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**United Nations Commission
on International Trade Law
Working Group I (Procurement)
Twenty-first session
New York, 16-20 April 2012**

Annotated provisional agenda for the twenty-first session of Working Group I (Procurement)

I. Provisional agenda

1. Opening of the session.
2. Election of officers.
3. Adoption of the agenda.
4. Consideration of proposals for a Guide to Enactment of the UNCITRAL Model Law on Public Procurement.
5. Other business.
6. Adoption of the report of the Working Group.

II. Composition of the Working Group

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



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

3. The twenty-first session of Working Group I (Procurement) is scheduled to be held at the United Nations headquarters in New York, from 16 to 20 April 2012. Meeting hours will be from 10 a.m. to 1 p.m., and from 3 p.m. to 6 p.m., except on Monday, 16 April 2012, when the session will commence at 10.30 a.m.

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. Consideration of proposals for a Guide to Enactment of the UNCITRAL Model Law on Public Procurement

1. Documentation for the twenty-first session

5. The Working Group will have before it notes by the Secretariat containing proposals for a Guide to Enactment of the UNCITRAL Model Law on Public Procurement (A/CN.9/WG.I/WP.79 and addenda).¹

6. In addition, States and interested organizations in planning the attendance of their representatives may wish to note the following relevant background documents, all of which have previously been distributed and remain available in electronic format on the UNCITRAL website, and will not be reprinted for distribution:

(a) The UNCITRAL Model Law on Public Procurement (2011);² the UNCITRAL Model Law on Procurement of Goods, Construction and Services and its accompanying Guide to Enactment (1994); the UNCITRAL Model Law on Electronic Commerce (1996); the UNCITRAL Model Law on Electronic Signatures (2001); the UNCITRAL Legislative Guide on Privately Financed Infrastructure Projects (2000); and the UNCITRAL Model Legislative Provisions on Privately Financed Infrastructure Projects (2003);

¹ Due to resource constraints, environmental considerations and the volume of the document, a limited number of copies of this document will be reprinted and made available in the meeting room. Delegates and observers are kindly requested to bring their own copies as well as other background documents mentioned in the provisional agenda to the meeting and limit requests for additional copies. The documents may be downloaded from the UNCITRAL website (www.uncitral.org).

² Recently made available at www.uncitral.org/uncitral/en/uncitral_texts/procurement_infrastructure.html.

(b) Reports of Working Group I (Procurement) on the work of its sixth to twentieth sessions (A/CN.9/568, A/CN.9/575, A/CN.9/590, A/CN.9/595, A/CN.9/615, A/CN.9/623, A/CN.9/640, A/CN.9/648, A/CN.9/664, A/CN.9/668, A/CN.9/672, A/CN.9/687, A/CN.9/690, A/CN.9/713 and A/CN.9/718); and

(c) The Report of UNCITRAL on its forty-fourth session (A/66/17), in particular sections III, XIII and XIV.

7. UNCITRAL documents are posted on the UNCITRAL website (www.uncitral.org). Delegates may wish to check the availability of the documents referred to in paragraph 5 above by accessing the Working Group's page in the "Working Group Documents" section of the UNCITRAL website. The documents referred to in paragraph 6 (b) are available on the same web page; the document referred to in paragraph 6 (c) is available at the "Commission" section of the website, and those referred to in paragraph 6 (a) are available on the "Procurement and Infrastructure Development" and "Electronic Commerce" pages in the "UNCITRAL Texts and Status" section.

2. Previous deliberations

8. At its nineteenth session (Vienna, 1-5 November 2010), the Working Group completed its work on the revision of the Model Law and reached the understanding that, at its twentieth session, it would focus on proposals for a revised Guide to Enactment. Although it was understood that the Commission was not expected to adopt the revised Guide together with the Model Law on Public Procurement, the Working Group noted its intention of submitting a working draft of the revised Guide emanating from the work of its twentieth session to the Commission, so as to assist the latter with its consideration of the draft Model Law (A/CN.9/713, para. 138).

9. At the same session, the Working Group recalled that it had deferred a number of issues for discussion in the revised Guide and that decisions on them should be maintained, unless they were superseded by subsequent discussion in the Working Group or Commission. It was also recalled that additional sections addressing issues of procurement planning and contract administration, a glossary of terms and table of correlation with the Model Law were agreed to be included in the revised Guide. The understanding was that, for lack of time, it was unlikely to be feasible to prepare an expanded Guide for implementers or end-users, and thus the revised Guide would primarily be addressed to legislators (A/CN.9/713, para. 139).

10. At the same session, the Working Group requested the Secretariat to follow the following guidelines in preparing the revised Guide: (a) to produce an initial draft of the general introductory part of the revised Guide, which would ultimately be used by legislators in deciding whether the Model Law on Public Procurement should be enacted in their jurisdictions; (b) in preparing that general part, to highlight changes that had been made to the Model Law and reasons therefor; (c) to issue a draft text for the revised Guide on a group of articles or a chapter at or about the same time, to facilitate the discussions on the form and structure of the revised Guide; (d) to ensure that the text of the revised Guide was user-friendly and easily understandable by parliamentarians who were not procurement experts; (e) to address sensitive policy issues, such as best value for money, with caution; and (f) to minimize to the extent possible repetitions between the general part of the revised Guide and article-by-article commentary; where they were unavoidable, consistency ought to

be ensured. It was agreed that the relative emphasis between the general part of the revised Guide and article-by-article commentary of the revised Guide should be carefully considered (A/CN.9/713, para. 140).

11. At its twentieth session, the Working Group commenced its work on the elaboration of proposals for a Guide to Enactment of the UNCITRAL Model Law on Public Procurement. It confirmed its understanding that the Guide should consist of two parts: the first describing the general approach to drafting the revised Model Law and the second part containing article-by-article commentary, and instructed the Secretariat to revise the proposals relating to the general approach section, and those relating to the provisions of the revised Model Law on challenges and appeals, restricted tendering, request for quotations, request for proposals without negotiation, request for proposals with consecutive negotiations, two-stage tendering, request for proposals with dialogue, competitive negotiations and single-source procurement. The Working Group deferred its consideration of the remaining proposals (A/CN.9/718, paras. 17-136).

12. At the same session, the Working Group noted the need to consider more expeditious ways to reform the revised Model Law in the future, to ensure that it accurately reflected evolving practices and regulations and discussed possible topics for future work in public procurement and related areas (A/CN.9/718, paras. 137-138).

13. At its forty-fourth session, the Commission adopted the UNCITRAL Model Law on Public Procurement (A/66/17, para. 192) and instructed the Secretariat to finalize the draft Guide to Enactment for consideration by the Commission in 2012 (A/66/17, para. 181). It gave guidance to the Secretariat for this task (A/66/17, paras. 181-187). The Commission also considered the appropriate mechanisms for promoting the use of the Model Law and ensuring its uniform interpretation (A/66/17, para. 188). Finally, the Commission requested the Secretariat to prepare a study on possible future work in the areas of public-private partnerships and privately financed infrastructure projects for consideration by the Commission at a later date (A/66/17, para. 191).

Item 6. Adoption of the report

14. The Working Group may wish to adopt, at the close of its session, on Friday, 20 April 2012, a report for submission to the forty-fifth session of the Commission. The main conclusions reached by the Working Group at its ninth half-day meeting on the morning of Friday, 20 April 2012, 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.

IV. Scheduling of meetings

15. The Working Group's twenty-first session will last for five working days. There will be ten half-day meetings available for consideration of the agenda items. The Working Group may wish to note that 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).