



General Assembly

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**United Nations Commission
on International Trade Law**
Resumed fortieth session
Vienna, 10-14 December 2007

Provisional agenda, annotations thereto and scheduling of meetings of the resumed fortieth session

I. Provisional agenda

1. Opening of the resumed fortieth session.
2. Adoption of the agenda.
3. Adoption of a draft UNCITRAL legislative guide on secured transactions and possible future work.
4. Working methods of UNCITRAL.
5. Dates of future meetings.
6. Adoption of the report.

II. Annotations

1. Opening of the resumed fortieth session

1. According to the Commission's decision at the first part of its fortieth session (Vienna, 25 June-12 July 2007), the resumed fortieth session of the Commission will be held at the Vienna International Centre, from 10 to 14 December 2007.¹ It will be opened on Monday, 10 December 2007, at 10 a.m. (see below, section III, paras. 16-19, for more details about the scheduling of meetings). The current members of the Commission are the following States: Algeria, Armenia, Australia, Austria, Bahrain, Belarus, Benin, Bolivia, Bulgaria, Cameroon, Canada, Chile, China, Colombia, Czech Republic, Ecuador, Egypt, El Salvador, Fiji, France, Gabon, Germany, Greece, Guatemala, Honduras, India, Iran (Islamic Republic of),

¹ A/62/17(Part I), paras. 3 and 247.



Israel, Italy, Japan, Kenya, Latvia, Lebanon, Madagascar, Malaysia, Malta, Mexico, Mongolia, Morocco, Namibia, Nigeria, Norway, Pakistan, Paraguay, Poland, Republic of Korea, Russian Federation, Senegal, Serbia, Singapore, South Africa, Spain, Sri Lanka, Switzerland, Thailand, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela (Bolivarian Republic of) and Zimbabwe.

2. States not members of the Commission and international governmental organizations may attend the resumed fortieth session as observers and participate in the deliberations. In addition, invited international non-governmental organizations may attend the resumed fortieth 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 resumed fortieth session.

3. At the first part of its fortieth session, the Commission elected the following officers who will continue their offices during the resumed fortieth session:²

<i>Chairperson:</i>	Dobrosav Mitrović (Serbia)
<i>Vice-Chairpersons:</i>	Biu Adamu Audu (Nigeria)
	Horacio Bazoberry (Bolivia)
	Kathryn Sabo (Canada)
<i>Rapporteur:</i>	T. K. Viswanathan (India)

2. Adoption of the agenda

4. At the first part of its fortieth session, the Commission agreed that the agenda of the resumed fortieth session would include agenda items “Adoption of a draft UNCITRAL legislative guide on secured transactions and possible future work” and “Working methods of UNCITRAL”. It was also agreed that, during the resumed fortieth session, the Commission would adjust dates of future meetings, as appropriate.³

3. Adoption of a draft UNCITRAL legislative guide on secured transactions and possible future work

5. At the first part of its fortieth session, the Commission established a Committee of the Whole and referred to it for consideration the then agenda item 4 “Adoption of a draft UNCITRAL legislative guide on secured transactions and possible future work.” The Commission elected Kathryn Sabo (Canada) Chairperson of the Committee.⁴

6. The Committee, during its twelve meetings, considered the draft UNCITRAL legislative guide on secured transactions (hereinafter referred to as the draft

² Ibid., para. 9.

³ Ibid., para. 11.

⁴ Ibid., para. 12.

“Guide”) and possible future work in the area of security interests and adopted a number of recommendations to the Commission.⁵

7. The Commission, upon recommendation of the Committee of the Whole, approved the decisions of the Committee and, subject to the changes agreed upon by the Committee, adopted recommendations 4, subparagraphs (b) and (c) (on the scope of the draft Guide as to intellectual property, securities and financial contracts) and 74-230 (chapters VII-XIV) and approved the substance of the commentaries on chapters VII-XIV and on intellectual property. In addition, the Commission, subject to the changes agreed upon by the Committee, approved the substance of the terminology of the draft Guide on the understanding that the terminology would be reviewed at its resumed fortieth session.⁶

8. Upon recommendation of the Committee of the Whole, the Commission decided that, at its resumed fortieth session, it would consider recommendations 1-73 and the commentaries of chapters I-VI. The Commission agreed that it would not need to review at its resumed fortieth session the recommendations and commentaries considered at the first part of the session, with the exception of the following materials, if necessary: recommendations on the extension of a retention-of-title right or a financial lease right to proceeds (non-unitary approach); and the commentary on the alternatives to the recommendations on the third-party effectiveness of a retention-of-title right or a financial lease right to proceeds (unitary and non-unitary approaches). The Commission agreed to refer to its resumed fortieth session the question of whether the definitions and recommendations of the draft Guide should be reproduced, in addition to the relevant chapter of the commentaries, in a separate annex to the draft Guide. With respect to financial contracts, upon recommendation of the Committee of the Whole, the Commission decided that efforts should be made to consider at its resumed fortieth session any proposals submitted in that regard.⁷

9. At its resumed fortieth session, the Commission will have before it a revised version of the recommendations of the draft Guide (A/CN.9/637 and addenda) and commentaries on chapter I-VI (A/CN.9/631/Add.1-3), as well the report on the work of its fortieth session (Part I) (A/62/17(Part I)). The Commission may wish to decide that, at its resumed fortieth session, the work on the draft Guide would proceed in a Committee of the Whole under the same Chairmanship (see para. 5 above).

