



# General Assembly

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**United Nations Commission  
on International Trade Law**  
Working Group on Electronic Commerce  
Forty-second session  
Vienna, 17-21 November 2003

## **Provisional agenda, annotations thereto and scheduling of meetings of the forty-second session**

### **I. Provisional agenda**

1. Opening of the session.
2. Election of officers.
3. Adoption of the agenda.
4. Electronic contracting: provisions for a draft convention.
5. Other business.
6. Adoption of the report.

### **II. Annotations**

#### **Item 1. Opening of the session**

1. The forty-second session of the Working Group will be held at the Vienna International Centre from 17 to 21 November 2003. The session will be opened on Monday, 17 November 2003, at 10:00. The Working Group is composed of all States members of the Commission, which are the following States: Austria, Benin, Brazil, Burkina Faso, Cameroon, Canada, China, Colombia, Fiji, France, Germany, Honduras, Hungary, India, Iran (Islamic Republic of), Italy, Japan, Kenya, Lithuania, Mexico, Morocco, Paraguay, Romania, Russian Federation, Rwanda, Sierra Leone, Singapore, Spain, Sudan, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay (alternating annually with Argentina).



**Item 2. Election of officers**

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

**Item 4. Electronic contracting: provisions for a draft convention**

3. At its thirty-fourth session (Vienna, 25 June-13 July 2001), the Commission endorsed a set of recommendations for future work that had been made by the Working Group on Electronic Commerce at its thirty-eighth session (New York, 12-23 March 2001). They included, among other topics, the preparation of an international instrument dealing with selected issues on electronic contracting and a comprehensive survey of possible legal barriers to the development of electronic commerce in international instruments.<sup>1</sup>

4. The Working Group's deliberations on those topics began at its thirty-ninth session (New York, 11-15 March 2002), when the Working Group considered a note by the Secretariat that contained, as its annex I, an initial draft tentatively entitled "Preliminary Draft Convention on [International] Contracts Concluded or Evidenced by Data Messages" (A/CN.9/WG.IV/WP.95). The Working Group's deliberations are reflected in the report of its work at that session (A/CN.9/509). The Working Group resumed its consideration of the preliminary draft convention at its fortieth session (Vienna, 14-18 October 2002), when it concluded its initial review of the text (see A/CN.9/527, paras. 72-126). The Working Group requested the Secretariat to prepare a revised version of the preliminary draft convention for consideration by the Working Group at its forty-first session. The Working Group considered the revised version of the preliminary draft convention (contained in A/CN.9/WG.IV/WP.100) at its forty-first session (New York, 5-9 May 2003), when it reviewed articles 1-11 (see A/CN.9/528, paras. 26-151).

5. The Working Group will have before it a newly revised version of the preliminary draft convention, which reflects the deliberations at the Working Group's forty-first session (A/CN.9/WG.IV/WP.103). The following background documents, which are also available from the UNCITRAL web site (<http://www.uncitral.org>), will be made available at the session:

(a) The reports of the Working Group's thirty-ninth, fortieth and forty-first sessions (A/CN.9/509, A/CN.9/527, and A/CN.9/528, respectively);

(b) The notes by the Secretariat containing the earlier versions of the preliminary draft convention (A/CN.9/WG.IV/WP.95 and A/CN.9/WG.IV/WP.100);

(c) The notes by the Secretariat transmitting comments thereon by an ad hoc expert group established by the International Chamber of Commerce (A/CN.9/WG.IV/WP.96 and A/CN.9/WG.IV/WP.101);

(d) The note by the Secretariat containing a survey of legal barriers to the development of electronic commerce in international instruments relating to international trade (A/CN.9/WG.IV/WP.94);

(e) The notes by the Secretariat transmitting comments on document A/CN.9/WG.IV/WP.94 that were received from member and observer States, intergovernmental organizations and international non-governmental organizations (A/CN.9/WG.IV/WP. 98 and Add.1 to 6).

**Item 6. Adoption of the report**

6. The Working Group may wish to adopt, at the close of its session, on Friday, 21 November 2003, a report for submission to the thirty-seventh session of the Commission (to be held in New York, from 14 June to 2 July 2004).

**Meetings**

7. The session of the Working Group will take place from 17 to 21 November 2003 at the Vienna International Centre. There will be five working days available for consideration of the agenda items at the session. Meeting hours will be from 9:30 to 12:30 and from 14:00 to 17:00, except on Monday, 17 November 2003, when the session will commence at 10:00. The Working Group may wish to note that, consistent with decisions taken by the Commission at its thirty-fourth session,<sup>2</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). The Working Group may wish to devote its first eight half-day meetings (from Monday to Thursday) to its deliberations on agenda item 4. The Working Group may wish to reserve its penultimate half-day meeting (on Friday morning) for an exchange of views on the possible additional issues of electronic contracting that might need to be dealt with in the preliminary draft convention.

*Notes*

<sup>1</sup> *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 17 and corrigendum (A/56/17 and Corr.3)*, paras. 291-293.

<sup>2</sup> *Ibid.*, *Fifty-sixth Session, Supplement No. 17 and corrigendum (A/56/17 and Corr.3)*, para. 381.