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UNITED NATIONS COMMISSION ON
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Sixteenth Session
Vienna, 24 May - 3 June 1983

PROVISIONAL AGENDA, ANNOTATIONS THERETO
AND TENTATIVE SCHEDULE OF MEETINGS

Note by the Secretary-General

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II. ANNOTATIONS TO THE PROVISIONAL AGENDA

Item 1. Opening of the session

The sixteenth session will be held at the Vienna International Centre from 24 May to 3 June 1983. The session will be opened on Tuesday, 24 May 1983, at 10.30 a.m. The General Assembly, at its thirty-seventh session, elected or re-elected seventeen members of the Commission to fill vacancies created by the expiration of the terms of members elected by the General Assembly at its thirty-first session. 1/ As of the first day of the sixteenth session of the Commission, the Commission will be composed of the following member States: Algeria, ** Australia, ** Austria, ** Brazil, ** Central African Republic, ** China, ** Cuba, * Cyprus, * Czechoslovakia, * Egypt, ** France, ** German Democratic Republic, ** Germany, Federal Republic of, * Guatemala, * Hungary, * India, * Iraq, * Italy, * Japan, ** Kenya, * Mexico, ** Nigeria, ** Peru, * Philippines, * Senegal, * Sierra Leone, * Singapore, ** Spain, * Sweden, ** Trinidad and Tobago, * Uganda, * Union of Soviet Socialist Republics, ** United Kingdom of Great Britain and Northern Ireland, ** United Republic of Tanzania, ** United States of America * and Yugoslavia. *

Item 2. Election of officers

Pursuant to a decision taken by the Commission at its first session, the Commission elects, for each session, a Chairman, three Vice-Chairmen and a Rapporteur.

Item 3. Adoption of the agenda

The Commission, at its fifteenth session, decided that the sixteenth session should be of nine working days' duration. No provision was made for the establishment of a Committee of the Whole and it does not seem necessary that one be established. At its fifteenth session the Commission established a drafting group to revise draft uniform rules on liquidated damages and penalty clauses in light of the discussion in plenary (see item 4, below). The Commission may also wish to establish a drafting group at the sixteenth session to expedite work on this item. However, it is suggested that all items be considered in plenary. Part III of this note sets forth a tentative schedule of meetings.

Item 4. International contract practices: draft uniform rules on liquidated damages and penalty clauses

The Commission, at its fifteenth session, began consideration of a text of draft uniform rules on liquidated damages and penalty clauses which had been adopted by the Working Group on International Contract Practices at its second session in 1981, and referred certain draft articles to a drafting group. The Commission decided that the Secretariat should submit a revised text of the draft uniform rules for consideration by the Commission at its sixteenth session, taking into account the discussion at the fifteenth session and within the drafting group. The Commission also decided that a decision on the form to be adopted for the uniform rules could be taken at the sixteenth session.

1/ General Assembly decision 37/308 of 15 November 1982.

*/ Term of office expires on the day before the opening of the regular session of the Commission in 1986.

**/ Term of office expires on the day before the opening of the regular session of the Commission in 1989.

The Commission will have before it a revised text of the draft uniform rules prepared by the Secretariat (A/CN.9/235). Also made available at the session will be the text of the draft uniform rules as adopted by the Working Group on International Contract Practices, and a commentary thereon (A/CN.9/218), an analysis of the comments received by the Secretariat in response to the questionnaire addressed to Governments and international organizations eliciting their views on the draft rules and on the most appropriate form the draft rules should take (A/CN.9/219), and the questionnaire itself. The Commission may wish to finalize the draft uniform rules in an appropriate form.

Item 5. International Payments

(a) Draft Convention on International Bills of Exchange and International Promissory Notes; draft Convention on International Cheques

The Commission, at its fifteenth session, considered possible future courses of action concerning the draft Convention on International Bills of Exchange and International Promissory Notes, and the draft Convention on International Cheques, which had been adopted by the Working Group on International Negotiable Instruments at its eleventh session in 1981. The Commission decided to extend the period for the submission of comments on the two draft conventions by Governments and interested international organizations until 30 September 1983, and to take a final decision on the future course of action at the seventeenth session of the Commission in 1984. However, the Commission also decided to place this item on the agenda of its sixteenth session to allow for any desired discussion in case pertinent information would then be available. The Secretary of the Commission will present such information orally to the Commission.