4. Working methods of UNCITRAL

10. At the first part of its fortieth session, the Commission considered observations and proposals by France on the working methods of the Commission (A/CN.9/635) and agreed that the issue would be placed as a separate item on the agenda of its resumed fortieth session.⁸ The understanding in the Commission was that it would devote time at the resumed fortieth session to the consideration of this

⁵ Ibid., paras. 14-157.

⁶ Ibid., para. 158.

⁷ Ibid., paras. 159 and 161.

⁸ Ibid., paras. 11 and 234-241.

agenda item only to the extent permitted by the work on the draft Guide (see paras. 5-9 above).⁹

11. At its resumed fortieth session, the Commission will have before it a note by the Secretariat containing a compilation of procedural rules and practices established by UNCITRAL or by the General Assembly regarding the work of the Commission (A/CN.9/638 and addenda).

5. Dates of future meetings

12. At the first part of its fortieth session, the Commission approved the holding of its forty-first session in New York, from 16 June to 11 July 2008,¹⁰ subject to confirmation or possible shortening of the session, to be decided during its resumed fortieth session, in particular in the light of the progress of work in Working Group II (Arbitration and Conciliation) and Working Group III (Transport Law).¹¹

13. At the first part of its fortieth session, the Commission provisionally approved the following schedule of meetings for its working groups, to be held in 2008 before its forty-first session, subject to possible review at its resumed fortieth session:

(a) Working Group I (Procurement) would hold its thirteenth session in New York, from 7 to 11 April 2008;

(b) Working Group II (Arbitration and Conciliation) would hold its forty-eighth session in New York, from 4 to 8 February 2008;

(c) Working Group III (Transport Law) would hold its twenty-first session in Vienna, from 14 to 25 January 2008, with possible reduction of the duration of the session to one week;

(d) No session of Working Group IV (Electronic Commerce) was envisaged;

(e) Working Group V (Insolvency Law) would hold its thirty-fourth session in New York, from 3 to 7 March 2008; and

(f) Working Group VI (Security Interests) would hold its thirteenth session in New York, from 19 to 23 May 2008.¹²

6. Adoption of the report

14. 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,¹³ the report of the Commission is introduced to the General Assembly by the Chairman of the Commission or by another officer designated by the Chairman.

⁹ Ibid., para. 241.

¹⁰ The United Nations Headquarters in New York will be closed on Friday, 4 July 2008.

¹¹ A/62/17(Part I)), para. 248.

¹² Ibid., para. 251.

¹³ *Official Records of the General Assembly, Twenty-third Session, annexes*, agenda item 88, document A/7408, para. 3.

15. The report on the work of the Commission's fortieth session (Part I)¹⁴ will be before the General Assembly at its sixty-second session. The report on the work of the Commission's fortieth session (Part II)¹⁵ will be before the General Assembly at its sixty-third session.

III. Scheduling of meetings and documentation

16. The Commission will hold ten meetings from Monday, 10 December, to Friday, 14 December 2007. The main conclusions reached by the Commission at its ninth meeting (on Friday morning) will be summarily read out for the record at the tenth meeting (on Friday afternoon) and subsequently incorporated into the Commission report on the work of its fortieth session (Part II).

17. The Secretariat recommends that the Commission take up agenda item 3 (Adoption of a draft UNCITRAL legislative guide on secured transactions and possible future work) and that the Commission devote to this agenda item the time necessary to complete the work on it (from Monday, 10 December, until Friday, 14 December).

18. Bearing in mind the considerations of the Commission (see in particular para. 10 above), it is recommended that agenda items 4 and 5 (Working methods of UNCITRAL, and Dates of future meetings, respectively) should be taken up on Friday (14 December 2007) following the completion of the work on agenda item 3.

19. 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, 10 December, when the morning meeting will commence at 10 a.m.

20. UNCITRAL documents are posted on the UNCITRAL website (<http://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 resumed fortieth session of the Commission by accessing the page of the resumed fortieth session in the "Commission Sessions" section of the UNCITRAL website (<http://www.uncitral.org/>).

¹⁴ A/62/17(Part I).

¹⁵ A/62/17(Part II).