



General Assembly

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**United Nations Commission on
International Trade Law
Working Group IV (Electronic Commerce)
Sixty-fifth session
New York, 10–14 April 2023**

Annotated provisional agenda

I. Provisional agenda

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II. Composition of the Working Group

1. The Working Group is composed of all States members of the Commission, which are the following: Afghanistan (2028), Algeria (2025), Argentina (2028), Armenia (2028), Australia (2028), Austria (2028), Belarus (2028), Belgium (2025), Brazil (2028), Bulgaria (2028), Cameroon (2025), Canada (2025), Chile (2028), China (2025), Colombia (2028), Côte d'Ivoire (2025), Croatia (2025), Czechia (2028), Democratic Republic of the Congo (2028), Dominican Republic (2025), Ecuador (2025), Finland (2025), France (2025), Germany (2025), Ghana (2025), Greece (2028), Honduras (2025), Hungary (2025), India (2028), Indonesia (2025), Iran (Islamic Republic of) (2028), Iraq (2028), Israel (2028), Italy (2028), Japan (2025), Kenya (2028), Kuwait (2028), Malawi (2028), Malaysia (2025), Mali (2025), Mauritius (2028), Mexico (2025), Morocco (2028), Nigeria (2028), Panama (2028), Peru (2025), Poland (2028), Republic of Korea (2025), Russian Federation (2025), Saudi Arabia (2028), Singapore (2025), Somalia (2028), South Africa (2025), Spain (2028), Switzerland (2025), Thailand (2028), Türkiye (2028), Turkmenistan (2028), Uganda (2028), Ukraine (2025), United Kingdom of Great Britain and Northern Ireland (2025), United States of America (2028), Venezuela (Bolivarian Republic of) (2028), 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 and scheduling of meetings

3. The sixty-fifth session of the Working Group will be held at the United Nations Headquarters in New York from 10 to 14 April 2023. Meeting hours will be from 10 a.m. to 1 p.m. and from 3 to 6 p.m., except on Monday, 10 April 2023, when the session will be opened at 10.30 a.m. Other arrangements for the session will be announced on the Working Group web page in due course. Documentation for the session (see paras. 8 and 11 below) will also be posted on the web page upon issuance in all official languages of the United Nations.

Item 2. Election of officers

4. In accordance with its previous practice, the Working Group may wish to elect a Chairperson and a Rapporteur.

Item 4. Data contracts

(a) Background information

5. At its sixty-third session (New York, 4–8 April 2022), the Working Group held a preliminary discussion on the nature and scope of possible future work on the topic of data transactions (see [A/CN.9/1093](#), paras. 77–95). A proposal for future work on the topic, which synthesized and incorporated the deliberations at that session, was subsequently presented to the Commission in a note by the secretariat ([A/CN.9/1117](#)). The note elaborated on the concepts of “data contracts” and “data rights”:

(a) The note explained a rough distinction between “data provision contracts” (i.e. contracts involving one party providing data to another party for the other party to use or otherwise process for its own purposes) and “data processing contracts” (i.e. contracts involving a party processing data for another person and providing the processed data to the other person);

(b) The note explained that, while not yet firmly established in legal doctrine, the concept of “data right” referred to “property-like” rights that are tailored to the peculiar qualities of data as an intangible, non-rivalrous (albeit potentially excludable) commodity.

6. At its fifty-fifth session, the Commission agreed with the proposal to mandate the Working Group to proceed with work on data provision contracts, in tandem with work on the topic of the use of artificial intelligence and automation in contracting (see item 5) ([A/77/17](#), para. 163). No decision was taken as to the form of work on data provision contracts, although it was recalled that several options had been canvassed at the sixty-third session of the Working Group, including the development of “default” rules to be included in a legislative text, a guide to good practice for parties and a legislative guide (*ibid.*, para. 164).

7. According to the alternating pattern suggested during the Commission session (*ibid.*, para. 155), the Working Group did not consider the topic of data provision contracts at its sixty-fourth session (Vienna, 31 October–4 November 2022). The sixty-fifth session will therefore be the first occasion for the Working Group to consider the topic under the new mandate conferred by the Commission. If the Working Group agrees to include the topic of the use of artificial intelligence and automation in contracting on the agenda for the session (see item 3), it may wish to allocate meeting time during the session so as to ensure that its preliminary findings

on both topics can be reported to the Commission at its upcoming fifty-sixth session (see [A/CN.9/1125](#), para. 61).

(b) Documentation

8. The Working Group will have before it a note by the secretariat on data provision contracts ([A/CN.9/WG.IV/WP.180](#)), which builds on the preparatory work set out in [A/CN.9/1117](#) (paras. 31–40).

Item 5. The use of artificial intelligence and automation in contracting

(a) Background information

9. Background information on the topic is set out in the annotated provisional agenda for the sixty-fourth session ([A/CN.9/WG.IV/WP.174](#), paras. 6–9).

10. The Working Group considered the topic at its sixty-fourth session ([A/CN.9/1125](#), paras. 11–90) for the first time under the new mandate conferred by the Commission ([A/77/17](#), para. 159). By the end of the session, the Working Group had elaborated a draft set of principles on legal recognition, legal compliance and attribution of automated systems and identified a range of other legal issues that might need to be addressed. It requested the secretariat to develop the set of principles with a view to putting forward proposals for additional principles on other legal issues. To that end, it was suggested that intersessional work should be carried out to identify cases and legal issues arising from the use of AI and automation in contracting ([A/CN.9/1125](#), para. 61).

(b) Documentation

11. The Working Group will have before it a note by the secretariat on intersessional work carried out on the topic, including (i) an intersessional event held on 17 January 2023 to explore suggestions put forward during the sixty-fourth session on advancing work on the topic, and (ii) the development of the set of principles elaborated at the session ([A/CN.9/WG.IV/WP.179](#)).

12. The Working Group may also wish to refer to the following documents to inform its deliberations under this agenda item:

(a) Notes by the secretariat submitted to earlier sessions of the Working Group:

(i) The use of artificial intelligence and automation in contracting ([A/CN.9/WG.IV/WP.173](#));

(ii) Provisions of UNCITRAL texts applicable to automated contracting ([A/CN.9/WG.IV/WP.176](#)); and

(iii) Developing new provisions to address legal issues related to automated contracting ([A/CN.9/WG.IV/WP.177](#));

(b) The proposal prepared by the secretariat for legislative work on electronic transactions and the use of artificial intelligence and automation ([A/CN.9/1065](#)); and

(c) Progress reports by the secretariat on earlier exploratory work on the topic ([A/CN.9/1012](#) and [A/CN.9/1064](#)).

Item 7. Adoption of the report

13. The Working Group may wish to adopt, at the close of the session, a report for submission to the fifty-sixth session of the Commission, which is to be held in Vienna from 3 to 21 July 2023.