



# General Assembly

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**United Nations Commission on  
International Trade Law  
Working Group VI  
(Negotiable Cargo Documents)  
Forty-sixth session  
New York, 17–21 March 2025**

## 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. Future instrument on negotiable cargo documents.
5. 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 forty-sixth session of the Working Group will be held at the United Nations Headquarters in New York from 17 to 21 March 2025. Meeting hours will be from 10 a.m. to 1 p.m. and 3 to 6 p.m., except on Monday, 17 March 2025, when the session will be opened 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 Chairperson and a Rapporteur.

#### Item 4. Future instrument on negotiable cargo documents

##### (a) Background information

5. At its fifty-fifth session (New York, 27 June–15 July 2022), the Commission agreed to add the topic of negotiable multimodal transport documents to its work programme.<sup>1</sup> Background information on that decision may be found in document [A/CN.9/WG.VI/WP.95](#), paragraphs 5–10. Given that the instrument on negotiable cargo documents may apply to both multimodal and unimodal transport contexts, the title of the Working Group was subsequently revised to “negotiable cargo documents”.<sup>2</sup>

6. At its forty-first session (Vienna, 28 November–2 December 2022), the Working Group considered the topic for the first time. The Working Group began its deliberations with a general exchange of views on the objectives, scope and form of the proposed new instrument. The Working Group proceeded with an article-by-article review of the preliminary draft provisions for an instrument on negotiable cargo documents as contained in the annex to document [A/CN.9/WG.VI/WP.96](#). The Working Group considered draft article 3 (Issuance of a negotiable cargo document), draft article 4 (Content of the negotiable cargo document), draft article 7 (Deficiencies in the negotiable cargo document), draft article 8 (Evidentiary value of the negotiable cargo document), draft article 9 (Extent of rights of the holder under a negotiable cargo document), draft article 10 (Transfer of rights under a negotiable cargo document or negotiable electronic cargo record), draft article 11 (Providing additional information, instructions or documents to the transport operator) and paragraph 1 of draft article 12 (Delivery of the goods) ([A/CN.9/1127](#)).

7. At its forty-second session (New York, 8–12 May 2023), the Working Group continued its article-by-article review of the revised preliminary draft provisions for an instrument on negotiable cargo documents as contained in the annex to the relevant working paper ([A/CN.9/WG.VI/WP.98](#)), focusing on those draft articles not yet considered during its forty-first session. The Working Group considered paragraphs 2–4 of draft article 13 (Delivery of the goods), paragraph 1 of draft article 5 (Conditions for use and effect of negotiable electronic cargo records), draft article 2 (Definitions), draft article 3 (Issuance of a negotiable cargo document) and paragraphs 1–2 of draft article 4 (Content of the negotiable cargo document) ([A/CN.9/1134](#)). The Working Group agreed to postpone its consideration of draft provisions on electronic aspects and revisit them after finalizing the substantive provisions concerning negotiability ([A/CN.9/1134](#), para. 27).

<sup>1</sup> *Official Records of the General Assembly, Seventy-seventh Session, Supplement No. 17 (A/77/17)*, paras. 22 (h) and 202.

<sup>2</sup> *Ibid.*, *Seventy-eighth Session, Supplement No. 17 (A/78/17)*, para. 174 (f).

8. At its fifty-sixth session, in 2023, the Commission took note of the decision of the Working Group to postpone its consideration of draft provisions on electronic aspects and revisit them after finalizing the substantive provisions concerning negotiability.<sup>3</sup> The Commission expressed its satisfaction with the progress made by Working Group VI and the support provided by the secretariat.<sup>4</sup>

9. At its forty-third session (Vienna, 27 November–1 December 2023), the Working Group continued its article-by-article review of the revised draft provisions for an instrument on negotiable cargo documents as contained in the annex to the relevant working paper (A/CN.9/WG.VI/WP.100). The Working Group considered draft article 1 (Scope of application), draft article 3 (Issuance of negotiable cargo documents), draft article 4 (Content of the negotiable cargo document), draft article 5 (Deficiencies in the negotiable cargo document), draft article 6 (Evidentiary effect of the negotiable cargo document) and draft article 7 (Extent of rights of the holder under a negotiable cargo document) (A/CN.9/1164).

10. At its forty-fourth session (New York, 6–10 May 2024), the Working Group continued its article-by-article review of the revised draft provisions for an instrument on negotiable cargo documents as contained in the annex to the relevant working paper (A/CN.9/WG.VI/WP.103). The Working Group considered draft article 8 (Channel of communication), draft article 9 (Liability of holder), draft article 10 (Delivery of the goods), draft article 11 (Transfer of rights under a negotiable cargo document), draft chapter 3 concerning negotiable electronic cargo records (which consisted of draft articles 12 to 17), draft article 2 (Definitions), draft article 3 (Issuance of a negotiable cargo document), draft article 4 (Content of the negotiable cargo document) and draft article 5 (Deficiencies in the negotiable cargo document).

