



General Assembly

Distr.: General
21 April 2017

Original: English

United Nations Commission on International Trade Law

Fiftieth session

Vienna, 3-21 July 2017

Provisional agenda, annotations thereto and scheduling of meetings of the fiftieth session

I. Provisional agenda

1. Opening of the session.
2. Election of officers.
3. Adoption of the agenda.
4. Commemoration of the fiftieth anniversary of UNCITRAL.
5. Micro-, small- and medium-sized enterprises: progress report of Working Group I.
6. Insolvency law: progress report of Working Group V.
7. Technical assistance to law reform.
8. UNCITRAL regional presence.
9. Promotion of ways and means of ensuring a uniform interpretation and application of UNCITRAL legal texts: CLOUT and digests.
10. Status and promotion of UNCITRAL legal texts and the New York Convention:
 - (a) General;
 - (b) Functioning of the transparency repository;
 - (c) International commercial arbitration moot competitions;
 - (d) Bibliography of recent writings related to UNCITRAL's work.
11. Coordination and cooperation:
 - (a) General;
 - (b) Reports of other international organizations;
 - (c) International governmental and non-governmental organizations invited to sessions of UNCITRAL and its Working Groups.
12. Relevant General Assembly resolutions.



13. Role of UNCITRAL in promoting the rule of law at the national and international levels.
14. International dispute settlement: progress report of Working Group II.
15. Possible future work in the area of international dispute settlement:
 - (a) Concurrent proceedings;
 - (b) Code of ethics/conduct for arbitrators;
 - (c) Possible reform of investor-State dispute settlement.
16. Finalization and adoption of a Model Law on Electronic Transferable Records and Explanatory Notes.
17. Electronic commerce: progress report of Working Group IV.
18. Legal developments in the area of public procurement and infrastructure development.
19. Possible future work in the area of security interests and related topics.
20. Endorsement of texts of other organizations: the ICC Uniform Rules for Forfeiting (URF800).
21. Work programme of the Commission.
22. Date and place of future meetings.
23. Other business:
 - (a) Internship programme;
 - (b) Evaluation of the role of the Secretariat in facilitating the work of the Commission.
24. Progress report of Working Group VI (Security Interests): finalization and adoption of a Guide to Enactment of the UNCITRAL Model Law on Secured Transactions.
25. Adoption of the report of the Commission.

II. Annotations

1. Opening of the session

1. The fiftieth session of the Commission will be held at the Vienna International Centre in Vienna, from 3 to 21 July 2017.¹ The session will be opened on Monday, 3 July 2017, at 10 a.m. 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 3 July 2017, the United Nations Commission on International Trade Law will be composed of the following member States: 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), Czech Republic (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

¹ *Official Records of the General Assembly, Seventy-first Session, Supplement No. 17 (A/71/17)*, para. 393.

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).

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.

No advance documentation is expected.

4. Commemoration of the fiftieth anniversary of UNCITRAL

5. The Commission may expect to hear statements of delegations and observers under this agenda item. The Commission will also be informed about celebratory events that already took place or are scheduled to take place in conjunction with the session. In particular, the Government of Hungary is organizing an event in the afternoon on Monday, 3 July 2017, to recall the circumstances of the establishment of UNCITRAL.

6. The UNCITRAL Congress 2017 to commemorate UNCITRAL's fiftieth anniversary will be held, as scheduled, from 4 to 6 July 2017.² The Congress will consider UNCITRAL's potential to support cross-border commerce, including as regards: the development of the cross-border digital economy; finance in international trade; access to global supply chains and inputs (credit, transport, infrastructure); and dispute resolution. The Congress will also consider ways to enhance UNCITRAL's role in coordinating and cooperating in relevant work of other organizations, methods of international law-making and the use of UNCITRAL texts in practice. Participation at the Congress is open to those attending the Commission session and to others invited in advance.³ The Commission will hear an oral report by the Secretariat about the proceedings of the Congress on Friday morning, 7 July 2017.

No advance documentation is expected.

Proposed scheduling of this agenda item

Monday, 3 July 2017, and Friday, 7 July 2017, morning meetings.

5. Micro-, small- and medium-sized enterprises: progress report of Working Group I

7. At its forty-sixth session, in 2013, the Commission requested that a working group should commence work aimed at reducing the legal obstacles encountered by micro-, small- and medium-sized enterprises (MSMEs) throughout their life cycle, and, in particular, in developing economies.⁴ At that session, the Commission also

² Ibid., paras. 368-373 and 393.

³ Information regarding the Congress is available online at <http://www.uncitral.org/uncitral/en/commission/colloquia/50th-anniversary.html>.

⁴ *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 17 (A/68/17)*, para. 321.

agreed that such work should start with a focus on the legal questions surrounding the simplification of incorporation,⁵ and that work on this topic should be allocated to Working Group I.⁶ That mandate was reaffirmed by the Commission at its forty-seventh to forty-ninth sessions, in 2014 to 2016, respectively.⁷

8. Since its twenty-third session (Vienna, 17-21 November 2014), the Working Group has proceeded to consider the legal issues surrounding the simplification of incorporation as well as good practices in business registration, both of which aimed at reducing the legal obstacles encountered by MSMEs throughout their life cycle. At its forty-ninth session, in 2016, the Commission noted the decision of the Working Group to proceed with the preparation of a legislative guide in respect of each of those two topics.⁸

Documentation

[A/CN.9/895](#) Report of Working Group I (MSMEs) on the work of its twenty-seventh session (Vienna, 3-7 October 2016)

[A/CN.9/900](#) Report of Working Group I (MSMEs) on the work of its twenty-eighth session (New York, 1-9 May 2017)

Proposed scheduling of this agenda item

Monday, 3 July 2017, morning and/or afternoon meeting(s).

