



# General Assembly

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**United Nations Commission  
on International Trade Law**  
**Working Group VI (Security Interests)**  
**Nineteenth session**  
New York, 11-15 April 2011

## **Annotated provisional agenda**

### **I. Provisional agenda**

1. Opening of the session and scheduling of meetings.
2. Election of officers.
3. Adoption of the agenda.
4. Registration of security rights in movable assets.
5. Other business.
6. Adoption of the report.

### **II. Composition of the Working Group**

1. The Working Group is composed of all States members of the Commission, which are the following: Algeria (2016), Argentina (2016), Armenia (2013), Australia (2016), Austria (2016), Bahrain (2013), Belarus (2011), Benin (2013), Bolivia (Plurinational State of) (2013), Botswana (2016), Brazil (2016), Bulgaria (2013), Cameroon (2013), Canada (2013), Chile (2013), China (2013), Colombia (2016), Czech Republic (2013), Egypt (2013), El Salvador (2013), Fiji (2016), France (2013), Gabon (2016), Germany (2013), Greece (2013), Honduras (2013), India (2016), Iran (Islamic Republic of) (2016), Israel (2016), Italy (2016), Japan (2013), Jordan (2016), Kenya (2016), Latvia (2013), Malaysia (2013), Malta (2013), Mauritius (2016), Mexico (2013), Morocco (2013), Namibia (2013), Nigeria (2016), Norway (2013), Pakistan (2016), Paraguay (2016), Philippines (2016), Poland (2012), Republic of Korea (2013), Russian Federation (2013), Senegal (2013), Singapore (2013), South Africa (2013), Spain (2016), Sri Lanka (2013), Thailand (2016), Turkey (2016), Uganda (2016), Ukraine (2014),



United Kingdom of Great Britain and Northern Ireland (2013), United States of America (2016) and Venezuela (Bolivarian Republic of) (2016).

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 nineteenth session of the Working Group will be held at the United Nations Headquarters in New York from 11 to 15 April 2010. Meeting hours will be from 10.00 a.m. to 1 p.m. and from 3 to 6 p.m., except on Monday, 11 April 2011, when the session will be opened at 10.30 a.m. There will be five working days available for consideration of the agenda items at the session. The Working Group may wish to note that, consistent with decisions taken by the Commission at its thirty-fourth session,<sup>1</sup> the Working Group is expected to hold substantive deliberations during the first nine half-day meetings (that is, from Monday to Friday morning), with a draft report on the entire period being presented for adoption at the tenth and last meeting of the Working Group on Friday afternoon.

#### **Item 2. Election of officers**

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

#### **Item 4. Registration of security rights in movable assets**

##### **(a) Background information**

5. At its forty-second session (Vienna, 29 June-17 July 2009), the Commission noted with interest the future work topics discussed by Working Group VI at its fourteenth and fifteenth sessions (A/CN.9/667, para. 141, and A/CN.9/670, paras. 123-126, respectively). At that session, the Commission agreed that the Secretariat could hold an international colloquium early in 2010 to obtain the views and advice of experts with regard to possible future work in the area of security interests.<sup>2</sup> In accordance with that decision,<sup>3</sup> the Secretariat organized an international colloquium on secured transactions (Vienna, 1-3 March 2010). At the colloquium several topics were discussed, including registration of security rights in movable assets, security rights in non-intermediated securities, a model law on secured transactions, a contractual guide on secured transactions, intellectual property licensing and implementation of UNCITRAL texts on secured transactions.

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<sup>1</sup> *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 17 and corrigendum (A/56/17 and Corr.3)*, para. 381.

<sup>2</sup> *Ibid.*, *Sixty-fourth session, Supplement No. 17 (A/64/17)*, paras. 313-320.

<sup>3</sup> *Ibid.*

The colloquium was attended by experts from governments, international organizations and the private sector. The papers presented at the colloquium are available at [www.uncitral.org/uncitral/en/commission/colloquia/3rdint.html](http://www.uncitral.org/uncitral/en/commission/colloquia/3rdint.html).

6. At its forty-third session (New York, 21 June-9 July 2010), the Commission considered a note by the Secretariat on possible future work in the area of security interests (A/CN.9/702 and Add.1). The note discussed all the items discussed at the colloquium. The Commission agreed that all issues were interesting and should be retained on its future work agenda for consideration at a future session on the basis of notes to be prepared by the Secretariat within the limits of existing resources. However, in view of the limited resources available to it, the Commission agreed that priority should be given to registration of security rights in movable assets.<sup>4</sup>

7. In that connection, it was widely felt that a text on registration of security rights in movable assets would usefully supplement the Commission's work on secured transactions and provide urgently needed guidance to States with respect to the establishment and operation of security rights registries. It was stated that secured transactions law reform could not be effectively implemented without the establishment of an efficient publicly accessible security rights registry. It was also emphasized that the Guide did not address in sufficient detail, the various legal, administrative infrastructural and operational questions that needed to be resolved to ensure the successful and efficient implementation of a registry.<sup>5</sup>

8. The Commission also agreed that, while the specific form and structure of the text could be left to the Working Group, the text could: (a) include principles, guidelines, commentary, recommendations and model regulations; and (b) draw on the Guide, texts prepared by other organizations and national law regimes that have introduced security rights registries similar to the registry recommended in the Guide. After discussion, the Commission decided that the Working Group should be entrusted with the preparation of a text on registration of security rights in movable assets.<sup>6</sup>

9. At its eighteenth session (Vienna, 8-12 November 2010), the Working Group considered a note by the Secretariat entitled "Registration of security rights in movable assets" (A/CN.9/WG.VI/WP.44 and Addenda 1 and 2). At that session, the Working Group requested the Secretariat to prepare a revised version of the text reflecting the deliberations and decisions of the Working Group (see A/CN.9/714).

**(b) Documentation for the nineteenth session**

10. The Working Group will have before it, and may wish to use as a basis of its considerations, a note by the Secretariat entitled "Registration of security rights in movable assets" (A/CN.9/WG.VI/WP.46 and Addenda). The Guide may be used as background documentation.

11. UNCITRAL documents are posted on the UNCITRAL website ([www.uncitral.org](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 by

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<sup>4</sup> Ibid., *Sixty-fifth session, Supplement No. 17* (A/65/17), paras. 264 and 273.

<sup>5</sup> Ibid., para. 265.

<sup>6</sup> Ibid., paras. 266-267.

accessing the Working Group's page in the "Working Groups" section of the UNCITRAL website.

**Item 5. Other business**

12. The twentieth session of the Working Group is scheduled to take place in Vienna from 12 to 16 December 2011, those dates being subject to confirmation by the Commission at its forty-fourth session, which is scheduled to take place in Vienna from 27 June to 15 July 2011.

**Item 6. Adoption of the report**

13. The Working Group may wish to adopt, at the close of its session, on Friday, 15 April 2011, a report for submission to the forty-fourth session of the Commission. The main conclusions reached by the Working Group 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 report.

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