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Work programme of the Commission

Note by the Secretariat

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I. Introduction

1. At its forty-sixth session, in 2013, the Commission agreed that it should reserve time for discussion of UNCITRAL's future work as a separate topic at each Commission session.¹ This note by the secretariat is intended to facilitate that discussion. It describes UNCITRAL's legislative activities (chapter II), supporting activities currently planned for the period up to the fifty-ninth session of the Commission in 2026 (chapter III), and future work and related matters (chapter IV).

2. With respect to chapter IV in particular, the note generally refers to and summarizes separate, more detailed papers on possible future work proposals or related matters, with a few exceptions. For ease of reference, the following list provides an overview of that chapter and such papers:

(a) Possible future work in the area of insolvency law: see paragraphs 8–9, which refer to a separate paper on possible future work in the area of insolvency law (A/CN.9/1219), as well as chapter VI.A (Proposals for future work) of the Report of Working Group V on the work of its sixty-fifth session (Vienna, 16–20 December 2024) (A/CN.9/1198) and the proposal by the delegation of Australia for preparation of an updated Guide to Enactment and Interpretation of the UNCITRAL Model Law on Cross-Border Insolvency (A/CN.9/WG.V/WP.199);

(b) Resource requirements to implement investor-State dispute settlement (ISDS) reform: see paragraph 10, which refers to a separate paper on resources to implement the work programme with respect to ISDS reform (A/CN.9/1217);

(c) Climate change mitigation, adaptation and resilience: outcome of exploratory work by the secretariat: see paragraphs 11–14, which are intended to complement the Report of the Colloquium on the Law of International Trade for a Greener Future (Vienna and online, 23–24 October 2024) (A/CN.9/1204), address public procurement and other areas (i.e. international sale of goods, public-private partnerships, and dispute settlement) covered during the Colloquium, and refer to a separate paper on possible future work in the area of public procurement (A/CN.9/1230);

(d) Secured transactions using new types of assets and their treatment under the UNCITRAL Model Law on Secured Transactions: see paragraphs 15–28, which are intended to complement the Report of the Colloquium on Secured Transactions (New York, 20–21 February 2025) (A/CN.9/1201) and discuss a non-exhaustive list of issues that could be considered at a proposed expert group meeting;

(e) Dispute resolution in the digital economy: see paragraphs 29–31, which refer to two separate papers regarding the Stocktaking of Developments in Dispute Resolution in the Digital Economy – progress report (A/CN.9/1215) and the submission from the Inclusive Global Legal Innovation Platform on Online Dispute Resolution (A/CN.9/1224);

(f) Electronic commerce and paperless trade: see paragraphs 32–34, which refer to two separate papers on legal issues relating to the use of decentralized autonomous organizations in trade (A/CN.9/1225) and Stocktaking of UNCITRAL texts referring to electronic aspects, including those on electronic commerce and other substantive law texts with provisions on electronic aspects, with a view to focusing or developing provisions on paperless trade (A/CN.9/1226);

(g) Additional topics for possible future work in the area of digital trade: see paragraphs 35–37, which refer to two separate papers on possible future work on legal

¹ *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 17 (A/68/17)*, para. 310. When setting UNCITRAL's work programme for the forthcoming period, the Commission may also wish to recall its decision at that session that it would normally plan for the period to the next Commission session, but that some longer-term indicative planning (for a three-to-five-year period) may also be appropriate. *Ibid.*, para. 305.

aspects of digital trade (A/CN.9/1227) and in the area of digital payments (A/CN.9/1229); and

(h) Working methods of UNCITRAL, including streamlining General Assembly omnibus resolutions: see paragraphs 38–43, which address streamlining the omnibus resolution on UNCITRAL and livestreaming of UNCITRAL working group sessions.

II. Legislative activities

3. Table 1 on the following pages provides an overview of the current legislative work by the Commission and its working groups as well as exploratory or preparatory work being undertaken by the UNCITRAL secretariat in accordance with the mandate given to it by the Commission. With respect to exploratory or preparatory work conducted by the secretariat that is not addressed in Table 1 (e.g. organizing of the Colloquia) and for purposes of streamlining this document, such work is addressed in connection with possible future work.²

² See e.g. *infra* chapters IV.C (Climate change mitigation, adaptation and resilience), IV.D (Secured transactions using new types of assets and their treatment under the UNCITRAL Model Law on Secured Transactions) and IV.F (Electronic commerce and paperless trade).

Table 1
Current legislative work

	<i>Consideration of texts by the Commission at its fifty-eighth session</i>	<i>Work by the Working Group</i>	<i>Preparatory or exploratory work currently undertaken by the secretariat</i>	<i>Possible future work</i>
Dispute settlement	-	At its fifty-seventh session, in 2024, the Commission mandated Working Group II to work on the recognition and enforcement of electronic arbitral awards and, subsequently, on electronic notices. ^a Accordingly, the Working Group considered the former topic, as reflected in documents A/CN.9/1193 and A/CN.9/1200 , which are before the Commission for consideration.	Dispute resolution in the digital economy: At its fifty-seventh session in 2024, the Commission requested the secretariat to continue to implement the project on the stocktaking of developments in dispute resolution in the digital economy and explore relevant topics remaining, such as those related to artificial intelligence (AI) and platform-based dispute resolution. ^b See chapter IV.E below.	Dispute resolution in the digital economy: See chapter IV.E below.
Investor-State dispute settlement (ISDS) reform	<p>Advisory centre on international investment dispute resolution:</p> <p>At its fifty-seventh session, in 2024, the Commission adopted the Statute of the Advisory Centre on International Investment Dispute Resolution (the “Centre”) in principle and agreed to utilise an informal process to facilitate preparatory work to operationalize the Centre.^c Accordingly, two meetings were held respectively in Bangkok (December 2024) and Yerevan (May 2025), the results of which as reflected in documents A/CN.9/WG.III/WP.251 and A/CN.9/1218 are before the Commission for consideration.^d</p> <p>Prevention and mitigation of international investment disputes:</p> <p>At its fifty-seventh session, in 2024, the Commission took note of the draft toolkit on prevention and mitigation of international investment disputes (A/CN.9/1185) and requested the secretariat to circulate the draft for comments and feedback by States, on the basis of which an updated version could be prepared.^e The Commission has before it the updated draft toolkit (A/CN.9/1220) for consideration and adoption.</p>	At its fiftieth session, in 2017, the Commission mandated Working Group III to work on the possible ISDS reform. ^f The Working Group continued its work focusing on the draft provisions on procedural and crossing-cutting issues, the draft statute of a standing mechanism and the multilateral instrument on ISDS reform during its forty-ninth, fiftieth and fifty-first (parts one and two) sessions. The reports of those sessions (A/CN.9/1194 , A/CN.9/1195 , A/CN.9/1196 and A/CN.9/1196/Add.1) are before the Commission for consideration.	-	-