6. Insolvency law: progress report of Working Group V

9. Working Group V is currently considering the following topics:

(a) Facilitating the cross-border insolvency of multinational enterprise groups, pursuant to a mandate given by the Commission at its forty-third session, in 2010,⁹

(b) Recognition and enforcement of insolvency-related judgements, pursuant to a mandate given by the Commission at its forty-seventh session, in 2014, to develop a model law or model legislative provisions;¹⁰

(c) Obligations of directors of enterprise group companies in the period approaching insolvency, pursuant to a mandate given by the Commission at its forty-third session, in 2010,¹¹ and

(d) The insolvency treatment of MSMEs pursuant to a mandate given by the Commission at its forty-seventh session, in 2014,¹² and clarified at its forty-ninth session, in 2016.¹³

Documentation

[A/CN.9/898](#) Report of Working Group V (Insolvency Law) on the work of its fiftieth session (Vienna, 12-16 December 2016)

[A/CN.9/903](#) Report of Working Group V (Insolvency Law) on the work of its fifty-first session (New York, 10-19 May 2017)

⁵ Ibid.

⁶ Ibid., para. 322.

⁷ Ibid., *Sixty-ninth Session, Supplement No. 17 (A/69/17)*, para. 134; *ibid.*, *Seventieth Session, Supplement No. 17 (A/70/17)*, paras. 225 and 340; and *ibid.*, *Seventy-first Session, Supplement No. 17 (A/71/17)*, para. 347.

⁸ Ibid., *Seventy-first Session, Supplement No. 17 (A/71/17)*, paras. 220-221.

⁹ Ibid., *Sixty-fifth Session, Supplement No. 17 (A/65/17)*, para. 259.

¹⁰ Ibid., *Sixty-ninth Session, Supplement No. 17 (A/69/17)*, para. 155.

¹¹ Ibid., *Sixty-fifth Session, Supplement No. 17 (A/65/17)*, para. 259.

¹² Ibid., *Sixty-ninth Session, Supplement No. 17 (A/69/17)*, para. 156.

¹³ Ibid., *Seventy-first Session, Supplement No. 17 (A/71/17)*, para. 246.

Proposed scheduling of this agenda item

Monday, 3 July 2017, morning and/or afternoon meeting(s).

7. Technical assistance to law reform

10. The Commission will be informed by the Secretariat about technical assistance activities undertaken by the Secretariat since the Commission's previous session and the technical assistance resources, including the UNCITRAL website.

Documentation

[A/CN.9/905](#) Note by the Secretariat on technical cooperation and assistance

Proposed scheduling of this agenda item

Monday, 3 July 2017, afternoon meeting.

8. UNCITRAL regional presence

11. The Commission will be informed about activities undertaken by the UNCITRAL Regional Centre for Asia and the Pacific since the Commission's previous session. The Commission may also expect to hear an oral report by the Secretariat on the progress made in establishing UNCITRAL's presence in other regions.

Documentation

[A/CN.9/910](#) Note by the Secretariat on activities of the UNCITRAL Regional Centre for Asia and the Pacific

Proposed scheduling of this agenda item

Monday, 3 July 2017, afternoon meeting.

9. Promotion of ways and means of ensuring a uniform interpretation and application of UNCITRAL legal texts: CLOUT and digests

12. The Commission will be informed by the Secretariat about the progress of work on a system for collecting and disseminating information on court decisions and arbitral awards relating to UNCITRAL texts, known as the "Case Law on UNCITRAL texts (CLOUT)", and on digests.

13. The Commission may wish to recall that, at its twenty-first session, in 1988, it decided to establish CLOUT for general informational use by judges, arbitrators, lawyers and parties to business transactions with the intention to further the desired uniformity of UNCITRAL legal texts.¹⁴ The Commission may also wish to recall that in subsequent years, in light of the large number of cases collected in CLOUT on some UNCITRAL legal texts, the Commission requested a tool specifically designed to present information on the interpretation of those texts in a clear, concise and objective manner. At its thirty-fourth session, in 2001, the Commission requested the Secretariat to prepare a digest of case law on the United Nations Convention on Contracts for the International Sale of Goods¹⁵ (Vienna, 1980).¹⁶ At its thirty-fifth session, in 2002, the Commission requested the Secretariat to prepare a similar digest of case law on the UNCITRAL Model Law on International Commercial Arbitration.¹⁷ At its forty-fifth session, in 2012, the Commission agreed that a digest on the UNCITRAL Model Law on Cross-Border Insolvency should be

¹⁴ Ibid., *Forty-third Session, Supplement No. 17 (A/43/17)*, paras. 98-109.

¹⁵ United Nations, *Treaty Series*, vol. 1489, No. 25567, p. 3.

¹⁶ *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 17* and corrigendum ([A/56/17](#) and Corr.3), paras. 386-395.

¹⁷ Ibid., *Fifty-seventh Session, Supplement No. 17 (A/57/17)*, para. 243.

prepared.¹⁸ Since then, the 2004, 2008, 2012 and 2016 editions of the *UNCITRAL Digest of Case Law on the United Nations Convention on Contracts for the International Sale of Goods* and the *UNCITRAL 2012 Digest of Case Law on the Model Law on International Commercial Arbitration* have been published.¹⁹

14. The General Assembly has repeatedly expressed support for the work on CLOUT and on digests.²⁰

Documentation

[A/CN.9/906](#) Note by the Secretariat on promotion of ways and means of ensuring a uniform interpretation and application of UNCITRAL legal texts

Proposed scheduling of this agenda item

Monday, 3 July 2017, afternoon meeting.

