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Subject: Suggested EU position at the 36th session of Working Group VI of
UNCITRAL, 18-22 November 2019, Vienna
- Non-paper from the Commission services

Delegations will find attached the partially declassified version of the above-mentioned document.



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NOTE

From: Commission Services

To: Working Party on Civil Law Matters - General Questions

Subject: Suggested EU position at the 36th session of Working Group VI of
UNCITRAL, 18-22 November 2019, Vienna
- Non-paper from the Commission services

Delegations will find attached a non-paper from the Commission services on the preparation of the 36th session of Working Group VI of UNCITRAL 18 – 22 November 2019, Vienna. This paper will be discussed in the Working Party in Civil Law Matters on 4 November 2019.

NON-PAPER FROM THE COMMISSION SERVICES**Suggested EU position at the 36th session of Working Group VI of UNCITRAL****18 – 22 November 2019, Vienna**

At its thirty-fifth session in May 2019, UNCITRAL Working Group VI considered for the first time the topic of judicial sale of ships. It was agreed by the Working Group that the draft instrument prepared by the Comité Maritime International (CMI) on the recognition of foreign judicial sales of ships, referred to as the “Beijing Draft” ([A/CN.9/WG.VI/WP.82](#)) provided a suitable basis for its considerations on this topic. The Working Group will continue the discussions on this topic at its thirty-sixth session, which will be held between 18 and 22 November 2019 in Vienna.

Background information

At its fifty-first session in July 2018, the UNCITRAL Commission decided that the topic of judicial sale of ships should be added to the work programme of the Commission and mandated Working Group VI to undertake the work on this topic. The decision of the Commission was based on the formal proposal titled “Possible future work on cross-border issues related to the judicial sale of ships” (A/CN.9/944/Rev.1) presented by the Government of Switzerland which proposed that work should be commenced “to develop an international instrument on foreign judicial sale of ships and their recognition” ([A/CN.9/WG.VI/WP.80](#)).

At its thirty-fifth session in May 2019, the Working Group initiated the work on preparation of a draft instrument on the judicial sale of ships on the basis of a draft convention on the recognition of foreign judicial sales of ships (known as the “Beijing Draft”) prepared by the Comité Maritime International (CMI), an NGO with maritime law expertise. There was a broad agreement in the Working Group that the CMI draft would provide a suitable foundation for the discussion of pertinent issues and the basis thereof develop a balanced instrument ([A/CN.9/973](#)). In its Report, the UNCITRAL Commission highlighted that the discussions of the Working Group on this topic are still at the early stages ([A/74/17](#)).

For the forthcoming session, the UNCITRAL Secretariat submitted the first revision of the Beijing Draft, which includes the outcome of the debates of the Working Group at its thirty-fifth session, for the consideration of the Working Group ([A/CN.9/WG.VI/WP.84](#)). Additionally, the UNCITRAL Secretariat prepared a note on “The interaction between a future instrument on the judicial sale of ships and selected HCCH Conventions” which was solicited from the Working Group ([A/CN.9.WG.VI/WP.85](#)).

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