	<i>Consideration of texts by the Commission at its fifty-eighth session</i>	<i>Work by the Working Group</i>	<i>Preparatory or exploratory work currently undertaken by the secretariat</i>	<i>Possible future work</i>
Electronic commerce	-	<p>Default rules on data provision contracts:</p> <p>At its fifty-fifth session, in 2022, the Commission requested Working Group IV to proceed with work on data provision contracts on the basis of the preparatory work already accomplished.^g Working Group IV has considered the topic at its sixty-fifth and sixty-sixth, sixty-seventh and sixty-eighth sessions. The report of the sixty-seventh and sixty-eighth sessions of the Working Group (A/CN.9/1197 and A/CN.9/1202, respectively) are before the Commission for consideration.</p>	<p>Legal issues relating to the use of distributed ledger technology in trade:</p> <p>At its fifty-seventh session, the Commission requested the secretariat to continue and finalize its work on a guidance document on legal issues relating to the use of distributed ledger systems in trade, within existing resources, and in cooperation with other concerned organizations, as appropriate.^h The revised draft guidance document on legal issues relating to the use of distributed ledger technology in trade (A/CN.9/1222) is before the Commission for consideration.</p> <p>Stocktaking of UNCITRAL texts for paperless trade:</p> <p>At its fifty-seventh session, the Commission requested the secretariat to conduct a stocktaking exercise to examine all UNCITRAL texts that referred to electronic aspects.ⁱ The requested stocktaking, conducted on the basis of a questionnaire and study by the secretariat and with a view to focusing or developing provisions on paperless trade, is before the Commission for consideration (A/CN.9/1226). See chapter IV.F below.</p>	<p>Electronic commerce and paperless trade:</p> <p>See chapter IV.F below.</p>
Insolvency law	<p>Asset tracing and recovery in insolvency proceedings:</p> <p>The Commission will have before it for consideration and approval A/CN.9/WG.V/WP.201 containing the draft toolkit for expedited asset tracing and recovery in insolvency proceedings and draft background notes on asset tracing and recovery in insolvency proceedings as considered by Working Group V at its sixty-sixth session. Any amendments that the Working Group may decide to introduce in those texts will be reflected in the report of that session (A/CN.9/1203).^j Any comments by States on those drafts that the secretariat may receive before the fifty-eighth session of the Commission will be before the</p>	<p>Applicable law in insolvency proceedings:</p> <p>The Commission is expected to take note of progress made by the Working Group in its continued work on the topic of applicable law in insolvency proceedings, as reflected in the reports of its sixty-fifth and sixty-sixth sessions (A/CN.9/1198 and A/CN.9/1203). The Commission referred that topic to the Working Group in 2021, together with the topic on asset tracing and recovery in insolvency proceedings (see the preceding column).^k</p>	<p>Update of the 2009 UNCITRAL Practice Guide on Cross-Border Insolvency Cooperation:</p> <p>Further to the request by the Commission last year,^l the secretariat commenced work on the update of the 2009 UNCITRAL Practice Guide on Cross-Border Insolvency Cooperation,^m in consultation with experts. As the Commission requested, the secretariat will present an updated text for review by the Working Group before transmitting it to the Commission for consideration and finalization. Resources permitting, the secretariat may be in the position to do so in 2026.</p>	<p>Proposals and topics for possible future work</p> <p>Working Group V referred to the Commission proposals for possible future work by UNCITRAL in the area of insolvency law that it received at its sixty-fifth session, with a recommendation to consider them at the session, including possible organization of colloquium(s) (A/CN.9/1198, chapter VI.A). The Commission will have before it a note by the secretariat prepared to facilitate deliberations in the</p>

	<i>Consideration of texts by the Commission at its fifty-eighth session</i>	<i>Work by the Working Group</i>	<i>Preparatory or exploratory work currently undertaken by the secretariat</i>	<i>Possible future work</i>
				Commission on those proposals and other possible topics for future work in the area of insolvency law (A/CN.9/1219). See chapter IV.A below.
Negotiable Cargo Documents	At its forty-sixth session, the Working Group requested the secretariat to revise the draft convention to reflect its deliberations and decisions and to transmit the revised draft to the Commission for consideration and possible approval at its fifty-eighth session (A/CN.9/1205, para. 107). The Commission will have before it the draft convention on negotiable cargo documents (A/CN.9/1213) and any comments on the draft convention that the secretariat will receive before the fifty-eighth session (A/CN.9/1214 and addenda).	At the fifty-fifth session of the Commission, the topic was referred to Working Group VI, ^a which has considered it over six sessions, from its forty-first session to its forty-sixth session. The Commission has before it the reports of the forty-fifth and forty-sixth sessions of the Working Group (A/CN.9/1199 and A/CN.9/1205).	-	At its forty-sixth session, the Working Group requested the secretariat to prepare an explanatory note on the draft convention on negotiable cargo documents for consideration by the Working Group at its next session (A/CN.9/1205, para. 107).