10. Status and promotion of UNCITRAL legal texts and the New York Convention

15. The Commission will be informed about the status of the conventions and model laws resulting from UNCITRAL's work as well as the status of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958)²¹ (the "New York Convention"). It will also have before it a bibliography of recent writings related to UNCITRAL's work.

16. The Commission will also hear an oral report by the Secretariat on the status of the transparency repository established under article 8 of the UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration.²² The Commission may wish to recall that, at its forty-sixth session, in 2013, it expressed its strong and unanimous opinion that the UNCITRAL secretariat should fulfil the role of the transparency repository.²³ At its forty-ninth session, in 2016, the Commission reiterated that view, agreed to recommend to the General Assembly that it request the secretariat of the Commission to continue operating the transparency repository, as a pilot project until the end of 2017, to be funded entirely by voluntary contributions, and requested that the Commission and the General Assembly be informed of developments regarding the funding and budgetary situation of the transparency repository based on its pilot operation.²⁴

17. An oral report will be presented on the Twenty-fourth Willem C. Vis International Commercial Arbitration Moot competition, the Fourteenth Willem C. Vis (East) International Commercial Arbitration Moot and the Ninth International Commercial Arbitration Competition in Madrid.

Documentation

[A/CN.9/909](#) Note by the Secretariat on the status of conventions and model laws

[A/CN.9/907](#) Bibliography of recent writings related to UNCITRAL's work

¹⁸ *Ibid.*, *Sixty-seventh Session, Supplement No. 17 (A/67/17)*, para. 156.

¹⁹ The current editions of the digests are available at http://www.uncitral.org/uncitral/en/case_law/digests.html.

²⁰ Most recently, resolution 71/135, paras. 21 and 22.

²¹ United Nations, *Treaty Series*, vol. 330, No. 4739, p. 3.

²² *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 17 (A/68/17)*, para. 128 and annex I.

²³ *Ibid.*, para. 80.

²⁴ *Ibid.*, *Seventy-first Session, Supplement No. 17 (A/71/17)*, para. 173.

Proposed scheduling of this agenda item

Friday, 7 July 2017, morning meeting.

11. Coordination and cooperation

18. The Commission will be informed by the Secretariat about activities undertaken by the Secretariat since the Commission's previous session to ensure coordination with the work of other organizations active in the field of international trade law.

19. 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.

20. The Commission will also hear an oral report by the Secretariat concerning intergovernmental and non-governmental organizations invited to sessions of UNCITRAL.

Documentation

[A/CN.9/908](#) Note by the Secretariat on coordination activities

Proposed scheduling of this agenda item

Friday, 7 July 2017, morning meeting.

12. Relevant General Assembly resolutions

21. The Commission may wish to take note of General Assembly resolutions relevant to its work adopted by the General Assembly at its seventy-first session.

Documentation

[A/res/71/135](#) Resolution of the General Assembly on the report of the Commission on the work of its forty-ninth session

[A/res/71/136](#) Resolution of the General Assembly on the UNCITRAL Model Law on Secured Transactions

[A/res/71/137](#) Resolution of the General Assembly on the 2016 UNCITRAL Notes on Organizing Arbitral Proceedings

[A/res/71/138](#) Resolution of the General Assembly on the UNCITRAL Technical Notes on Online Dispute Resolution

[A/71/507](#) Report of the Sixth Committee

Proposed scheduling of this agenda item

Friday, 7 July 2017, morning meeting.

13. Role of UNCITRAL in promoting the rule of law at the national and international levels

22. The item has been on the agenda of the Commission since its forty-first session, in 2008,²⁵ in response to the General Assembly's invitation to the Commission to comment, in its report to the General Assembly, on the Commission's current role in promoting the rule of law.²⁶ At its forty-first to forty-ninth sessions, in 2008 to 2016, respectively, the Commission, in its annual

²⁵ For the decision of the Commission to include the item on its agenda, see *ibid.*, *Sixty-second Session, Supplement No. 17 (A/62/17)*, part two, paras. 111-113.

²⁶ General Assembly resolutions 62/70, para. 3; 63/128, para. 7; 64/116, para. 9; 65/32, para. 10; 66/102, para. 12; 67/97, para. 14; 68/116, para. 14; 69/123, para. 17; and 70/118, para. 20.

reports to the General Assembly, transmitted comments on its role in promoting the rule of law at the national and international levels, including in the post-conflict reconstruction context. It expressed its conviction that the promotion of the rule of law in commercial relations should be an integral part of the broader agenda of the United Nations to promote the rule of law at the national and international levels, including through the Rule of Law Coordination and Resource Group supported by the Rule of Law Unit in the Executive Office of the United Nations Secretary-General.²⁷ This view was endorsed by the General Assembly.²⁸

23. The Commission considered it essential to keep a regular dialogue with the Rule of Law Coordination and Resource Group through the Rule of Law Unit and to keep abreast of progress made in the integration of the work of UNCITRAL into the United Nations joint rule of law activities. To that end, it requested the Secretariat to organize briefings by the Rule of Law Unit biannually, when sessions of the Commission were held in New York.²⁹ The briefings consequently took place at the Commission's forty-fifth, forty-seventh and forty-ninth session, in 2012, 2014 and 2016,³⁰ respectively, and the next rule of law briefing is scheduled to take place at the Commission's fifty-first session, in 2018.

24. At its fiftieth session, the Commission may wish to take note of General Assembly resolution 71/148 on the rule of law at the national and international levels, by paragraph 22 of which the General Assembly invited the Commission to continue to comment, in its reports to the General Assembly, on its current role in promoting the rule of law. The Commission may also wish to note that, by paragraph 26 of that resolution, the General Assembly decided to focus the upcoming Sixth Committee debates at the seventy-second session of the General Assembly, in 2017, under the agenda item "The rule of law at the national and international levels" on subtopic "Ways and means to further disseminate international law to strengthen the rule of law". At its fiftieth session, the Commission, in formulating its comments to the General Assembly on its current role in promoting the rule of law, may therefore wish to focus on that subtopic. Issues relevant to that subtopic are expected to be discussed in the Commission under other agenda items, in particular provisionally scheduled agenda items 7 to 11 above, and during the UNCITRAL Congress 2017 (see para. 6 above). The Commission will hear a summary of those discussions and views of experts.

