Vienna. Tentative arrangements have been made for the session to be held from 3 to 21 July 2023. The Commission may wish to recall that, at its fifty-second session, it confirmed its understanding that two-week sessions would generally be sufficient and that the duration of each annual session was to be determined on a case-by-case basis depending on the expected workload.³⁴

Sessions of working groups

39. 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

²⁵ Ibid., *Sixty-eighth Session, Supplement No. 17 (A/68/17)*, para. 310.

²⁶ The Commission is expected to continue the consideration of its working methods that started at its fifty-fourth session (A/76/17, paras. 249–250), including the means of holding meetings of Working Group to allow for continued remote participation. The Commission is also expected to consider a request by Working Group III to continue the practice of adopting reports of the session after the session and if acceptable, the means of adopting such reports.

²⁷ Ibid., *Seventy-sixth Session, Supplement No. 17 (A/76/17)*, paras. 236 and 237.

²⁸ Ibid., para. 220.

²⁹ Ibid., para. 224.

³⁰ Ibid., para. 241.

³¹ Ibid., para. 246.

³² Ibid., paras. 233 and 243.

³³ Ibid., para. 242.

³⁴ Ibid., *Seventy-fourth Session, Supplement No. 17 (A/74/17)*, para. 331.

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.³⁵

40. At its fifty-second session, in 2019, the Commission decided that extra time for conference services, if required, could also be allocated to working groups from the unused time of the Commission session.³⁶ It confirmed that requests by working groups for additional time for conference services would be considered by the Commission on a case-by-case basis, taking into account the needs of the requesting working group, the needs of other working groups and the other needs of the Commission at the given time, and taking into account the views of all member States of UNCITRAL. The Commission also confirmed that the request from a working group should not by itself be treated as a sufficient ground for granting the request; in each case, the request had to be properly substantiated.³⁷

41. At its fifty-fourth session, in 2021, the Commission decided to recommend to the General Assembly that additional conference (one-week session per year) and human resources be allocated to Working Group III (ISDS Reform) for a single period of four years, from 2022 to 2025, on the condition that the Commission would during its annual session re-evaluate and, if needed, revisit its decision concerning the need for allocating one additional one-week session per year and supporting resources to Working Group III taking into consideration the Working Group's report on the use of its resources.³⁸ On 24 December 2021, the General Assembly decided to allocate one additional one-week session per year to Working Group III (ISDS Reform) and the necessary human resources as recommended by the Commission ([A/RES/76/229](#), para. 15).

42. At its fiftieth session, in 2017, the Commission took note of General Assembly resolutions on the pattern of conferences promulgating policies as regards significant holidays, on which the United Nations Headquarters and the Vienna International Centre remained open but United Nations bodies were invited to avoid holding meetings. The Commission agreed to take into account those policies as far as possible when considering the dates of its future meetings.³⁹

43. The Commission is expected to consider conference service requirements in the light of its work programme, reports of its working groups and a note by the Secretariat ([A/CN.9/1103](#), see para. 37 above), taking into account that dates proposed below include the following significant holidays of the United Nations: 14 April 2023 – Orthodox Good Friday (would fall on the last day of the tentative dates of the sixth-fifth session of Working Group IV) and 25 September 2023 – Yom Kippur (would fall on the first day of the tentative dates of the seventy-eighth session of Working Group II).

³⁵ Ibid., *Fifty-eighth Session, Supplement No. 17 (A/58/17)*, para. 275.

³⁶ Ibid., *Seventy-fourth Session, Supplement No. 17 (A/74/17)*, para. 323.

³⁷ Ibid., para. 325.

³⁸ Ibid., *Seventy-sixth Session, Supplement No. 17 (A/76/17)*, para. 263.

³⁹ Ibid., *Seventy-second Session, Supplement No. 17 (A/72/17)*, para. 485.

	<i>Second half of 2022 (Vienna)</i>	<i>First half of 2023 (New York)</i>	<i>Second half of 2023 (Vienna) (to be confirmed by the Commission at its fifty-sixth session, in 2023)</i>
Working Group I (MSMEs)	38th session 19–23 September 2022	39th session 27–31 March 2023	40th session 18–22 September 2023
Working Group II (Dispute Settlement)	76th session 10–14 October 2022	77th session 6–10 February 2023	78th session 25–29 September 2023 (falls on Yom Kippur)
Working Group III (ISDS Reform)	43rd session 5–16 September 2022	44th session (Vienna) 23–27 January 2023 45th session 13–17 February 2023	46th session 9–13 October 2023
Working Group IV (Electronic Commerce)	64th session 31 October – 4 November 2022	65th session 10–14 April 2023 (falls on Orthodox Good Friday)	66th session 16–20 October 2023
Working Group V (Insolvency Law)	61st session 12–16 December 2022	62nd session 17–21 April 2023	63rd session 11–15 December 2023
Working Group VI (Judicial Sale of Ships)	41st session 28 November – 2 December 2022	42nd session 8–12 May 2023	43rd session 18–22 December 2023

13 Other business

(a) Evaluation of the role of the UNCITRAL secretariat in facilitating the work of the Commission

44. At its fifty-second session, the Commission recalled that “facilitating the work of UNCITRAL” had been listed among the expected accomplishments of the UNCITRAL secretariat in the old budgetary framework and the performance metric for that expected accomplishment had been the level of satisfaction of UNCITRAL with the services provided by its secretariat, as evidenced by a rating on a scale ranging from 1 to 5 (5 being the highest rating). At that session, the Commission also recalled that the Secretariat had in the past circulated an evaluation questionnaire to elicit evaluation from States. The Commission was further informed at the session that, although continuing that practice was no longer necessary as a result of changes introduced in the budgetary framework, the UNCITRAL secretariat intended to continue circulating a questionnaire during the sessions of UNCITRAL for self-evaluation.

45. At the fifty-fifth session of the Commission, States will be requested to fill in an online evaluation questionnaire that will be circulated during the session, and the Commission may expect to hear an oral report from the Secretariat on the number of responses received and the level of satisfaction with the services provided to UNCITRAL by the UNCITRAL secretariat indicated in those responses.

(b) Other matters

46. The Commission may wish to consider possible other matters under this agenda item.

14. Adoption of the report of the Commission

47. 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,⁴⁰ 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.

III. Schedule of meetings and documentation

48. Meetings will be held from 10 a.m. to 1 p.m. and from 3 p.m. to 6 p.m., except on Monday, 27 June, when the morning meeting will commence at 10.30 a.m. No meetings will be held on Monday, 4 July 2022 and Friday, 8 July 2022, which are United Nations official holidays in New York. A link can be provided upon request which will allow delegates to listen to the meetings in the six official languages of the United Nations but not to make any intervention remotely.

49. UNCITRAL documents are posted on the UNCITRAL website (uncitral.un.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 fifty-fifth session by accessing the page of the Commission in the “Working Documents” section of the UNCITRAL website (uncitral.un.org).

50. The recommendations on the scheduling of meetings under each agenda item in section I above 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.

⁴⁰ Ibid., Twenty-third Session, annexes, agenda item 88, document [A/7408](#), para. 3.