11. At its fifty-seventh session, in 2024, the Commission noted that the Working Group had heard presentations on the issuance and use of non-negotiable transport documents under existing transport conventions, with a view to identifying possible conflicts between the draft instrument and existing transport law conventions.<sup>5</sup> The need to adequately address any potential conflicts with existing transport law conventions was emphasized.<sup>6</sup> The Commission was also informed that the Working Group had completed its review of draft chapter 3 on negotiable electronic cargo records and had requested the secretariat to align the draft provisions more closely with the Model Law on Electronic Transferable Records (MLETR).<sup>7</sup> The Working Group had also agreed to follow the approach to electronic aspects adopted in the draft joint UNCITRAL-UNIDROIT model law on warehouse receipts.<sup>8</sup> The Commission emphasized the need to avoid duplication of work and to ensure consistency with existing UNCITRAL texts on electronic commerce, in particular MLETR.<sup>9</sup>

12. At its forty-fifth session (Vienna, 9–16 December 2024), the Working Group continued its article-by-article review of the revised draft provisions for an instrument on negotiable cargo documents as contained in the annex to the relevant working paper (A/CN.9/WG.VI/WP.107). The Working Group considered the following draft provisions (A/CN.9/1199, paras. 13–105):

(a) Article 3 (Issuance of a negotiable cargo document or negotiable electronic cargo record);

(b) Article 4 (Content of the negotiable cargo document or negotiable electronic cargo record);

<sup>3</sup> Ibid., para. 168.

<sup>4</sup> Ibid., para. 171.

<sup>5</sup> Ibid., *Seventy-ninth Session, Supplement No. 17 (A/79/17)*, para. 259.

<sup>6</sup> Ibid., para. 261.

<sup>7</sup> Ibid., para. 258.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid., para. 261.

(c) Article 5 (Deficiencies in the negotiable cargo document or negotiable electronic cargo record), paragraph 1;

(d) Article 6 (Evidentiary effect of the negotiable cargo document or negotiable electronic cargo record);

(e) Article 7 (Rights of the holder under a negotiable cargo document or negotiable electronic cargo record);

(f) Article 8 (Missing information, instructions or documents);

(g) Article 9 (Liability of holder);

(h) Article 10 (Delivery of the goods);

(i) Article 11 (Transfer of rights under a negotiable cargo document or negotiable electronic cargo record);

(j) Articles 12–17 (Special conditions for issuance and use of a negotiable electronic cargo record).

13. The Working Group also considered a proposal by the secretariat for cargo pledge bonds and the coverage of goods in storage, as well as the form of the instrument.

14. At its forty-sixth session, the Working Group is expected to continue its article-by-article review of the revised draft provisions in the form of a convention, as requested at its forty-fifth session ([A/CN.9/1199](#), para. 106).

#### **(b) Documentation**

15. At its forty-sixth session, the Working Group will have before it:

(a) An updated version of the note by the Secretariat, entitled “Fact sheet: UNCITRAL project on negotiable cargo documents” ([A/CN.9/WG.VI/WP.113](#)); and

(b) A note by the Secretariat setting out a revised annotated set of provisions for a convention on negotiable cargo documents to facilitate its deliberations, which have been prepared by the secretariat to reflect the deliberations of the Working Group from its forty-first to forty-fifth sessions ([A/CN.9/WG.VI/WP.114](#)).

16. UNCITRAL documents are posted on the UNCITRAL website (<https://uncitral.un.org/>) upon their issuance in all official languages of the United Nations. Delegates may wish to check the availability of the documents by accessing the page of Working Group VI in the “Working Documents” section of the UNCITRAL website.

#### **Item 5. Adoption of the report**

17. The Working Group may wish to adopt, at the close of its session, a report for submission to the fifty-eighth session of the Commission, scheduled to be held in Vienna from 7 to 25 July 2025.

## **IV. Scheduling of meetings**

18. The forty-sixth session of the Working Group 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, consistent with decisions taken by the Commission at its thirty-fourth session,<sup>10</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.

<sup>10</sup> *Ibid.*, *Fifty-sixth Session, Supplement No. 17* and corrigendum ([A/56/17](#) and Corr.3), para. 381.

19. The Working Group may wish to note that its forty-seventh session is tentatively scheduled to be held in Vienna from 15 to 19 December 2025.

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