Documentation

[A/res/71/148](#) Resolution of the General Assembly on the rule of law at the national and international levels

²⁷ *Official Records of the General Assembly, Sixty-third Session, Supplement No. 17* and corrigendum (A/63/17 and Corr.1), para. 386; *ibid.*, *Sixty-fourth Session, Supplement No. 17* (A/64/17), paras. 413-419; *ibid.*, *Sixty-fifth Session, Supplement No. 17* (A/65/17), paras. 313-336; *ibid.*, *Sixty-sixth Session, Supplement No. 17* (A/66/17), paras. 299-321; *ibid.*, *Sixty-seventh Session, Supplement No. 17* (A/67/17), paras. 195-227; *ibid.*, *Sixty-eighth Session, Supplement No. 17* (A/68/17), paras. 267-291; *ibid.*, *Sixty-ninth Session, Supplement No. 17* (A/69/17), paras. 215-240; *ibid.*, *Seventieth Session, Supplement No. 17* (A/70/17), paras. 318-324; and *ibid.*, *Seventy-first Session, Supplement No. 17* (A/71/17), paras. 317-342.

²⁸ General Assembly resolutions 63/120, para. 11; 64/111, para. 14; 65/21 paras. 12 to 14; 66/94, paras. 15 to 17; 67/89, paras. 16 to 18; 68/106, paras. 12 to 14; 69/115, para. 12; 70/115, para. 11; and 71/135, para. 13.

²⁹ *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 17* (A/65/17), para. 335.

³⁰ *Ibid.*, *Sixty-seventh Session, Supplement No. 17* (A/67/17), paras. 199-210; *ibid.*, *Sixty-ninth Session, Supplement No. 17* (A/69/17), paras. 229-233; and *ibid.*, *Seventy-first Session, Supplement No. 17* (A/71/17), paras. 313-317.

Proposed scheduling of this agenda item

Friday, 7 July 2017, afternoon meeting.

14. International dispute settlement: progress report of Working Group II

25. The Commission will be informed about progress of work of its Working Group II on enforcement of international commercial settlement agreements resulting from conciliation. The Commission may wish to recall that, at its forty-seventh session, in 2014, it had before it a proposal to undertake work on the preparation of a convention on the enforceability of international commercial settlement agreements reached through conciliation (A/CN.9/822).³¹ The Commission agreed that the Working Group should consider at its sixty-second session the issue of enforcement of international commercial settlement agreements resulting from conciliation proceedings and should report to the Commission, at its forty-eighth session, in 2015, on the feasibility and possible form of work in that area.³²

26. At its forty-eighth session, in 2015, based on the deliberations of the Working Group at its sixty-second session (A/CN.9/832, paras. 13-59), the Commission agreed that the Working Group should commence work at its sixty-third session on the topic of enforcement of commercial settlement agreements to identify relevant issues and develop possible solutions, including the preparation of a convention, model provisions or guidance texts. The Commission also agreed that the mandate of the Working Group with respect to that topic should be broad to take into account the various approaches and concerns.³³ At its forty-ninth session, in 2016, the Commission confirmed that the Working Group should continue its work on the topic.³⁴

27. Accordingly, at its sixty-third to sixty-sixth sessions, the Working Group undertook work on the preparation of an instrument on enforcement of international commercial settlement agreements resulting from conciliation.³⁵ At its sixty-sixth session, the Working Group decided that the instrument under preparation would take the form of draft model legislative provisions complementing the UNCITRAL Model Law on International Commercial Conciliation³⁶ and a draft convention, both addressing enforcement of international commercial settlement agreements resulting from conciliation (A/CN.9/901, para. 13).

Documentation

[A/CN.9/896](#) Report of Working Group II (Dispute Settlement) on the work of its sixty-fifth session (Vienna, 12-23 September 2016)

[A/CN.9/901](#) Report of Working Group II (Dispute Settlement) on the work of its sixty-sixth session (New York, 6-10 February 2017)

Proposed scheduling of this agenda item

Friday, 7 July 2017, afternoon meeting.

15. Possible future work in the area of international dispute settlement

28. At its forty-ninth session, the Commission held a preliminary discussion regarding possible future work in the area of international dispute settlement. The Commission considered the topics of (a) concurrent proceedings, (b) code of ethics/conduct for arbitrators and (c) possible reform of investor-State dispute

³¹ Ibid., *Sixty-ninth Session, Supplement No. 17 (A/69/17)*, para. 123.

³² Ibid., para. 129.

³³ Ibid., *Seventieth Session, Supplement No. 17 (A/70/17)*, para. 142.

³⁴ Ibid., *Seventy-first Session, Supplement No. 17 (A/71/17)*, paras. 162-165.

³⁵ The reports of the Working Group on the work of those sessions are contained in documents [A/CN.9/861](#), [A/CN.9/867](#), [A/CN.9/896](#) and [A/CN.9/901](#), respectively.