^a *Official Records of the General Assembly, Seventy-ninth Session, Supplement No. 17 (A/79/17)*, para. 285.

^b *Ibid.*, para. 284.

^c *Ibid.*, paras. 157–165.

^d The report of the first meeting (A/CN.9/WG.III/WP.251) was considered by Working Group III during the first part of its fifty-first session (see A/CN.9/1196, paras. 19–30).

^e *Official Records of the General Assembly, Seventy-ninth Session, Supplement No. 17 (A/79/17)*, paras. 168–169.

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

^g *Ibid.*, *Seventy-seventh Session, Supplement No. 17 (A/77/17)*, paras. 22(d) and 163.

^h *Ibid.*, *Seventy-ninth Session, Supplement No. 17 (A/79/17)*, para. 290.

ⁱ *Ibid.*, para. 299.

^j Due to little time available between the sixty-sixth session of the Working Group and the fifty-eighth session of the Commission, it was not possible for the secretariat to proceed with the revision of the texts and their translation for issuance sufficiently in advance of the Commission session.

^k *Official Records of the General Assembly, Seventy-sixth Session, Supplement No. 17 (A/76/17)*, paras. 215–217.

^l *Ibid.*, *Seventy-ninth Session, Supplement No. 17 (A/79/17)*, para. 256.

^m United Nations publication, Sales No.: E.10.V.6, available at https://uncitral.un.org/en/texts/insolvency/explanatorytexts/practice_guide_cross-border_insolvency.

ⁿ *Official Records of the General Assembly, Seventy-seventh Session, Supplement No. 17 (A/77/17)*, paras. 22(h) and 202. At the fifty-sixth session, the title of the Working Group was changed to negotiable cargo documents to clarify that its work covered both the multimodal and unimodal transport contexts: *ibid.*, *Seventy-eighth Session, Supplement No. 17 (A/78/17)*, para. 174(f).

III. Supporting activities

4. This chapter lists activities of the secretariat planned until the fifty-ninth session of the Commission, in 2026, in support of the legislative work by the Commission and its working groups.³ It is separated into two tables describing supporting activities: (a) specific activities (table 2); and (b) recurrent or ongoing activities (table 3). These activities include work by the secretariat, alone or in cooperation with other organizations, to prepare texts and explanatory materials to support the acceptance, understanding, uniform interpretation and application of UNCITRAL texts. (For activities that are more closely related to the technical cooperation and assistance work of the secretariat, see the note by the secretariat on non-legislative activities (A/CN.9/1209 and its addenda).

Table 2
Specific activities

<i>Description of the activity</i>	<i>Date</i>
Participation in Expert Group on Carbon Markets convened by HCCH	13–15 May 2025
Participation in Expert Group on Digital Tokens convened by HCCH	16–18 June 2025
Participation in the Multi-Stakeholder Working Group on Data Governance at All Levels envisaged in the Global Digital Compact and convened by UNCTAD	3–4 July 2025
Participation in UNIDROIT Working Group on Best Practices for Effective Enforcement	Autumn 2025
Participation in UNIDROIT Working Group on the Legal Nature of Verified Carbon Credits	10–12 September 2025 (6th session)
Participation in UNIDROIT and ICC Institute of World Business Law Working Group on International Investment Contracts	10–12 June 2025 (6th session) and 27–29 October 2025 (7th session)
Updating the UNCITRAL Practice Guide on Cross-Border Insolvency Cooperation, to reflect cross-border insolvency developments since the adoption of that text in 2009, including: (a) cross-border insolvency cooperation tools and practices as reflected, among others, in the relevant jurisprudence on the UNCITRAL Model law on Cross-Border Insolvency (MLCBI) (1997) ^a collected in CLOUT ^b and analysed in the Digest of Case Law on the UNCITRAL Model Law on Cross-Border Insolvency (2021) ^c and the UNCITRAL Model Law on Cross-Border Insolvency: The Judicial Perspective ^d after 2009; (b) adoption by UNCITRAL of the UNCITRAL Model Law on Recognition and Enforcement of Insolvency-related Judgments ^e and the UNCITRAL Model Law on Enterprise Group Insolvency ^f in the area of insolvency law in 2018 and 2019, respectively, as well as of part three of the UNCITRAL Legislative Guide on Insolvency Law in 2010 ^g whose recommendations 239–254 address international aspects of enterprise group insolvency; and (c) the relevant issues arising from the current projects of Working Group V. The updated text will support training, teaching and capacity-building activities on cross-border insolvency matters and contribute to updating the content of the CLOUT system and other explanatory materials in the area of insolvency law.	2025–2026
Preparing an updated edition of the UNCITRAL 2012 Digest of Case Law on the Model Law on International Commercial Arbitration to reflect new case law, including from jurisdictions that have enacted the UNCITRAL Model Law on International Commercial Arbitration after the publication of the existing edition.	2025–2026

^a United Nations publication, Sales No. E.14.V.2. Available at https://uncitral.un.org/en/texts/insolvency/modellaw/cross-border_insolvency.

^b Available at https://uncitral.un.org/en/case_law.

^c Available at https://uncitral.un.org/sites/uncitral.un.org/files/media-documents/uncitral/en/20-06293_uncitral_mlcbi_digest_e.pdf.

