



COMITE MARITIME INTERNATIONAL

6th January 2022

Member Associations
Titulary Members
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Dear Presidents

**Re: *Meeting Notes for the 40th Session of UNCITRAL Working Group VI
Judicial Sales - New York 7th to 11th February 2022***

First of all a very happy new year to all and let us hope that in 2022 between vaccinations, boosters and anti viral medication we may start to see the end of the dreaded pandemic!

In the meantime and as I reported to you all a couple of months ago just prior to the 39th session, the work of Working Group VI on judicial sales at UNCITRAL is proceeding most satisfactorily.

Just before Christmas the Secretariat released the Annotated Fifth Revision of the Beijing Draft for our consideration during the 40th session which will be held in New York between the 7th and the 11th of February 2022. Once again the Secretariat has absorbed and incorporated into this draft the observations as agreed upon by the Working Group in an expert manner. Once again the Secretariat managed to do this notwithstanding the challenges of accommodating various delegations participating mostly virtually via the UN Interprefy system.

Apart from the Annotated Fifth Revision the Secretariat has also circulated its explanatory note which is as always, hugely useful both to those who would have been following and participating in the proceedings as well as to those who may not have been able to be present.

We are now gearing ourselves up for the 40th session. The general feeling is that such progress has been registered so far that may be possible for a final draft to

be agreed upon during this forthcoming session. If this occurs then the draft will be presented to the Commission for deliberation at its next meeting in June 2022. In such a case the Commission will circulate the draft to all governments prior to June 2022.

The IWG on judicial sales is very happy to note that even in its current draft the main objective of the Beijing Draft has been achieved and that is to ensure that a properly held judicial sale of a vessel in State A which confers a clean, free and unencumbered title to the purchaser is given full effect in other States. Much progress has been made in ensuring that the existing articles are as clear and as practical as possible and what remains is some further fine tuning of the last remaining articles.

As has now become customary, our IWG has worked very hard over the Christmas and New Year holidays to produce the next set of Meeting Notes. These meeting notes have been drawn up with a view to assisting in the deliberations aimed towards clearing up the last remaining issues. We have learnt over the various sessions that these meeting notes circulated in advance to all NMLAs are useful in assisting delegations consisting of both State and NGO delegations in their deliberations.

I am therefore attaching to this message a copy of document A/CN.9/WG.VI/WP.94 which contains the Secretariat's Note as well as the Annotated Fifth revision of the Beijing Draft and the CMI Meeting notes.

As far as the next session is concerned, this will be held in New York between the 7th and 11th of February in a hybrid manner. I know that prior to the Omicron outbreak, many delegations were hoping to be able to attend in person. As a result of the Omicron spread, it now appears that physical participation may not be possible for a number of delegations, however please do encourage your governments to participate virtually. This will be the fourth session in which the Interprefy virtual platform will be used and so far it has been used most successfully.

We are informed that there will be 2 sessions per day. It is our understanding that the plan is to have the first session between 10 am and 1 pm New York time and the second session between 3 pm and 6 pm New York time.

May I strongly encourage you all to share and discuss these meeting notes with the delegates of your respective countries in the hope that they will assist them in making contributions which will help in finalising a draft for presentation to the Commission.

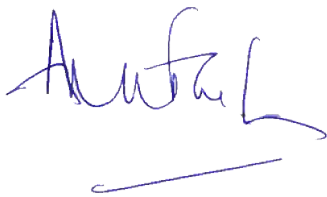
My own personal reflection of the proceedings so far is that the current draft first and foremost provides clearly its very *raison d'être* ensuring that a properly held judicial sale of a vessel in State A which confers a clean, free and

unencumbered title to the purchaser is given full effect in other States. It has provided for the concerns of a number of delegations and as a result there are no issues of principle which remain outstanding.

It may well be that given the diversity of the geography, legal systems and exigencies of the members of Working Group VI, there could be among some, a preference for alternative narrative or language in some parts. However, and provided that there are no issues of principle, the appeal of our IWG to all NMLAs is to encourage their state delegations and NGOs to seek to reach consensus and agreement on the text with a view to being able to agree to a final draft this February.

Finally I would like to thank you all for the important role that you and your NMLAs have played in this wonderful journey we have had together with our Beijing Draft - a most important project for the CMI seeking to bring uniformity to international maritime law.

Yours sincerely



Ann Fenech
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