(b) Electronic funds transfer

The Commission, at its fifteenth session, decided that the Secretariat should begin the preparation of a legal guide on electronic funds transfer.

The Commission will have before it a note by the Secretary-General reporting on the progress of the Secretariat and the UNCITRAL Study Group on International Payments on this project (A/CN.9/242).

Item 6. International commercial arbitration: model law

The Commission, at its fifteenth session, took note of the progress made by the Working Group on International Contract Practices towards the preparation of a draft model law on international commercial arbitration, and requested the Working Group to proceed with its work expeditiously.

The Working Group held its fourth session at Vienna from 4 to 15 October 1982, and its fifth session in New York from 22 February to 4 March 1983. The Commission will have before it the reports of the Working Group on the work of its fourth and fifth sessions (A/CN.9/232 and A/CN.9/233).

Item 7. New international economic order

(a) Industrial contracts

The Commission, at its fifteenth session, took note of the progress made by the Working Group on the New International Economic Order towards the preparation of a legal guide on contractual provisions relating to contracts for the supply and construction of industrial works.

The Working Group will continue its work on this project at its fourth session, to be held at Vienna from 16 to 20 May 1983. The Commission will have before it the report of the Working Group on the work of its fourth session (A/CN.9/234), which will be made available during this session.

(b) General Assembly resolution 37/103 of 16 December 1982 on international economic law

In General Assembly resolution 37/103 the Commission was requested to submit relevant information to, and to co-operate fully with, the United Nations Institute for Training and Research (UNITAR) in its study on the progressive development of the principles and norms of international law relating to the new international economic order. Copies of the resolution will be made available at the present session. The Commission may wish to note that the Secretariat will continue to co-operate with UNITAR by supplying information concerning the activities of UNCITRAL.

Item 8. Co-ordination of work

(a) General co-ordination of activities

The Commission will have before it a note by the Secretariat on co-ordination of activities in general in the field of international trade law (A/CN.9/239).

(b) Current activities in the field of international trade law

The General Assembly, in resolution 34/142, requested the Secretary-General to place before the Commission at each of its sessions a report on the activities of other organs and international organizations related to international trade law together with recommendations as to steps to be taken by the Commission.

The Commission will have before it a report (A/CN.9/237) updating the information contained in an earlier report of the Secretary-General on current activities of international organizations related to the harmonization and unification of international trade law, which was submitted to the fourteenth session of the Commission. Copies of the earlier report (A/CN.9/202 and Add. 1-3) will also be made available. The Commission will also have before it a report on selected current issues and activities in the field of international transport of goods (A/CN.9/236).

(c) New revision of the Uniform Customs and Practice for Documentary Credits

The Commission, at its eighth session, endorsed the "Uniform Customs and Practice for Documentary Credits" (UCP) as revised by the International Chamber of Commerce (ICC) in 1974. By the time of the sixteenth session of the Commission the ICC is expected to have prepared a draft of a further revision of the UCP, and to have requested the Commission to endorse this draft revised version of the UCP.

The Secretariat may place before the Commission a note on the draft UCP revision.

(d) Trade facilitation: legal aspects of automatic data processing

The Secretary of the Commission has received a communication from the Executive Secretary of the Economic Commission for Europe (ECE) concerning legal aspects of automatic data processing, together with a document of the ECE on this subject. The Commission will have before it a note by the Secretariat introducing the ECE document to the Commission (A/CN.9/238).

Item 9. Status of conventions

The Commission, at its thirteenth session, decided that it would consider, at each of its sessions, the status of conventions that were the outcome of work carried out by it.

The Commission will have before it a note by the Secretary-General concerning the present status of these conventions (A/CN.9/241).

Item 10. Training and assistance

The Commission will have before it a note by the Secretary-General on this subject (A/CN.9/240).