^d United Nations publication, Sales No. 23.V.I. Available at https://uncitral.un.org/sites/uncitral.un.org/files/media-documents/uncitral/en/mlcbi_judicial_perspective_en.pdf.

^e United Nations publication, Sales No. E.19.V.8. Available at <https://uncitral.un.org/en/texts/insolvency/modellaw/mlj>.

^f United Nations publication, Sales No. E.20.V.3. Available at <https://uncitral.un.org/en/MLEGI>.

^g United Nations publication, Sales No. E.12.V.16. Available at <https://uncitral.un.org/sites/uncitral.un.org/files/media-documents/uncitral/en/leg-guide-insol-part3-ebook-e.pdf>.

³ Dates of events are tentative.

5. Table 3 lists recurrent or ongoing activities, some of which are undertaken pursuant to partnerships or other collaborative initiatives (for a description of such initiatives, see the note by the secretariat on technical cooperation and assistance (A/CN.9/1209/Add.1)).

Table 3
Recurrent or ongoing activities

<i>Subject area</i>	<i>Description of the activity</i>
Insolvency law	Participation in the World Bank Group's Insolvency and Creditor/Debtor Regimes Task Force in the context of ongoing work on the unified Insolvency and Creditor Rights Standard (ICR Standard). ^a
ISDS Reform	Support to host countries in the organization of intersessional meetings of Working Group III and informal meetings on the operationalization of the Advisory Centre. Host a number of informal online meetings on various elements of ISDS reform. Participate in events hosted by UNCTAD and OECD on international investment agreements.
Secured transactions	Host the Eighth Conference on International Coordination of Secured Transactions Reform in the second half of 2025 and chair the Executive Committee of the Joint Network for Coordinating Secured Transactions and Related Reforms ^b in 2025.
Electronic commerce	Participation at Paperless Trade Week, which includes the third session of the Standing Committee of the Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific (CPTA) and the third Session of the Paperless Trade Council of the Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific, and which will be held from 9 to 13 June 2025 at the United Nations Economic and Social Commission for Asia and the Pacific. Participation in the Multi-Stakeholder Working Group on Data Governance at All Levels envisaged in the Global Digital Compact and convened by UNCTAD.
General	Participation at the tripartite coordination meeting of UNCITRAL, UNIDROIT and HCCH at which current work of the three organizations, areas of mutual interest and possible joint activities are regularly discussed. Monitoring and participation in the work of other international organizations active in the field of international trade law with a view to discharging the Commission's mandate to coordinate legal activities in this field and to continue, through its secretariat, to maintain close operation with other international organizations active in the field of international trade law. Participation in the International Organisations' Partnership for Effective International Rule-Making, led by the Organisation for Economic Co-operation and Development. Operation of the Transparency Registry, a repository of published information in accordance with article 8 of the Rules on Transparency in Treaty-based Investor-State Arbitration, subject to the availability of resources. ^c Contribution to periodicals, reports and other writings on the work of UNCITRAL.

^a Comprised of the UNCITRAL Legislative Guide on Insolvency Law and the World Bank Principles for Effective Insolvency and Creditor/Debtor Regimes, the ICR Standard is recognized by the Financial Stability Board as one of the key standards for sound financial systems, representing the international consensus on best practices for evaluating and strengthening insolvency regimes. See *Insolvency and Creditor Rights Standard – Financial Stability Board* (fsb.org).

^b Information available at <https://uncitral.un.org/en/content/joint-network-coordinating-and-supporting-secured-transactions-reforms>.

^c See General Assembly resolution 77/99, para. 3.

IV. Future work and related matters

6. This chapter addresses: (a) possible future work in the area of insolvency law; (b) resource requirements to implement investor-State dispute settlement reform; (c) climate change mitigation, adaptation and resilience, including possible future work in the area of public procurement and in other areas; (d) secured transactions using new types of assets and their treatment under the UNCITRAL Model Law on Secured Transactions; (e) dispute resolution in the digital economy; (f) electronic commerce and paperless trade; (g) additional topics for possible future work in the area of digital trade; and (h) working methods of UNCITRAL, including streamlining General Assembly omnibus resolutions.⁴

⁴ For an overview of the areas or matters addressed in this chapter and related papers, see *supra* para. 2.

7. For the Commission's consideration of possible future work, the secretariat notes that, during the period between this session of the Commission and the next one in summer 2026, up to two Working Groups will be available to receive mandates for new work – Working Group I and Working Group VI – subject to the decisions of the Commission, including with respect to Working Group VI's request to prepare an explanatory note for the draft convention on negotiable cargo documents (A/CN.9.1205, para. 107).

A. Possible future work in the area of insolvency law

8. The Commission will have before it a note by the secretariat on “Possible future work in the area of insolvency law” (A/CN.9/1219). It provides background information on various topics for possible future work for the Commission's consideration, including those that:

- Are referred to in chapter VI.A of the report of Working Group V on its sixty-fifth session (see A/CN.9/1198, as well as A/CN.9/WG.V/WP.199);
- Were before the Commission in 2014 and are still relevant; or
- Prominently feature in insolvency law jurisprudence, academic writings and discussions of the international insolvency community, including judges in UNCITRAL-sponsored judicial colloquiums.⁵

9. Considering that the project on asset tracing and recovery in insolvency proceedings is likely to be finalized by the Commission at the present session, and the project on applicable law in insolvency proceedings may be finalized by the following session of the Commission in 2026, the Commission is invited, on the basis of these documents, to consider deliberating on future work in the area of insolvency law and may wish to request the secretariat to organize one or more colloquiums, in cooperation and with the participation of relevant intergovernmental and non-governmental organizations, to consider a future work programme of UNCITRAL in the area of insolvency law.

