



General Assembly

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**United Nations Commission on
International Trade Law
Working Group VI (Judicial Sale of Ships)
Fortieth session
New York, 7–11 February 2022**

Annotated provisional agenda

I. Provisional agenda

1. Opening of the session and scheduling of meetings.
2. Adoption of the agenda.
3. Draft convention on the judicial sale of ships.

II. Composition of the Working Group

1. The Working Group is composed of all States members of the Commission, which are the following: Algeria (2025), Argentina (2022), Australia (2022), Austria (2022), Belarus (2022), Belgium (2025), Brazil (2022), Burundi (2022), Cameroon (2025), Canada (2025), Chile (2022), China (2025), Colombia (2022), Côte d'Ivoire (2025), Croatia (2025), Czechia (2022), Dominican Republic (2025), Ecuador (2025), Finland (2025), France (2025), Germany (2025), Ghana (2025), Honduras (2025), Hungary (2025), India (2022), Indonesia (2025), Iran (Islamic Republic of) (2022), Israel (2022), Italy (2022), Japan (2025), Kenya (2022), Lebanon (2022), Lesotho (2022), Libya (2022), Malaysia (2025), Mali (2025), Mauritius (2022), Mexico (2025), Nigeria (2022), Pakistan (2022), Peru (2025), Philippines (2022), Poland (2022), Republic of Korea (2025), Romania (2022), Russian Federation (2025), Singapore (2025), South Africa (2025), Spain (2022), Sri Lanka (2022), Switzerland (2025), Thailand (2022), Turkey (2022), Uganda (2022), Ukraine (2025), United Kingdom of Great Britain and Northern Ireland (2025), United States of America (2022), Venezuela (Bolivarian Republic of) (2022), Viet Nam (2025) and Zimbabwe (2025).

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.



III. Annotations to agenda items

Item 1. Opening of the session and scheduling of meetings

3. The fortieth session of the Working Group will be held at the United Nations Headquarters in New York from 7 to 11 February 2021. Arrangements will be made to allow delegations to participate in person and remotely, in line with the decision of the Commission on the format, officers and methods of work of the UNCITRAL working groups during the coronavirus disease (COVID-19) pandemic.¹ Details of those arrangements will be posted on the Working Group web page: https://uncitral.un.org/working_groups/6/sale_ships.

Item 3. Draft convention on the judicial sale of ships

4. The Working Group is expected to continue the article-by-article review of the substantive provisions of the draft convention that it commenced at its thirty-ninth session (A/CN.9/1089, paras. 11–113).

(a) Background information

5. At its fifty-first session (New York, 25 June–13 July 2018), the Commission agreed to add the topic of judicial sale of ships to the work programme of the Commission.² Background information on the decision to add the topic to the work programme may be found in document [A/CN.9/WG.VI/WP.80](#) (paras. 5 to 11).

6. At its thirty-fifth session (New York, 13–17 May 2019), the Working Group considered the topic for the first time ([A/CN.9/973](#)), and decided that the draft convention on the recognition of foreign judicial sales of ships, prepared by the Comité Maritime International (CMI) and approved by the CMI Assembly in 2014 (known as the “Beijing Draft”), would provide a useful basis for discussion (*ibid.*, para. 25). At its fifty-second session (Vienna, 8–19 July 2019), the Commission expressed its satisfaction with the progress made by the Working Group.³

7. At its thirty-sixth session (Vienna, 18–22 November 2019), the Working Group continued its work on the basis of a first revision of the Beijing Draft ([A/CN.9/WG.VI/WP.84](#)), which had been prepared by the Secretariat to incorporate the deliberations and decisions of the Working Group at its thirty-fifth session ([A/CN.9/1007](#)). The Working Group considered several key provisions of the first revision (*ibid.*, paras. 11–98) and expressed a preliminary view that the instrument should take the form of a convention, while agreeing that a final decision on the matter should be made at a future session (*ibid.*, para. 99). At the resumed fifty-third session of the Commission (Vienna, 14–18 September 2020), support was expressed for the instrument taking the form of a convention, with the observation being made that only a convention was capable of ensuring the level of uniformity needed to affirm the international effects of judicial sales of ships.⁴ The Commission confirmed that the Working Group should continue its work to prepare an international instrument on the topic.⁵

8. At its thirty-seventh session (Vienna, 14–18 December 2020), the Working Group continued its work on the basis of a second revision of the Beijing Draft ([A/CN.9/WG.VI/WP.87](#)), which had been prepared by the Secretariat to incorporate the deliberations and decisions of the Working Group at its thirty-sixth session ([A/CN.9/1047/Rev.1](#)). The Working Group proceeded with an article-by-article consideration of the second revision (*ibid.*, paras. 19–109) and agreed to continue working on the assumption that the instrument would take the form of a convention

¹ *Official Records of the General Assembly, Seventy-sixth Session, Supplement No. 17 (A/76/17)*, para. 248.

² *Ibid.*, *Seventy-third Session, Supplement No. 17 (A/73/17)*, para. 252.

³ *Ibid.*, *Seventy-fourth Session, Supplement No. 17 (A/74/17)*, para. 189.

⁴ *Ibid.*, *Seventy-fifth Session, Supplement No. 17 (A/75/17)*, part two, para. 47.

⁵ *Ibid.*, para. 51(f).

(ibid., para. 15). At its thirty-eighth session (New York, 19-23 April 2021), the Working Group considered several outstanding issues from its thirty-seventh session on the basis of a third revision of the Beijing Draft (A/CN.9/WG.VI/WP.90), as well as proposals relating to the grounds for avoidance and defining the time of judicial sale (A/CN.9/1053). At the fifty-fourth session of the Commission (Vienna, 28 June–16 July 2021), satisfaction was expressed with the progress made by the Working Group.⁶

9. At its thirty-ninth session (Vienna, 18-22 October 2021), the Working Group proceeded with a further article-by-article review of the draft convention on the basis of a fourth revision of the Beijing Draft (A/CN.9/WG.VI/WP.92), and made progress in its consideration of several open issues, including (a) dealing with clean title sales, (b) the content and function of the notice requirements for judicial sales benefiting from the recognition regime under the draft convention, (c) the content and issuance of the certificate of judicial sale, and (d) the functioning of the proposed repository mechanism (A/CN.9/1089).

(b) Documentation

10. The Working Group will have before it an annotated fifth revision of the Beijing Draft (A/CN.9/WG.VI/WP.94), which has been prepared by the Secretariat to incorporate the deliberations and decisions of the Working Group at its thirty-ninth session.

11. UNCITRAL documents are posted on the Working Group web page: https://uncitral.un.org/working_groups/6/sale_ships.

⁶ Ibid., *Seventy-sixth Session, Supplement No. 17* (A/76/17), para. 211.