³⁶ General Assembly resolution 57/18, annex.

settlement system.³⁷ After deliberation, the Commission decided to retain the three topics on its agenda for further consideration at its fiftieth session. It further requested that the Secretariat, within its existing resources, continue to update and conduct preparatory work on all the topics so that the Commission would be in a position to make an informed decision whether to undertake work in any of the topics.³⁸

(a) Concurrent proceedings

29. At its forty-sixth session, in 2013, the Commission identified that the subject of concurrent proceedings was increasingly important particularly in the field of investment arbitration and might warrant further consideration.³⁹ At its forty-seventh session, in 2014, the Commission considered whether to mandate its Working Group II (Dispute Settlement) to undertake work in the field of concurrent proceedings in investment arbitration, based on a note by the Secretariat, briefly outlining the issues at stake (A/CN.9/816, Addendum). The Commission agreed that the Secretariat should explore the matter further, in close cooperation with experts and other organizations working actively in that area and that that work should focus on treaty-based investor-State arbitration, without disregarding the issue in the context of international commercial arbitration.⁴⁰ At its forty-eighth session, in 2015, the Commission considered a note by the Secretariat in relation to concurrent proceedings in investment arbitration (A/CN.9/848). It requested the Secretariat to report to the Commission, outlining the issues at stake and identifying work that UNCITRAL might usefully undertake in the area.⁴¹

30. In accordance with that request, at its forty-ninth session, in 2016, the Commission had before it a note by the Secretariat outlining the causes and impact of concurrent proceedings, existing principles and mechanisms to address concurrent proceedings in international arbitration and possible future work in that area (A/CN.9/881).⁴² After discussion, the Commission agreed that the Secretariat should continue to further develop possible work that could be undertaken with regard to concurrent proceedings as mentioned in section IV of document A/CN.9/881, for consideration by the Commission at a future session.⁴³

Documentation

A/CN.9/915 Note by the Secretariat on possible future work in the field of dispute settlement: concurrent proceedings in international arbitration

Proposed scheduling of this sub-item

Monday, 10 July 2017.

(b) Code of ethics/conduct for arbitrators

31. At its forty-eighth session, in 2015, the Commission had before it a proposal for future work on a code of ethics for arbitrators in investment arbitration (A/CN.9/855), which suggested that work on the topic could relate to conduct of arbitrators, their relationship with those involved in the arbitration process, and the values that they were expected to share and convey. There was general interest in

³⁷ *Official Records of the General Assembly, Seventy-first Session, Supplement No. 17 (A/71/17)*, paras. 174-194.

³⁸ *Ibid.*, para. 195.

³⁹ *Ibid.*, *Sixty-eighth Session, Supplement No. 17 (A/68/17)*, paras. 131-133 and 311.

⁴⁰ *Ibid.*, *Sixty-ninth session, Supplement No. 17 (A/69/17)*, paras. 126-127 and 130.

⁴¹ *Ibid.*, *Seventieth session, Supplement No. 17 (A/70/17)*, paras. 143-147.

⁴² *Ibid.*, *Seventy-first session, Supplement No. 17 (A/71/17)*, paras. 175-181.

⁴³ *Ibid.*, para. 181.

the topic, which could be explored taking into account the wide range of issues and approaches.⁴⁴

32. At its forty-ninth session, in 2016, the Commission considered a note by the Secretariat, which outlined the concept of ethics in international arbitration as well as existing legal frameworks on ethics and posed some questions to be considered before possibly engaging in future work in that area (A/CN.9/880). After discussion, the Commission requested the Secretariat to continue exploring the topic in a broad manner, in close cooperation with experts including those from other organizations working actively in that area, and to report to the Commission at a future session on the various possible approaches.⁴⁵

Documentation

[A/CN.9/916](#) Note by the Secretariat on possible future work in the field of dispute settlement: ethics in international arbitration

Proposed scheduling of this sub-item

Monday, 10 July 2017.

(c) Possible reform of investor-State dispute settlement

33. At its forty-eighth session, in 2015, in relation to investor-State arbitration, the Commission noted that the current circumstances posed a number of challenges and proposals for reforms had been formulated by a number of organizations. In that context, the Commission was further informed that the Secretariat was conducting a study on whether the United Nations Convention on Transparency in Treaty-based Investor-State Arbitration⁴⁶ (“Mauritius Convention on Transparency”) could provide a useful model for possible reforms in the field of investor-State arbitration, in conjunction with interested organizations, including the Center for International Dispute Settlement (CIDS) of the University of Geneva and the Graduate Institute of International and Development Studies. In that light, the Secretariat was requested to report to the Commission at a future session with an update on that matter.⁴⁷

34. At its forty-ninth session, in 2016, the Commission considered a note providing a short overview of a research study on whether the Mauritius Convention on Transparency could provide a useful model for possible reforms in the field of investor-State dispute settlement, conducted within the framework of a research project of CIDS (A/CN.9/890). After discussion, the Commission requested the Secretariat to review how the project described in document A/CN.9/890 might be best carried forward, if approved as a topic of future work at the forthcoming session of the Commission, taking into consideration the views of all States and other stakeholders, including how this project might interact with other initiatives in this area and which format and processes should be used. In so doing, the Secretariat was requested to conduct broad consultations.⁴⁸

⁴⁴ Ibid., *Seventieth session, Supplement No. 17 (A/70/17)*, paras. 148-151.

⁴⁵ Ibid., *Seventy-first session, Supplement No. 17 (A/71/17)*, paras. 182-186.

⁴⁶ General Assembly resolution 69/116, annex.

⁴⁷ *Official Records of the General Assembly, Seventieth session, Supplement No. 17 (A/70/17)*, para. 268.

⁴⁸ Ibid., *Seventy-first session, Supplement No. 17 (A/71/17)*, paras. 187-194.

Documentation

- [A/CN.9/917](#) Note by the Secretariat on possible future work in the field of dispute settlement: reforms of investor-State dispute settlement (ISDS)
- [A/CN.9/918](#) and addenda Investor-State Dispute Settlement Framework, Compilation of comments

Proposed scheduling of this sub-item

Monday, 10 July 2017.