Item 11. Relevant General Assembly resolutions

(a) General Assembly resolutions on the work of the Commission

The Commission may wish to take note of General Assembly resolutions 37/106 of 16 December 1982 on the Report of the United Nations Commission on International Trade Law on the work of its fifteenth session and 37/107 of 16 December 1982 on provisions for a unit of account and adjustment of limitations of liability adopted by the United Nations Commission on International Trade Law. Copies of the resolutions and the report of the Sixth Committee (A/37/620) will be made available at the present session.

(b) General Assembly resolution on international economic law

See item 7 (b).

Item 12. Future work

(a) Date and place of the seventeenth session

The seventeenth session will be held in New York. Information regarding dates available for that session will be supplied by the Secretariat.

(b) Sessions of Working Groups

The Commission may wish to agree upon a schedule of sessions for its Working Groups for the period between its sixteenth and seventeenth sessions.

(i) Working Group on International Negotiable Instruments

The Commission may wish to decide whether it wishes to schedule any further session of the Working Group before the seventeenth session of the Commission.

(ii) Working Group on International Contract Practices

The recommendation of the Working Group as to what further sessions should be scheduled will be contained in the report of the Working Group on the work of its fifth session.

(iii) Working Group on the New International Economic Order

The Working Group at its fourth session to be held at Vienna from 16 to 20 May 1983 will recommend to the Commission what further sessions should be scheduled.

Item 13. Other business

The Commission, at its fifteenth session, requested the Secretary-General to prepare a note for the sixteenth session concerning an UNCITRAL news-letter. This note will be placed before the Commission (A/CN.9/XVI/R.1).

Item 14. Adoption of the report of the Commission

The General Assembly, in paragraph 10 of resolutions 2205 (XXI), decided that the Commission should submit an annual report to the General Assembly, and that the report should be submitted simultaneously to the United Nations Conference on Trade and Development for comments. Under a decision of the Sixth Committee (A/7408, paragraph 3), the report of the Commission is introduced to the General Assembly by the Chairman of the Commission or by another officer of the Bureau designated by him.

III. TENTATIVE SCHEDULE OF MEETINGS

May 24 (Tuesday)	10.30-12.30	Opening of the session (agenda item 1) Election of officers (agenda item 2) Adoption of the agenda (agenda item 3) Co-ordination of work (agenda item 8 (a)) */ Model Law on Arbitration (agenda item 6) Status of conventions (agenda item 9)
	14.00-17.00	Liquidated damages and penalty clauses (agenda item 4)

*/ At this meeting the Secretary of the Commission will generally introduce recent developments in the co-ordination of activities in the field of international trade law in order to facilitate discussion by the Commission when it considers this item during the second week of the session.

May 25 (Wednesday)	9.30-12.30	Liquidated damages and penalty clauses (continued)
	14.00-17.00	Liquidated damages and penalty clauses (continued)
	18.00-20.00	Drafting group on liquidated damages and penalty clauses (agenda item 4)
May 26 (Thursday)	9.30-12.30	Liquidated damages and penalty clauses (continued)
	14.00-17.00	Liquidated damages and penalty clauses (continued)
	18.00-20.00	Drafting group on liquidated damages and penalty clauses (continued)
May 27 (Friday)	9.30-12.30	Liquidated damages and penalty clauses (continued)
	14.00-17.00	Drafting group on liquidated damages and penalty clauses (continued)
May 30 (Monday)	9.30-12.30	Liquidated damages and penalty clauses (continued)
	14.00-17.00	Drafting group on liquidated damages and penalty clauses (continued)
	18.00-20.00	Drafting group on liquidated damages and penalty clauses (continued)
May 31 (Tuesday)	9.30-12.30	Liquidated damages and penalty clauses (continued) Co-ordination of work (agenda item 8(b), (c), (d))
	14.00-17.00	Co-ordination of work (continued) Electronic funds transfer (agenda item 5(b))
June 1 (Wednesday)	9.30-12.30	International negotiable instruments (agenda item 5(a)) New international economic order (agenda item 7)
	14.00-17.00	Training and assistance (agenda item 10) Relevant General Assembly resolutions (agenda item 11) Future work (agenda item 12) Other business (agenda item 13)
June 2 (Thursday)		(No meeting scheduled, preparation of report)
June 3 (Friday)	9.30-12.30	Adoption of report (agenda item 14)
	14.00-17.00	Adoption of report (continued, if necessary)