B. Resource requirements to implement investor-State dispute settlement reform

10. The Commission will have before it a note by the secretariat on “Resources to implement the work programme with respect to investor-State dispute settlement (ISDS) reform” (A/CN.9/1217). It provides information on the resources utilized by Working Group III from 2022 to 2025, its expected workload and the anticipated time frame for completing the ISDS reform. It also provides the Commission with information on the programme budget implication and complements this note with regard to the livestreaming of the Commission and Working Group sessions (see paras. 41–43 below). Upon reviewing the workplan and resourcing plan, the Commission is invited to consider making a recommendation to the General Assembly that additional conference and supporting resources be allocated for a period of two years (2026–2027).

C. Climate change mitigation, adaptation and resilience: outcome of exploratory work by the secretariat

11. This section complements the “Report of the Colloquium on the Law of International Trade for a Greener Future” (A/CN.9/1204), which was held in Vienna and online on 23–24 October 2024. The Colloquium was structured to discuss how UNCITRAL texts relate to and can support climate action initiatives in each of the topical areas of (a) public procurement, (b) international sale of goods, (c) public-

⁵ For the reports of those colloquiums, see <https://uncitral.un.org/en/colloquia/insolvency>.

private partnerships, and (d) dispute settlement. The report reflects the discussions of each of the panels and contains a list of recommendations and findings, with a view to empowering existing UNCITRAL texts or developing new UNCITRAL texts for a greener future.⁶

12. This section considers possible future work in the area of public procurement which, in the secretariat's view and subject to the Commission's deliberations, may be ready for referral to a working group, and in other areas.

Public procurement

13. The Commission will have before it a note by the secretariat containing a proposal on "Possible future work in the area of public procurement" (A/CN.9/1230). It provides a summary of the discussions and recommendations from the Colloquium's panel entitled "Toward Greener Procurement" and considers the scope of possible future work, including with respect to existing texts, the decision to revise the 1994 Model Law on Public Procurement, taking stock of developments at other organizations and additional topics for possible inclusion. As described in A/CN.9/1230, the Commission is invited to consider mandating a working group to revise the Model Law on Public Procurement and related texts in order to enhance flexibility for countries pursuing greener procurement practices and to take into account recent legislative developments and practices, including those arising from the ongoing digitalization of international trade. Alternatively, should the Commission prefer a broader expert discussion to clarify the scope of such work, including the identification of provisions to be considered for revision, the Commission may wish to instruct the secretariat to organize an experts group meeting during a working group session scheduled for the autumn of 2025, with a working group then starting its deliberations as soon as spring 2026.

Other areas

14. The Commission may wish to consider whether to discuss the recommendations and findings with respect to possible future work in other areas, in particular with respect to the CISG and dispute settlement (see footnote 16). Regarding the CISG-related recommendations specifically, the Commission may wish to recall that those recommendations came from the Colloquium panel entitled "Greening the supply chain", which addressed the growing need for greening commercial goods supply chains, examined climate-related regulations, voluntary commitments and contractual requirements applicable to supply chains from the perspective of the CISG, both in terms of applicable law, enforcement mechanisms and substantive rules on the conformity of goods, breach of contract and damages (A/CN.9/1204, paras. 11–16). Considering possible areas of overlap, the secretariat would note UNIDROIT's project on corporate sustainability due diligence in global value chains (CSDD

⁶ The report includes the following list (A/CN.9/1204, para. 32):

- For public procurement: (a) updating the UNCITRAL Model Law on Public Procurement to incorporate climate considerations; (b) developing a new legal instrument promoting cross-border trade as a tool for decarbonization and green procurement policies;
- For the CISG: (a) drafting model clauses for parties under international sale of goods contract to accommodate the different obligation regimes under the CISG and applicable mandatory law for greening the supply chain; (b) developing a tripartite legal guide, in collaboration with HCCCH and UNIDROIT, to uniform instruments in the area of international commercial contracts with a focus on climate-related obligations;
- For dispute settlement: drafting an explanatory text on "Notes on UNCITRAL Dispute Settlement and Climate Change", addressing the cross-cutting issues that could arise in cases with climate change-related components.

With respect to public-private partnerships, the report notes that it was broadly agreed that the UNCITRAL Model Legislative Provisions on Public-Private Partnerships already contained environment-related requirements that could be effectively applied or interpreted to address climate objectives and that there was no strong inclination to revise the UNCITRAL instruments on public-private partnerships at the moment but suggesting that more guidance on the interpretation of those instruments and capacity-building for users could be explored (A/CN.9/1204, para. 23).

project).⁷ The secretariat expects this project to be discussed at the 105th session of the UNIDROIT Governing Council (20–23 May 2025). After having taken part in the Governing Council’s session, the secretariat may update the Commission on the scope of the CSDD project and areas of overlap with UNCITRAL texts and possible future work at its fifty-eighth session.

D. Secured transactions using new types of assets and their treatment under the UNCITRAL Model Law on Secured Transactions

15. This section complements the report of the Colloquium on Secured Transactions, “Navigating the New Era of Digital Finance – UNCITRAL Model Law on Secured Transactions and the use of new types of assets for secured financing” (A/CN.9/1201). The Colloquium was held at the United Nations Headquarters in New York on 20–21 February 2025. The Colloquium focused on a wide range of new types of assets, with a focus on digital assets, data, carbon credits, and negotiable instruments and documents in electronic form (with no paper-based equivalent). For ease of reference, these assets are referred to in this section as “Assets” and the “UNCITRAL Model Law on Secured Transactions” as the “Model Law”.

