



# General Assembly

Distr.: Limited  
22 August 2022

Original: English

---

**United Nations Commission on  
International Trade Law  
Working Group IV (Electronic Commerce)  
Sixty-fourth session  
Vienna, 31 October–4 November 2022**

## **Annotated provisional agenda**

### **I. Provisional agenda**

1. Opening of the session and scheduling of meetings.
2. Election of officers.
3. Adoption of the agenda.
4. The use of artificial intelligence and automation in contracting.
5. Explanatory note to the UNCITRAL Model Law on the Use and Cross-border Recognition of Identity Management and Trust Services.
6. Other business.
7. Adoption of the report.

### **II. Composition of the Working Group**

1. The Working Group is composed of all States members of the Commission, which are the following: Afghanistan (2028), Algeria (2025), Argentina (2028), Armenia (2028), Australia (2028), Austria (2028), Belarus (2028), Belgium (2025), Brazil (2028), Bulgaria (2028), Cameroon (2025), Canada (2025), Chile (2028), China (2025), Colombia (2028), Côte d'Ivoire (2025), Croatia (2025), Czechia (2028), Democratic Republic of the Congo (2028), Dominican Republic (2025), Ecuador (2025), Finland (2025), France (2025), Germany (2025), Ghana (2025), Greece (2028), Honduras (2025), Hungary (2025), India (2028), Indonesia (2025), Iran (Islamic Republic of) (2028), Iraq (2028), Israel (2028), Italy (2028), Japan (2025), Kenya (2028), Kuwait (2028), Malawi (2028), Malaysia (2025), Mali (2025), Mauritius (2028), Mexico (2025), Morocco (2028), Nigeria (2028), Panama (2028), Peru (2025), Poland (2028), Republic of Korea (2025), Russian Federation (2025), Saudi Arabia (2028), Singapore (2025), Somalia (2028), South Africa (2025), Spain (2028), Switzerland (2025), Thailand (2028), Türkiye (2028), Turkmenistan (2028), Uganda (2028), Ukraine (2025), United Kingdom of Great Britain and Northern Ireland (2025), United States of America (2028), Venezuela (Bolivarian Republic of) (2028), Viet Nam (2025) and Zimbabwe (2025).



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 and scheduling of meetings

3. The sixty-fourth session of the Working Group will be held from 31 October to 4 November 2022 at the Vienna International Centre in Vienna. Meeting hours and arrangements for participation in the session will be announced on the Working Group web page ([https://uncitral.un.org/working\\_groups/4/electronic\\_commerce](https://uncitral.un.org/working_groups/4/electronic_commerce)). Documentation for the session (see paras. 10 and 1313 below) will also be posted on the web page upon issuance in all official languages of the United Nations.

4. Consistent with decisions taken by the Commission at its thirty-fourth session,<sup>1</sup> the Working Group is expected to hold substantive deliberations during the first nine half-day meetings (i.e. from Monday to Friday morning) and to adopt a report for the session during the tenth and last meeting (i.e. on Friday afternoon). At its fifty-fifth session, the Commission decided to allow working groups to use the last meeting for substantive deliberations, rather than for the adoption of the session report, and to continue the practice of adopting the report by a written procedure outlined in paragraph 19 of document A/CN.9/1103.<sup>2</sup>

#### Item 2. Election of officers

5. In accordance with its practice at sessions prior to the coronavirus disease (COVID-19) pandemic, the Working Group may wish to elect a Chairperson and a Rapporteur.

#### Item 4. The use of artificial intelligence and automation in contracting

##### (a) Background information

6. At its sixty-third session (New York, 4–8 April 2022), the Working Group held a conceptual discussion on the use of artificial intelligence and automation in contracting (see A/CN.9/1093, paras. 49–76). That discussion had been mandated by the Commission, at its fifty-fourth session in 2021, with a view to refining the scope and nature of possible future work to be conducted on the topic.<sup>3</sup> The Working Group also held a preliminary discussion of the nature and scope of possible future work on the topic of data transactions (ibid., paras. 77–95). At the fifty-fifth session of the Commission in 2022, broad support was expressed for the Working Group to continue work on both topics in tandem, including by alternating between topics from one session to the next.<sup>4</sup> At its sixty-fourth session, the Working Group is expected to deal with the topic of the use of artificial intelligence and automation in contracting.

