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**United Nations Commission  
on International Trade Law**  
Working Group I (Procurement)  
Vienna, 30 August-3 September 2004\*

**Provisional agenda for the sixth session of Working Group I  
(Procurement)\*****I. Provisional agenda**

1. Opening of the session.
2. Election of officers.
3. Adoption of the agenda.
4. Future work in the area of public procurement.
5. Other business.
6. Adoption of the report of the Working Group.

**II. Notes on the provisional agenda****Item 1. Opening of the session and scheduling of meetings**

1. The sixth session of Working Group I (Procurement) is scheduled to be held at the Vienna International Centre from 30 August to 3 September 2004. The dates and the terms of reference of the Working Group are subject to confirmation by the Commission at its thirty-seventh session, to be held in New York from 14 to 25 June 2004.
2. There will be five working days, comprising ten half-day meetings, available for consideration of the agenda items at the session. Meeting hours will be from 9.30 am-12.30 pm, and from 2.00-5.00 pm, except on Monday, 30 August 2004, when the session will commence at 10.00 am.

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\* Subject to confirmation by the Commission at its thirty-seventh session to be held in New York from 14 to 25 June 2004



3. Subject to the confirmation of the Commission, the Working Group may be composed of all the member States of the Commission, which at the date of the session will comprise the following States: Algeria, Argentina, Australia, Austria, Belarus, Belgium, Benin, Brazil, Cameroon, Canada, Chile, China, Colombia, Croatia, Czech Republic, Ecuador, Fiji, France, Gabon, Germany, Guatemala, India, Iran (Islamic Republic of), Israel, Italy, Japan, Jordan, Kenya, Lebanon, Lithuania, Madagascar, Mexico, Mongolia, Morocco, Nigeria, Pakistan, Paraguay, Poland, Qatar, Republic of Korea, Russian Federation, Rwanda, Serbia and Montenegro, Sierra Leone, Singapore, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Tunisia, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, and Zimbabwe.

4. In addition, States that are not members of the Commission, as well as relevant international organizations and international non-governmental organizations, may be invited to attend the session as observers. In accordance with established UNCITRAL practice, observer delegations may participate actively in the deliberations leading to decisions, which are taken by consensus.

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

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

#### **Item 4. Future work in the area of public procurement**

6. At its thirty-sixth session, held in Vienna from 30 June to 11 July 2003, the Commission considered two notes by the secretariat considering possible future work in the field of public procurement.<sup>1</sup> Those notes set out current activities of other organizations in the area of public procurement and presented information on practical experience in the implementation of the UNCITRAL Model Law on Procurement of Goods, Construction and Services.<sup>2</sup>

7. The Commission has expressed strong support for the inclusion of procurement law in its work programme and, in this regard, requested the Secretariat to prepare detailed studies for its further consideration.<sup>3</sup> The Secretariat therefore prepared a note to the Commission summarizing the studies conducted thus far for consideration at the Commission's thirty-seventh session.<sup>4</sup> The aim of that note is to permit the Commission at its forthcoming session to decide on the holding and terms of reference of a Working Group proposed to be convened from 30 August to 3 September 2004.

8. A Working Group convened as set out above would have before it, and may wish to use as a basis for its deliberations, two studies prepared in response to the Commission's request, as set out in the following paragraphs.

9. The first study considers issues arising from the use of electronic communications and technologies in procurement (document A/CN.9/WG.I/WP.31), notably as regards:

- (a) Publication of contract opportunities;
- (b) Publication of the laws and regulations governing procurement contracts;

- (c) Publication of solicitation documents and related information;
  - (d) Publication of contract awards;
  - (e) Use of electronic communications in the procurement process itself;
  - (f) Electronic (reverse) auctions; and
  - (g) Electronic catalogues.
10. The second study considers possible additional points for review in the UNCITRAL Model Law (document A/CN.9/WG.1/WP.32), including:
- (a) The use of suppliers' lists;
  - (b) The procurement of services;
  - (c) Alternative methods of procurement;
  - (d) Community participation in procurement;
  - (e) Framework agreements;
  - (f) Evaluation and comparison of tenders; and
  - (g) Remedies and enforcement.
11. The following background documents would also be available at the session:
- (a) The note prepared by the secretariat for the Commission's thirty-seventh session, entitled "Possible future work in the area of public procurement" (document A/CN.9/553);
  - (b) The notes presented to the Commission for its thirty-sixth session entitled "Current activities of international organizations in the area of public procurement: possible future work", which summarize the evolution of and issues arising from the use of electronic commerce in procurement, and issues and problems identified in current procurement practice (documents A/CN.9/539 and A/CN.9/539 Add.1); and
  - (c) The UNCITRAL Model Law on Procurement of Goods, Construction and Services and its accompanying Guide to Enactment.
12. The above documents may be found on the UNCITRAL website ([www.uncitral.org](http://www.uncitral.org)). Limited hard copies of these documents would also be available at the session.

#### **Item 6. Adoption of the report**

13. The Working Group may wish to adopt, at the close of its session, on Friday, 3 September 2004, a report for submission to the thirty-eighth session of the Commission (planned to be held in Vienna, from 4 to 22 July 2005). The main conclusions reached by the Working Group at its ninth half-day meeting (that is, on the morning of Friday, 3 September) will be summarily read out for the record by the Chairman at the tenth half-day meeting and subsequently incorporated into the Working Group's report.

## Meetings

14. The Working Group may wish to note that, consistent with decisions taken by the Commission at its thirty-fourth session,<sup>5</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 prepared by the Secretariat for adoption at the tenth and last meeting of the Working Group (on Friday afternoon).

15. The Working Group may wish to devote its first eight half-day meetings (from Monday to Thursday) to its deliberations on agenda item 4, and to reserve its penultimate half-day meeting (on Friday morning) for an exchange of views on the possible additional issues as regards procurement that may warrant consideration by the Working Group in due course.

## Notes

- <sup>1</sup> Documents A/CN.9/539 and A/CN.9/539/Add.1, available on the UNCITRAL website ([www.uncitral.org](http://www.uncitral.org)), under “Commission Sessions” and then “36th session, 30 June-11 July 2003, Vienna”.
- <sup>2</sup> The text of Model Law is found in the *Official Records of the General Assembly, Forty-ninth Session, Supplement No. 17* and corrigendum (A/49/17 and Corr.1), annex I, which (together with its accompanying Guide to Enactment) is available on the UNCITRAL website, under “Adopted Texts” and then “Public Procurement and Infrastructure Development”.
- <sup>3</sup> *Official Records of the General Assembly, Thirty-sixth session, Supplement No. 17* (Document A/58/17), paras. 225-230, available on the UNCITRAL website under “Commission Sessions” and then “36th session, 30 June-11 July 2003, Vienna”.
- <sup>4</sup> Document A/CN.9/553, which will be placed on the UNCITRAL website before the Commission’s thirty-seventh session (to be held in New York from 14 to 25 June 2004).
- <sup>5</sup> *Official records of the General Assembly, Fifty-sixth Session, Supplement No. 17* and corrigendum (A/56/17 and Corr.3), para. 381, available on the UNCITRAL website under “Commission sessions” and then “34th session, 25 June-13 July 2001, Vienna”.