16. Finalization and adoption of a Model Law on Electronic Transferable Records and Explanatory Notes

35. At its forty-fourth session, in 2011, the Commission mandated its Working Group IV (Electronic Commerce) to undertake work on electronic transferable records.⁴⁹ The Working Group worked on that subject from its forty-fifth session (Vienna, 10-14 October 2011) to its fifty-fourth session (Vienna, 31 October-4 November 2016). At its fifty-fourth session, the Working Group requested the Secretariat to revise the draft model law on electronic transferable records and explanatory materials contained in document [A/CN.9/WG.IV/WP.139](#) and its addenda to reflect the deliberations and decisions at that session and transmit the revised text to the Commission for consideration at its fiftieth session. 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 fiftieth session ([A/CN.9/897](#), para. 20).

Documentation

- [A/CN.9/897](#) Report of Working Group IV (Electronic Commerce) on the work of its fifty-fourth session (Vienna, 31 October-4 November 2016)
- [A/CN.9/920](#) Draft Model Law on Electronic Transferable Records with Explanatory Notes
- [A/CN.9/921](#) and addenda Compilation of comments by States and international organizations on the draft Model Law on Electronic Transferable Records with Explanatory Notes
- [A/CN.9/922](#) Note by the Secretariat on proposed amendments to the draft explanatory notes and additional issues for consideration by the Commission

Proposed scheduling of this agenda item

Tuesday, 11 July 2017, and Wednesday, 12 July 2017.

17. Electronic Commerce: progress report of Working Group IV

36. The Commission may wish to recall that, at its forty-ninth session, in 2016, it agreed that the topics of identity management 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. At that session, the Commission also confirmed its decision that the Working Group could take up work on those topics upon completion of the work on the draft model law on electronic transferable records. In that context, the Secretariat, within its existing resources, and the Working Group were asked to continue to update and conduct preparatory

⁴⁹ Ibid., *Sixty-sixth session, Supplement No. 17 (A/66/17)*, para. 238.

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. In that context, it was mentioned that priority should be based on practical needs rather than on how interesting the topic was or the feasibility of work.⁵⁰

37. The Working Group considered both topics at its fifty-fourth (Vienna, 31 October-4 November 2016) and fifty-fifth (New York, 24-28 April 2017) sessions.

Documentation

[A/CN.9/897](#) Report of Working Group IV (Electronic Commerce) on the work of its fifty-fourth session (Vienna, 31 October-4 November 2016)

[A/CN.9/902](#) Report of Working Group IV (Electronic Commerce) on the work of its fifty-fifth session (New York, 24-28 April 2017)

Proposed scheduling of this agenda item

Thursday, 13 July 2017, morning meeting.

18. Legal developments in the area of public procurement and infrastructure development

38. At its forty-ninth session, in 2016, the Commission agreed that, while it would be premature to engage in any type of legislative work on public procurement and infrastructure development, the Secretariat should continue to monitor related developments in light of the continued importance of those topics. It was also agreed that the Secretariat should consider updating where necessary all or parts of the UNCITRAL Legislative Guide on Privately Financed Infrastructure Projects,⁵¹ involving experts. Finally, it was agreed that the Secretariat should also continue to promote UNCITRAL texts in the area of public procurement, most importantly the Model Law on Public Procurement (2011).⁵² In that context, it was highlighted that the above-mentioned activities should be undertaken taking into account the resources available to the Secretariat.⁵³

Documentation

[A/CN.9/912](#) and Note by the Secretariat on legal developments in the area of addendum public procurement and infrastructure development

Proposed scheduling of this agenda item

Thursday, 13 July 2017, afternoon meeting.

19. Possible future work in the area of security interests and related topics

39. At its forty-eighth and forty-ninth sessions, in 2015 and 2016, respectively, the Commission confirmed its decision that the preparation of a contractual guide on secured transactions and a uniform law text on intellectual property licensing should be retained on its future work programme and considered at a future session on the

⁵⁰ Ibid., *Seventy-first Session, Supplement No. 17 (A/71/17)*, paras. 235 and 353.

⁵¹ United Nations publication, Sales No. E.01.V.4 ([A/CN.9/SER.B/4](#)), available at <http://www.uncitral.org/pdf/english/texts/procurem/pfip/guide/pfip-e.pdf>.

⁵² *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 17 (A/66/17)*, annex I, available at http://www.uncitral.org/uncitral/en/uncitral_texts/procurement_infrastructure/2011Model.html.

⁵³ Ibid., *Seventy-first Session, Supplement No. 17 (A/71/17)*, para. 362.

basis of notes to be prepared by the Secretariat, after a colloquium or expert group meeting, to be held within existing resources.⁵⁴

40. At its forty-ninth session, in 2016, the Commission decided that, the following topics should be placed in addition on its future work programme and considered at a future session on the basis of notes to be prepared by the Secretariat, after a colloquium or expert group meeting, to be held within existing resources: (a) the question whether the UNCITRAL Model Law on Secured Transactions and its guide to enactment (see section 24 below) might need to be expanded to address matters related to secured finance to MSMEs; (b) the question whether any future work on a contractual guide on secured transactions should discuss contractual issues of concern to MSMEs (e.g. transparency issues); (c) any question that might not have already been addressed in the area of warehouse receipt financing (e.g. the negotiability of warehouse receipts); and (d) the question whether disputes arising from security agreements could be resolved through alternative dispute resolution mechanisms.⁵⁵

41. In accordance with the above-mentioned decisions of the Commission at its forty-eighth and forty-ninth sessions, the Fourth International Colloquium on Secured Transactions was held at the Vienna International Centre from 15 to 17 March 2017. The purpose of the colloquium was to obtain the views and advice of experts with regard to possible future work on security interests and related topics. Approximately 100 experts from Governments, international organizations and the private sector participated in this three-day event and the discussions thereof provided a basis for the note prepared by the Secretariat on future work on security interests and related topics submitted for consideration by the Commission at its fiftieth session.