16. Based on the discussions at the Colloquium, it is suggested that the Commission instruct the secretariat to hold a meeting involving experts in this field and representatives of relevant international organizations before embarking on the actual work in this area, including more specifically the scope of work.⁸ Accordingly, this section identifies a non-exhaustive list of issues that could be considered at such an expert group meeting.

Scope and definition

17. While these new types of Assets are transforming the landscape of finance and secured transactions, a harmonized approach to their legal nature is yet to be achieved. Their treatment under the Model Law would require the development of definitions and characterization, including whether they fall under any of the assets within the current scope of the Model Law.

18. As diverse approaches have been taken by different jurisdictions, this could be the starting point of discussions, and the following issues could be addressed:

- (a) Whether the Assets can be the subject of a security right, including whether they fall under existing categories covered by the Model Law;
- (b) If they fall under existing categories, whether they should be listed in the definitions of such categories, for example, tangible assets (article 2(II)), intangible assets (article 2(p)), receivables (article 2(dd)), money (article 2(t)), funds credited to a bank account, negotiable instruments, non-intermediated securities (article 2(w)), or intellectual property (article 2(b));
- (c) Whether the Model Law should apply to outright transfer of the Assets, similar to receivables (article 1(2)); and
- (d) Whether the Model Law should exclude certain Assets from its scope (article 1(3)).

⁷ See [UNIDROIT 2025 – C.D. \(104\) 2](#) (providing an overview of UNIDROIT’s project); see also *ibid.*, para. 43 (quoting from para. 32 of the Report of the Colloquium on the Law of International Trade for a Greener Future (A/CN.9/1204)).

⁸ [A/CN.9/1201](#), para. 61. It further suggests that subject to any conference time available to the Commission, a follow-up Colloquium could be held or integrated as part of a Colloquium on other topics to further clarify the relevance and scope of future work, which could be reported back to the Commission at its fifty-ninth session, in 2026. *Ibid.*, para. 62.

Creation

19. With regard to the creation of a security right in the Assets, the following issues could be addressed:

- (a) Who has rights in the Assets to grant a security right;
- (b) How the Assets can be described in the security agreement;
- (c) Whether a security right in the Assets would extend to proceeds (which may be a different category of asset (article 10)) and whether a security right under the Model Law would extend to proceeds, which are Assets;
- (d) Treatment of any contractual limitations by the parties on the creation of a security right in the Assets (article 13); and
- (e) Whether it is possible to create a security right in future Assets.

Third-party effectiveness

20. While the primary methods of achieving third-party effectiveness under the Model Law are to register a notice in the general security rights registry or to obtain possession (article 18), such methods might not be effective for Assets.⁹ In this regard, it may be necessary to consider other methods such as “control”.¹⁰ However, jurisdictions have taken different approaches to “control” and the notion may not apply equally to all Assets. In light of the above, the following issues could be addressed:

- (a) Methods to achieve third-party effectiveness of a security right in the Assets, including whether the primary methods would continue to apply;
- (b) Whether to introduce “control” or other methods to achieve third-party effectiveness and if so, how to define such notions;
- (c) Whether reference should be made to asset-specific registries established for Assets; and
- (d) Whether to expand the definition of “control agreement” to cover certain Assets.

Priority

21. Under the Model Law, priority among competing security rights is determined generally by the order of registration or third-party effectiveness (article 29). However, there are certain asset-specific rules (articles 46 to 51).

22. With regard to the Assets, the extent to which buyers or other transferees could acquire its rights free of a security right would need to be examined (the “innocent acquirer” question). This may raise questions whether and to what extent due diligence would be required to benefit from such a rule.¹¹ Similarly, the impact of the grantor’s insolvency on the priority of a security right in the Assets would need to be examined. In light of the above, the following issues could be addressed:

- (a) Whether the general priority rules would apply and if not, which other methods of third-party effectiveness should result in priority;
- (b) How to address the priority between a secured creditor and buyer or other transferees of the Assets;

⁹ See *ibid.*, paras. 27, 32 and 44.

¹⁰ This should be distinguished from “control agreement” under the Model Law, which is another means to achieve third-party effectiveness for uncertificated non-intermediated securities and rights to payment of funds credited to a bank account (article 2(g)). Reference shall be made to the notion of control in the UNCITRAL Model Law on Electronic Transferable Records, which is the functional equivalent of “possession”.

¹¹ UNIDROIT Principles on Digital Assets and Private Law (2023), paras. 8.1–8.10.

(c) Whether the grantor's (and possibly other related parties') insolvency would have any impact on the priority of a security right; and

(d) Whether it would be possible to establish an acquisition security right in the Assets (thus, having super-priority).

Rights and obligations of the parties and third-party obligors

23. A wide range of new categories of parties are involved in the creation and management of, and transactions involving, the Assets (e.g. issuer, custodians, service providers, verifying or certifying authorities and intellectual property right holders). Identifying such parties could be a first step.

24. The Model Law addresses the rights and obligations of third-party obligors – namely, parties that owe obligations under the encumbered asset and their relationship with the secured creditor. Not all of the parties referred to in the previous paragraph fall under the category of “obligors”, as they are identified by their functional role in relation to the Assets or associated legal interests. It would be useful to examine the extent to which these parties could limit the effectiveness of a security right in the Assets, particularly during the enforcement phase.

Enforcement

25. While the enforcement rules under the Model Law may apply generally to the Assets, certain adaptations may be necessary. It is also anticipated that post-default rights with respect to the Assets would be exercised mainly out-of-court. In that context, it would be necessary to consider: (i) whether a secured creditor could obtain possession of the Assets; (ii) means available to a secured creditor to dispose of or acquire the Assets (which may also depend on how third-party effectiveness is achieved); and (iii) valuation of the Assets and secondary markets, including whether the enforcement could be conducted in a commercially reasonable manner (article 4). There may be other parties involved (for example, a custodian), the interest of which would need to be protected during the enforcement phase.

