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international organizations****Note by the Secretariat*****Contents**

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction	1-2	2
IV. Comments received from interested international organizations.		2
A. Intergovernmental organizations		2
European Commission		2

* This document transmits comments by the European Commission. It was submitted during the session, upon receipt of the comments.



I. Introduction

1. The background information relevant to the present note may be found in paragraphs 1-4 of document A/CN.9/676/Add.1.
2. The present document reproduces the comments from the European Commission, received by the Secretariat on 29 June 2009.

IV. Comments received from interested international organizations

A. Intergovernmental organizations

European Commission

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Thank you for inviting the European Commission to comment on document A/CN.9/676 addressing decision-taking, the status of observers in UNCITRAL and the preparatory work by the Secretariat.

In implementing its common policies, the European Community has adopted numerous legislative acts on issues that may be the subject of UNCITRAL instruments as well. It is important for the European Community to be able to exercise its competences at the external level in international organizations, even if it is not a full member of the organization and only has observer status, as is the case in UNCITRAL. As you are aware, because of its extensive legislative internal and external powers and its supranational character, the European Community differs from other, more traditional organizations. Consequently, the European Community has a strong interest in taking part in the work of UNCITRAL for matters that fall under its competences.

The specific status of the European Community as a regional economic integration organization has already been recognized in many UN organs. For example, Decision 1995/201 of the UN Economic and Social Council on the full participation of the European Community in the Commission on Sustainable Development entitles the European Community to *full participation* in this Commission and confers particular rights, such as the Community's right to speak, the right to reply, the right to introduce proposals and amendments, the right "to raise as a point of order the fact that consultations are continuing among the Community and its Member States on a matter on which a final decision is about to be made and for which the Community is the competent representative of the Commission" on Sustainable Development.

In the context of UNCITRAL, the European Community's interest lies in ensuring that existing arrangements take into account the specific nature of the European Community. The right to speak on behalf of its Member States and the right to present proposals are important for the European Community in order to allow it to effectively exercise its external competences in the context of UNCITRAL. Even if observers' rights as a rule do not include voting rights, the European Community would nevertheless request the right to take part in indicative votes on matters that lie within its areas of competence (para. 19 of the reference document).