Documentation

[A/CN.9/913](#) Note by the Secretariat on possible future work in the area of security interests and related topics

Proposed scheduling of this item

Thursday, 13 July 2017, afternoon meeting.

20. Endorsement of texts of other organizations: the ICC Uniform Rules for Forfeiting (URF800)

42. The International Chamber of Commerce (ICC) requests the endorsement by UNCITRAL of the ICC Uniform Rules for Forfeiting (ICC Publication Number 800) (the “URF 800”). The request and a summary of the URF 800 submitted by ICC are for consideration by the Commission at its fiftieth session.

Documentation

[A/CN.9/919](#) Note by the Secretariat on endorsement of texts of other organizations: ICC Uniform Rules for Forfeiting (URF 800)

Proposed scheduling of this agenda item

Friday, 14 July 2017, morning meeting.

21. Work programme of the Commission

43. 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

⁵⁴ Ibid., *Seventieth Session, Supplement No. 17 (A/70/17)*, para. 217; and *ibid.*, *Seventy-first Session, Supplement No. 17 (A/71/17)*, para. 124.

⁵⁵ Ibid., *Seventy-first Session, Supplement No. 17 (A/71/17)*, para. 125.

session.⁵⁶ Under this agenda item, the Commission will have before it a note by the Secretariat outlining the current work programme of the Commission and issues for possible future work. The Commission will also have before it a proposal from the Comité Maritime International (CMI) for possible future work on cross-border issues related to the Judicial sale of ships.

44. To the extent possible, the discussion of other items proposed for possible future work has been scheduled closer to the consideration of this agenda item, during the second week of the session.

Documentation

[A/CN.9/911](#) Note by the Secretariat on the work programme of the Commission

[A/CN.9/923](#) Proposal of CMI for possible future work on cross-border issues related to the Judicial sale of ships

Proposed scheduling of this agenda item

Friday, 14 July 2017, morning meeting.

22. Date and place of future meetings

Fifty-first session of the Commission

45. The fifty-first session of the Commission will be held in New York. Tentative arrangements have been made for the session to be held from 25 June to 13 July 2018.

Sessions of working groups

46. 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 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.⁵⁷

Sessions of working groups between the fiftieth and fifty-first sessions of the Commission

Working Group I (MSMEs)

47. The twenty-ninth session of the Working Group could be held in Vienna, from 16 to 20 October 2017, and the thirtieth session could be held in New York, from 30 April to 4 May 2018.

Working Group II (Dispute Settlement)

48. The sixty-seventh session of the Working Group could be held in Vienna, from 2 to 6 October 2017, and the sixty-eighth session could be held in New York, from 5 to 9 February 2018.

⁵⁶ Ibid., *Sixty-eighth Session, Supplement No. 17 (A/68/17)*, para. 310.

⁵⁷ Ibid., *Fifty-eighth Session, Supplement No. 17 (A/58/17)*, para. 275.

Working Group IV (Electronic Commerce)

49. The fifty-sixth session of the Working Group could be held in Vienna, from 20 to 24 November 2017, and the fifty-seventh session could be held in New York, from 16 to 20 April 2018.

Working Group V (Insolvency Law)

50. The fifty-second session of the Working Group could be held in Vienna, from 27 November to 1 December 2017, and the fifty-third session could be held in New York, from 7 to 11 May 2018.

Working Group VI (Security Interests)

51. The thirty-second session of the Working Group could be held in Vienna, from 11 to 15 December 2017, and thirty-third session could be held in New York, from 12 to 16 March 2018.

52. Out of five days of reserved conference services in Vienna in 2017 for Working Group III, three days have been allocated to the Fourth International Colloquium on Secured Transactions (Vienna, 15-17 March 2017) (see para. 41 above). The Commission has thus two remaining days of conference services in Vienna in 2017 for its needs.

53. The Secretariat has reserved conference services in New York during the week of 2 to 6 April 2018, for a session of Working Group III or another working group or other conference needs of UNCITRAL.

Sessions of working groups in 2018 after the fifty-first session of the Commission

Working Group I (MSMEs)

54. Tentative arrangements have been made for the thirty-first session of the Working Group to be held in Vienna, from 24 to 28 September 2018.

Working Group II (Dispute Settlement)

55. Tentative arrangements have been made for the sixty-ninth session of the Working Group to be held in Vienna, from 10 to 14 September 2018.

Working Group IV (Electronic Commerce)

56. Tentative arrangements have been made for the fifty-eighth session of the Working Group to be held in Vienna, from 19 to 23 November 2018.

Working Group V (Insolvency Law)

57. Tentative arrangements have been made for the fifty-fourth session of the Working Group to be held in Vienna, from 10 to 14 December 2018.

Working Group VI (Security Interests)

58. Tentative arrangements have been made for the thirty-fourth session of the Working Group to be held in Vienna, from 26 to 30 November 2018.

59. The Secretariat has reserved conference services in Vienna during the week of 8 to 12 October 2018 for a session of Working Group III or another working group or other conference needs of UNCITRAL.

Proposed scheduling of this agenda item

Friday, 14 July 2017, morning meeting.

23. Other business**(a) Internship programme**

60. An oral report will be presented on the internship programme in the Commission's secretariat.

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

61. The Commission will hear an oral report from the Secretariat on the results of evaluation by UNCITRAL of the role of its secretariat in facilitating the work of the Commission since the start of the Commission's forty-ninth session on 27 June 2016.

Proposed scheduling of this agenda item

Friday, 14 July 2017, morning meeting.