Conflict of law

26. During the Colloquium, the cross-border nature of the Assets was underlined. This may pose challenges in applying the conflict-of-laws provision in the Model Law, particularly as laws of a number of jurisdictions are intertwined. Under the Model Law, the law governing the creation, third-party effectiveness, priority and enforcement of a security right depends primarily on whether the asset is tangible or intangible and the law applicable is generally either the law of the State in which the asset is located or in which the grantor is located.

27. With regard to the Assets, it may be difficult to determine their location, and it is also questionable whether the grantor's location should be a key factor in determining the applicable law. For example, with regard to digital assets, their lack of a fixed location, cross-border nature and variety of systems to hold or transfer them can limit the relevance of location-based rules.¹² The applicable law may instead depend on considerations such as: (i) whether and how the security right has been perfected; (ii) how the Assets are classified under the relevant laws; and (iii) whether they are held or transferred on platforms spanning multiple jurisdictions. More flexible approaches may need to be sought, including the law of the State as specified in the Asset itself (providing for party autonomy) or in the system where the Asset is recorded; the law of State where the issuer is located; or in the absence of such, the determination by domestic courts or other authorities based on the circumstances of the case.

¹² See *ibid.*, para. 5.4.

Way forward

28. Subject to an expert group meeting being held in the second half of 2025 to discuss the above-mentioned issues and identifying asset-specific articles to supplement the Model Law or updates of the Guide to Enactment of the Model Law, a working group could be convened in the first half of 2026 to make progress on such work.

E. Dispute resolution in the digital economy

29. With respect to dispute resolution in the digital economy (DRDE), the Commission will have before it two notes by the secretariat: one containing a progress report on the stocktaking of developments in dispute resolution in the digital economy (A/CN.9/1215) and the other containing in an annex a submission from the Inclusive Global Legal Innovation Platform on Dispute Resolution (iGLIP) (A/CN.9/1224).

30. The first note mentioned above (A/CN.9/1215) reports on the progress made on the topic of the use of AI in dispute resolution. It provides an introduction with background on the stocktaking and follows with general remarks, use cases and potential use, legal issues arising from the use of AI in dispute resolution, key actors and areas for UNCITRAL work, and a way forward. As discussed in A/CN.9/1215, the Commission is invited to consider whether it may wish: (a) to request that its secretariat continue to monitor relevant developments in the implementation of the DRDE project and report on the progress made at its fifty-ninth session in 2026; and (b) at the same time, as some issues have crystalized, also to request that its secretariat, through the DRDE project, consider proposing certain issues that are ripe for a Working Group to carry out work at an upcoming session.

31. The submission annexed to the second note mentioned above (A/CN.9/1224) provides a summary of the results of further investigation on the topic of platform-based dispute resolution carried out by iGLIP and suggests ideas on possible future work for consideration by the Commission, reflecting also the discussions at the fourth meeting of experts. As discussed in A/CN.9/1224, the Commission is invited to consider whether: (a) the present submission provides sufficient information for it to request that the DRDE project proceed to putting forward concrete proposals for future work at an upcoming session of the Commission and, if so, mandate the DRDE project accordingly; and (b) to request also that its secretariat and iGLIP continue their collaboration so that iGLIP can supplement, as necessary, information for the work on platform-based dispute resolution to be carried out further through the DRDE project.

F. Electronic commerce and paperless trade

32. The Commission will have before it two notes by the secretariat: “Legal issues relating to the use of decentralized autonomous organizations in trade” (A/CN.9/1225) and “Stocktaking of UNCITRAL texts referring to electronic aspects, including those on electronic commerce and other substantive law texts with provisions on electronic aspects” (A/CN.9/1226).

33. The first note mentioned above (A/CN.9/1225) describes some basic features of decentralized autonomous organizations (DAOs) and legal issues arising from those features. It then compiles existing statutes and case law dealing with DAOs. Finally, it puts forward suggestions to provide a comprehensive legal treatment to DAOs based on adapting existing law or establishing a new legal regime. As discussed in A/CN.9/1225, the Commission is invited to consider whether exploratory work should be carried out on this topic, in coordination with other relevant intergovernmental organizations, with a view to identifying a possible work topic for future consideration.

34. The second note mentioned above (A/CN.9/1226) was prepared in response to a request by the Commission (A/79/17, para. 299) and provides an overview of the early findings of the stocktaking of UNCITRAL texts on electronic commerce and other UNCITRAL texts relevant for digital trade. It formulates proposals for a compilation and consolidation of UNCITRAL texts, with a view to facilitating their enactment, including by those jurisdictions that have already enacted UNCITRAL texts and wish to align existing laws with the most modern legal standards. It also establishes links between UNCITRAL texts and provisions on digital trade in international instruments. As discussed in A/CN.9/1226, the Commission is invited to consider requesting the secretariat to carry out the compilation and consolidation of UNCITRAL texts relevant for digital trade. It also invites the Commission to consider the possible use of existing UNCITRAL texts to support paperless trade and provide substantive guidance to States wishing to strengthen their reliance on paperless trade.

G. Additional topics for possible future work in the area of digital trade

35. In addition to the aforementioned topics, the secretariat will also have before it two other topics to be considered for possible future work, in particular on (a) legal aspects of digital trade and (b) digital payments.

