



General Assembly

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**United Nations Commission on
International Trade Law**
Working Group I (MSMEs)
Thirty-sixth session
Vienna, 4–8 October 2021

Annotated provisional agenda

I. Provisional agenda

1. Opening of the session.
2. Adoption of the agenda.
3. Consideration of issues on access to credit for micro, small and medium-sized enterprises (MSMEs).

II. Composition of the Working Group

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

2. States not members of the Commission and international governmental organizations may attend the session as observers and participate in the deliberations. In addition, invited international non-governmental organizations may attend the session as observers and represent the views of their organizations on matters where the organization concerned has expertise or international experience so as to facilitate the deliberations at the session.



III. Annotations to agenda items

Item 1. Opening of the session

3. The thirty-sixth session of Working Group I will be held in Vienna from 4 to 8 October 2021. Due to the spread of the Coronavirus disease (COVID-19), the format of the session will be in line with the arrangements put in place by the Commission to allow both in-person and online participation. Meeting hours and other arrangements for the session will be announced on the web page of the Working Group (https://uncitral.un.org/en/working_groups/1/msmes) in due course.

Item 3. Consideration of issues on access to credit for micro, small and medium-sized enterprises (MSMEs)

1. Background information¹

4. At its forty-sixth session, in 2013, the Commission agreed that work on reducing the legal obstacles faced by MSMEs throughout their life cycle, in particular, in developing economies, should be added to the work programme of the Commission, and that such work should begin with a focus on the legal questions surrounding the simplification of incorporation. From February 2014 to January 2021, the Working Group considered two parallel projects: a simplified legal form for MSMEs and good practices in business registration, both of which aimed at reducing the legal obstacles encountered by MSMEs. This work resulted in two texts adopted by the Commission in 2018 and 2021 respectively: the *UNCITRAL Legislative Guide on Key Principles of a Business Registry* and the *UNCITRAL Legislative Guide on Limited Liability Enterprises*.

5. At its fifty-second session, in 2019, the Commission agreed to strengthen and complete the work on reducing the legal obstacles faced by MSMEs throughout their life cycles by requesting the Secretariat to start preparing draft materials on MSMEs' access to credit, drawing, as appropriate, on the relevant recommendations and guidance contained in the UNCITRAL Model Law on Secured Transactions, with a view to their consideration by Working Group I.² In keeping with that request, the Secretariat prepared an annotated outline of possible topics on MSMEs' access to credit ([A/CN.9/WG.I/WP.119](#)) and another document ([A/CN.9/WG.I/WP.119/Add.1](#)) which illustrated how some of the topics contained in the annotated outline could be addressed. At its thirty-fourth (Vienna, 28 September–2 October 2020) and thirty-fifth session (Vienna, 25–29 January 2021), the Working Group focused on finalising the draft legislative guide on an UNCITRAL Limited Liability Organization (now the *UNCITRAL Legislative Guide on Limited Liability Enterprises*, see para.4 above) and did not have sufficient time to consider the Secretariat's notes on access to credit.

6. At its thirty-sixth session, the Working Group is expected to commence discussion on this topic on the basis of a document prepared by the Secretariat and any official documents that Member States may submit.

2. Documentation

7. The Working Group will have before it, and may wish to use as a basis for its consideration, the following documents: (a) a note by the Secretariat on access to credit for micro, small and medium-sized enterprises ([A/CN.9/WG.I/WP.124](#)); and (b) such other documents as may be officially submitted by States after the date of this provisional agenda.

¹ A detailed history of the current mandate of Working Group I can be found in [A/CN.9/WG.I/WP.108](#), paras. 5–12.

² *Official Records of the General Assembly, Seventy-fourth Session, Supplement No. 17 (A/74/17)*, para. 192 (a).

8. In planning the attendance of their representatives, States and interested organizations may also wish to consider the following background documents:

(a) Notes by the Secretariat on Access to credit for micro, small and medium-sized enterprises ([A/CN.9/119](#) and Add.1);

(b) *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 17 (A/68/17)*, paragraphs 316–322; and

(c) *Official records of the General Assembly Seventy-fourth Session, Supplement No. 17 (A/74/17)*, paragraph 192 (a).

9. UNCITRAL documents are posted on the UNCITRAL website (<https://uncitral.un.org>) upon their issuance in all the official languages of the United Nations. Delegates may wish to check the availability of the documents by accessing the Working Group’s page in the “Working Documents” section of the UNCITRAL website.