24. Progress report of Working Group VI (Security Interests): finalization and adoption of a Guide to Enactment of the UNCITRAL Model Law on Secured Transactions

62. At its forty-eighth session, in 2015, the Commission agreed that the Working Group should prepare a guide to enactment of what would become the UNCITRAL Model Law on Secured Transactions.⁵⁸

63. At its forty-ninth session, in 2016, the Commission adopted the UNCITRAL Model Law on Secured Transactions (the "Model Law").⁵⁹ At that session, the Commission had before it a draft guide to enactment (A/CN.9/885 and Add.1-4). The Commission noted that the draft guide to enactment provided background and explanatory information that could assist States in considering the Model Law for adoption. Moreover, the Commission noted that a number of issues were referred to the draft guide to enactment during the deliberations on the Model Law, and considered thus that the draft guide to enactment was an extremely important text for the implementation and interpretation of the Model Law.⁶⁰ After discussion, the Commission agreed to give the Working Group up to two sessions to complete its work and submit the draft guide to enactment to the Commission for final consideration and adoption at its fiftieth session in 2017.⁶¹

64. At its thirtieth (Vienna, 5-9 December 2016) and thirty-first (New York, 13-17 February 2017) sessions, the Working Group approved the substance of the draft Guide to Enactment (A/CN.9/WG.VI/WP.71, Add.1-6, as well as A/CN.9/WG.VI/WP.73) and, at its thirty-first session, decided to submit it to the Commission for consideration and adoption at its fiftieth session (A/CN.9/904, para. 135).

Documentation

[A/CN.9/899](#) Report of Working Group VI (Security Interests) on the work of its thirtieth session (Vienna, 5-9 December 2016)

[A/CN.9/904](#) Report of Working Group VI (Security Interests) on the work of its thirty-first session (New York, 13-17 February 2017)

[A/CN.9/914](#) Draft Guide to Enactment
and Add.1-6

⁵⁸ Ibid., *Seventieth Session, Supplement No. 17 (A/70/17)*, paras. 167 and 216.

⁵⁹ Ibid., *Seventy-first Session, Supplement No. 17 (A/71/17)*, para. 119. For the text of the Model Law, see United Nations publication, Sales No. E.17.V.1, available at http://www.uncitral.org/pdf/english/texts/security/ML_ST_E_ebook.pdf.

⁶⁰ Ibid., para. 121.

⁶¹ Ibid., para. 122.

Proposed scheduling of this item

Monday to Thursday, 17 to 20 July 2017. The morning meeting on 21 July 2017 could also be used for the consideration of this agenda item, if necessary.

25. Adoption of the report of the Commission

65. 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,⁶² 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.

Proposed scheduling of this agenda item

Friday, 14 and 21 July 2017, afternoon meetings.

III. Scheduling of meetings and documentation

66. Meetings will be held from 9.30 a.m. to 12.30 p.m. and from 2 p.m. to 5 p.m., except on Monday, 3 July, when the morning meeting will commence at 10 a.m. (see para. 1 above).

67. UNCITRAL documents are posted on the UNCITRAL website (www.uncitral.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 fiftieth session by accessing the page of the fiftieth session of the Commission in the “Commission Documents” section of the UNCITRAL website (www.uncitral.org).

68. The recommendations on the scheduling of meetings under each agenda item above, compiled for ease of reference below, 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.

<i>Date</i>	<i>Agenda item</i>
Monday, 3 July	<ol style="list-style-type: none"> 1. Opening of the session. 2. Election of officers. 3. Adoption of the agenda. 4. Commemoration of the fiftieth anniversary of UNCITRAL. 5. Micro-, small- and medium-sized enterprises: progress report of Working Group I. 6. Insolvency law: progress report of Working Group V. 7. Technical assistance to law reform. 8. UNCITRAL regional presence. 9. Promotion of ways and means of ensuring a uniform interpretation and application of UNCITRAL legal texts: CLOUT and digests.

⁶² Ibid., *Twenty-third Session, annexes*, agenda item 88, document [A/7408](#), para. 3.

<i>Date</i>	<i>Agenda item</i>
[Tuesday to Thursday, 4 to 6 July, the UNCITRAL Congress 2017]	
Friday, 7 July	<p>4. Commemoration of the fiftieth anniversary of UNCITRAL. [<i>continued — Secretariat's report from the Congress</i>]</p> <p>10. Status and promotion of UNCITRAL legal texts and the New York Convention.</p> <p>11. Coordination and cooperation.</p> <p>12. Relevant General Assembly resolutions.</p> <p>13. Role of UNCITRAL in promoting the rule of law at the national and international levels.</p> <p>14. International dispute settlement: progress report of Working Group II.</p>
Monday, 10 July 2017	15. Possible future work in the area of international dispute settlement.
Tuesday, 11 July 2017, and Wednesday, 12 July 2017	16. Finalization and adoption of a Model Law on Electronic Transferable Records and Explanatory Notes.
Thursday, 13 July 2017	<p>17. Electronic Commerce: progress report of Working Group IV.</p> <p>18. Legal developments in the area of public procurement and infrastructure development.</p> <p>19. Possible future work in the area of security interests and related topics.</p>
Friday, 14 July	<p>20. Endorsement of texts of other organizations: the ICC Uniform Rules for Forfeiting (URF800).</p> <p>21. Work programme of the Commission.</p> <p>22. Date and place of future meetings.</p> <p>23. Other business.</p> <p>25. Adoption of the report of the Commission.</p>
Monday, 17 July, to Thursday, 20 July 2017 (possibly also Friday morning, 21 July 2017)	24. Progress report of Working Group VI (Security Interests): finalization and adoption of a Guide to Enactment of the UNCITRAL Model Law on Secured Transactions.
Friday, 21 July 2017	25. Adoption of the report of the Commission.