Legal aspects of digital trade

36. The Commission will have before it a note by the secretariat containing a proposal on “Possible future work on legal aspects of digital trade” (A/CN.9/1227). It provides background on the transition from electronic commerce to digital trade in a platform economy and UAE legislation related to digital trade, as well as relevant discussions within Working Group IV. It then describes legal issues and possible next steps. As discussed in A/CN.9/1227, the Commission is invited to consider, among other things, the outcome of discussions within Working Group IV during its sixty-seventh session on a new digital trade model law and to that extent whether further work on legal issues related to trade in digital platforms should be pursued, including holding a series of expert meetings and colloquiums on the topic.

Digital payments

37. The Commission will have before it a note by the secretariat containing a proposal on “Possible future work in the area of digital payments” (A/CN.9/1229). It provides background on developments in payment methods and systems which have led to exponential growth in digital payments across the globe and steps taken to facilitate digital trade, including through provisions on digital trade in free trade agreements, economic partnership agreements, digital economy or digital trade agreements and other similar instruments. It refers to example provisions which expressly contemplate support for the development of efficient, safe and secure cross-border electronic payments, promoting interoperability and adopting or taking into account international standards, and notes that UNCITRAL would be well placed to support these efforts through future work on digital payments, which could draw upon existing UNCITRAL texts, take into account frameworks and regulations in related areas, and be carried out in coordination with interested organizations. As discussed in A/CN.9/1229, the Commission is invited to consider whether possible work on the topic of digital payments should be pursued, including holding a colloquium in the latter part of 2025 on the topic.

H. Working methods of UNCITRAL, including streamlining General Assembly omnibus resolutions

Streamlining the omnibus resolution on UNCITRAL

38. Recalling that, at its fifty-sixth session in 2023, it had considered a proposal for streamlining future UNCITRAL omnibus resolutions and had requested the secretariat to facilitate an open and flexible intersessional consultative process among Member States for this purpose, at its fifty-seventh session in 2024, the Commission noted the outcome of the informal consultations facilitated by Panama and requested that the secretariat continue to facilitate that process, involving not only Vienna-based Permanent Missions but also UNCITRAL focal points of member and observer States.

39. The Commission also recommended the following flexible and tentative guiding principles to be taken into account incrementally in preparing streamlined UNCITRAL omnibus resolutions: (a) limiting references to past events and decisions to a reasonable number of years prior to the date of the resolution to be adopted; (b) limiting references to one or two operative paragraphs addressing each thematic topic of the work of UNCITRAL; (c) shortening the length of paragraphs and consolidating them where appropriate; (d) giving preference to action-oriented language in operative paragraphs; (e) deleting preambular paragraphs and operative paragraphs that did not contain necessary basic information or recent updates on the work of UNCITRAL; (f) reorganizing and clustering information, ensuring coherence and avoiding repetition; and (g) inserting thematic headings where appropriate.

40. The Commission will hear updates, including that the General Assembly adopted on 4 December 2024 the UNCITRAL omnibus resolution ([A/RES/79/117](#)), which reflected some of the guiding principles as a result of the abovementioned consultative process, and may wish to take note of the progress made. The Commission may also wish to consider proposals to further streamline UNCITRAL omnibus resolutions, if any, and decide on next steps.

Livestreaming of UNCITRAL working group sessions

41. The Commission may wish to recall that, at its fifty-sixth session in 2023, the Commission was informed that livestreaming had been provided for all sessions of the working groups since the fifty-fifth session of the Commission, in 2022 ([A/78/17](#), para. 218), in the six official languages of the United Nations (although without the possibility for remote participants to make interventions). The Commission was further informed that the secretariat had incurred costs for the livestreaming of the sessions, which was currently not included in the regular budget of UNCITRAL and its secretariat. In that context, there was strong support for continuing to livestream the sessions, as it would allow for inclusiveness and transparency and lead to broader participation by subject-matter experts in real time. While support was also expressed for a hybrid interactive format of UNCITRAL sessions, it was stated that this would limit the conference time allocated to the sessions and might create difficulties for some delegates to obtain approval to attend sessions in person. After discussion, the Commission requested the secretariat to seek ways to continue the livestreaming of UNCITRAL sessions within the existing resources of the secretariat.

42. The livestreaming of UNCITRAL sessions in Vienna in recent years was made possible at no additional cost to the UNCITRAL secretariat. Due to the lack of resources, the UNCITRAL secretariat was not able to make arrangements for the livestreaming of UNCITRAL Commission and Working Group sessions in New York in 2024 and during the first half of 2025. During the fiftieth session of Working Group III (20–24 January 2025, Vienna), it was suggested that resources be sought to enable livestreaming of formal sessions of the Working Group to safeguard the inclusiveness of the process. The Working Group recommended, among other things, additional support to the Commission to allow the Working Group to continue to implement its work with respect to ISDS reform (document resources, secretariat human resources and information and communications technology resources for livestreaming)

([A/CN.9/1195](#), paras. 138–139). During the eighty-first session of Working Group II (3–7 February 2025, New York), concerns were widely expressed about the discontinuation of providing remote access to Working Group sessions, as such access was considered crucial for accommodating participants facing financial constraints to engage effectively in the deliberations of the Working Group ([A/CN.9/1200](#), para. 76). It was mentioned that fostering inclusivity and ensuring proper outreach of the work of the Working Group was essential and, hence, the Working Group requested the seeking of resources to permit remote participation or to at least provide livestreaming services. Accordingly, the secretariat is conveying this request to the Commission.

43. The programme budget implications of such a request are outlined in [A/CN.9/1217](#), paras. 40–41. The Commission may wish to consider whether to request resources for livestreaming sessions of Working Group III (3 weeks) and those of other working groups (10 weeks) to ensure inclusiveness in, as well as fairness among, the working groups as well as the Commission (3 weeks).
