

**Report of the United Nations Commission on International Trade Law  
on the work of its forty-ninth session**

**Comments of Canada**

Mr. Chairman,

Thank you for this opportunity to provide Canada's perspective on the work of UNCITRAL.

Canada is pleased to note the Commission's completion of two projects at its 49th session: the UNCITRAL Model Law on Secured Transactions and the second edition of the UNCITRAL Notes on Organizing Arbitral Proceedings.

Canada considers the UNCITRAL Notes on Organizing Arbitral Proceedings to be useful for parties to arbitrations and for arbitrators. The new edition reflects developments that have occurred since the Notes were created 20 years ago and will be a helpful tool in the field.

UNCITRAL's work in the area of secured transactions provides important guidance to States in an area that can be complex but where modern legislation can lead to real economic benefits. The Model Law on Secured Transactions constitutes a significant component of this work. Canada notes with satisfaction the Commission's decision to continue with the preparation of a Guide to Enactment for the Model Law. We believe that this Guide, in conjunction with the Legislative Guide on Secured Transactions, its Supplement on Security Rights in Intellectual Property and the Guide on the Implementation of a Security Rights Registry, will assist States in adopting legislation based on the Model Law. Canada would encourage States considering modernising or adopting a secured transactions regime to use UNCITRAL's work. We also support the Commission's decision to hold a colloquium to consider other possible areas of work in relation to secured transactions where UNCITRAL could usefully contribute to the development of global models and standards, including a consideration of the needs of micro, small and medium-sized enterprises.

Canada notes the progress of UNCITRAL's work on a legislative guide in relation to simplified incorporation and registration for micro, small and medium-sized enterprises. Canada shares the view that MSMEs may benefit from the development of rules specifically tailored to their needs and which reduce the legal obstacles they encounter throughout their life cycle.

Mr. Chairman,

In the field of insolvency law, Canada notes with appreciation the progress made since the last report of the Commission on the facilitation of cross-border insolvency of multinational enterprise groups, on the obligations of directors of enterprise group companies in the period approaching insolvency, and on the recognition and enforcement of insolvency-related judgments. In relation to the latter topic, Canada would underscore the importance of closely following the work of the Hague Conference on Private International Law as it develops a convention on the recognition and enforcement of civil and commercial judgments to avoid any incompatibility between the two future texts.

As for other work continuing in the Commission, Canada notes the progress made toward preparing a legal instrument on the enforcement of settlement agreements resulting from international commercial

mediation. Although the nature of the instrument has yet to be determined, this work sends an important message to the business community as to the importance of conciliation or mediation in resolving cross-border commercial disputes. In the field of electronic commerce, Canada continues to support work of practical application to real problems faced by commercial interests, such as issues arising in the context of cloud computing services.

Next year UNCITRAL will mark its 50th anniversary. Canada welcomes the Commission's decision to hold a Congress at its session in 2017 to mark this milestone. UNCITRAL must continue to be responsive to the needs of States and commercial parties in fostering the development of commerce in a period in which economic growth is ever more dependent on international trade. In our view, the Congress represents a timely opportunity to take stock and plan for the future. We expect the Congress to be an occasion to hear from various groups of stakeholders and governments about the legal challenges they are facing and the issues that UNCITRAL should address. We look forward to seeing the proposed program and believe that the results of the Congress should be carefully considered by the Commission in establishing its work program in future years.

Finally, Canada would like to take this opportunity to reaffirm its commitment to the valuable work of UNCITRAL.

Thank you.