7. Broad support was also expressed in the Commission for future work on the topic to proceed incrementally on the basis of a review of business practice and use cases. Accordingly, the Commission requested the Working Group to deal with the topic as follows:

(a) As a first stage, to compile provisions of UNCITRAL texts that apply to automated contracting, and to revise those provisions, as appropriate; and

---

<sup>1</sup> *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 17* and corrigendum (A/56/17 and Corr.3), para. 381.

<sup>2</sup> Ibid., *Seventy-seventh Session, Supplement No. 17* (A/77/17), para. 236.

<sup>3</sup> Ibid., *Seventy-sixth Session, Supplement No. 17* (A/76/17), para. 25(e).

<sup>4</sup> Ibid., *Seventy-seventh Session, Supplement No. 17* (A/77/17), para. 150–155.

(b) As a second stage, to identify and develop possible new provisions that address a broader range of issues.<sup>5</sup>

8. The Commission also agreed that, in discharging the new mandate, the Working Group should be guided by the principles of technology neutrality and non-discrimination against the use of electronic means, and should also be mindful of the specific needs of developing countries.

9. The sixty-fourth session will be the first occasion for the Working Group to consider the topic under the new mandate. It is expected that the Working Group will exchange views on business practice in the use of AI and automation in contracting and focus on the first stage of the mandate (i.e. compiling and revising provisions of applicable UNCITRAL texts). While the conceptual discussion held during its sixty-third session (see [A/CN.9/1093](#)) is expected to inform the deliberations of the Working Group, it was acknowledged in the Commission that it would be open for the Working Group to consider definitional issues.<sup>6</sup>

**(b) Documentation**

10. The Working Group will have before it a note by the secretariat on the provisions of UNCITRAL texts that apply to automated contracting ([A/CN.9/WG.IV/WP.176](#)) and a note on some of the additional legal issues identified within the Working Group at its sixty-third session ([A/CN.9/WG.IV/WP.177](#)).

11. In addition to the documents referenced above (paras. 6 and 77), the Working Group may also wish to refer to the following documents to inform its deliberations under this agenda item:

(a) A note by the secretariat, prepared for the consideration of the Working Group at its sixty-third session, on the use of artificial intelligence and automation in contracting ([A/CN.9/WG.IV/WP.173](#)); and

(b) A proposal by the secretariat, prepared for the consideration of the Commission at its fifty-fifth session, to refine the mandate of the Working Group on the topic of automated contracting ([A/CN.9/1116](#)).

**Item 5. Explanatory note to the UNCITRAL Model Law on the Use and Cross-border Recognition of Identity Management and Trust Services**

**(a) Background information**

12. At its fifty-fifth session, the Commission adopted the UNCITRAL Model Law on the Use and Cross-border Recognition of Identity Management and Trust Services and gave its in-principle approval to the draft explanatory note to the model law prepared by the secretariat ([A/CN.9/1112](#)), as amended during the session.<sup>7</sup> The Commission also requested the secretariat to finalize the explanatory note by reflecting the deliberations and decisions of the Commission at the session, and authorized the Working Group to review the parts of the revised note relating to those deliberations and decisions.<sup>8</sup>

**(b) Documentation**

13. The Working Group will have before it a note by the secretariat containing the revised parts of the explanatory note to the Model Law relating to the deliberations and decisions of the Commission at its fifty-fifth session ([A/CN.9/WG.IV/WP.175](#)).

<sup>5</sup> Ibid., para. 159.

<sup>6</sup> Ibid., para. 158.

<sup>7</sup> Ibid., para. 149.

<sup>8</sup> Ibid.

**Item 6. Other business**

14. The Working Group may wish to consider developments related to its work programme, including a report on the progress of work by the secretariat on preparing a guidance document on legal issues relating to the use of distributed ledger systems in trade, as requested by the Commission at its fifty-fifth session.<sup>9</sup>

**Item 7. Adoption of the report**

15. As noted above (para. 4), the Working Group may wish to adopt a report for submission to the fifty-sixth session of the Commission, which is to be held in Vienna from 3 to 21 July 2023. The Working Group may wish to note that its sixty-fifth session is to be held in New York from 10 to 14 April 2023.

---

<sup>9</sup> Ibid., paras. 166–169.