



# General Assembly

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## Sixty-sixth session

### Sixth Committee

Agenda item 79

#### Report of the United Nations Commission on International Trade Law on the work of its forty-fourth session

#### Draft resolution

### UNCITRAL Model Law on Public Procurement

*The General Assembly,*

*Recalling* its resolution 2205 (XXI) of 17 December 1966, by which it established the United Nations Commission on International Trade Law with the purpose of furthering the progressive harmonization and unification of the law of international trade in the interests of all peoples, in particular those of developing countries,

*Noting* that procurement constitutes a significant portion of public expenditure in most States,

*Recalling* its resolution 49/54 recommending the use of the UNCITRAL Model Law on Procurement of Goods, Construction and Services,<sup>1</sup>

*Observing* that the 1994 Model Law, which has become an important international benchmark in procurement law reform, sets out procedures aimed at achieving competition, transparency, fairness, economy and efficiency in the procurement process,

*Observing also* that, despite the widely recognized value of the 1994 Model Law, new issues and practices have arisen since its adoption that have justified revision of the text,

*Recognizing* that at its thirty-seventh session, in 2004, the Commission agreed that the 1994 Model Law 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 1994 Model Law as a basis

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<sup>1</sup> Official Records of the General Assembly, Forty-ninth Session, Supplement No. 17 and corrigendum (A/49/17 and Corr.1), annex I.



for law reform, not departing, however, from the basic principles behind it and not modifying the provisions whose usefulness had been proved,

*Noting* that the revisions to the 1994 Model Law were the subject of due deliberation and extensive consultations with Governments and interested international organizations, and thus that it can be expected that the revised Model Law, to be called “the UNCITRAL Model Law on Public Procurement”, would be acceptable to States with different legal, social and economic systems,

*Noting also* that the revised Model Law is expected to contribute significantly to the establishment of a harmonized and modern legal framework for public procurement that promotes economy, efficiency and competition in procurement and, at the same time, fosters integrity, confidence, fairness and transparency in the procurement process,

*Being convinced* that the revised Model Law will significantly assist all States, in particular developing countries and States whose economies are in transition, in enhancing their existing procurement laws and formulating procurement laws where none presently exist, and will lead to the development of harmonious international economic relations and increased economic development,

1. *Expresses its appreciation* to the United Nations Commission on International Trade Law for developing and adopting the draft UNCITRAL Model Law on Public Procurement;<sup>2</sup>

2. *Requests* the Secretary-General to transmit the text of the UNCITRAL Model Law on Public Procurement to Governments and other interested bodies;

3. *Recommends* that all States use the UNCITRAL Model Law on Public Procurement in assessing their legal regimes for public procurement and give favourable consideration to the UNCITRAL Model Law on Public Procurement when they enact or revise their laws;

4. *Calls for* closer cooperation and coordination among the Commission and other international organs and organizations, including regional organizations, active in the field of procurement law reform, in order to avoid undesirable duplication of efforts and inconsistent, incoherent or conflicting results in the modernization and harmonization of public procurement law;

5. *Endorses* the efforts and initiatives of the secretariat of the Commission aimed at increasing the coordination of, and cooperation on, legal activities concerned with public procurement reform.

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<sup>2</sup> *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 17 (A/66/17), para. 192.*