



COMITE MARITIME INTERNATIONAL

23rd September 2021

Presidents – National Maritime Law Associations
Titulary Members
Consultative Members

Dear Presidents and Members

**Re: *Meeting Notes for the 39th Session of UNCITRAL Working Group VI
Judicial Sales - Vienna 18th - 22nd October 2021***

The last time I wrote to all of you was on the 8th April 2021 when I circulated the Annotated 3rd Revision of the Beijing Draft for deliberation at the 38th Meeting of the Working Group held in April 2021. That meeting like the one before it was held in a virtual format with delegations participating through a purposely designed Interprefy platform.

The April meeting was very successful indeed notwithstanding the challenging circumstances. Challenging because given the fact that we were not all present in one room at the same time. This deprived the members of the various delegations from being able to discuss issues as they arose during the various breaks, have side meetings and generally do what we are able to do when we are all present at one venue at the same time. As a result of the fact that all delegations participated virtually from their own countries also meant that the 2pm – 5pm session held every day meant that those in Asia had to burn the mid night oil, whilst those in the Americas had to wake up in the very early hours of the morning.

In order to maintain our connectivity which is so very important when discussing quite advanced texts as this is, and when it is important to get the views of various delegations we communicated by Whats Ap and that was quite successful. It was not easy to keep on top of things but we managed!

I am very happy indeed to advise that very significant progress was registered at the 38th session, such that most of the major issues of principle have been

decided by consensus. This has led the Secretariat to provide the Annotated 4th Revision of the Beijing Draft which I am attaching hereto.

I must here give credit to the Secretariat which has been repeatedly able to sift through the various comments, thoughts and ideas being deliberated and produce narrative which very frequently captures what delegations had in mind leading to consensus. Credit must also be given to the Chair of the Session Dr. Beate Czerwenka who notwithstanding the tight and limited official times between 2pm and 5 pm successfully held informal on line sessions on a daily basis so that we could further our deliberations.

I am happy to report that most of the recommendations of the CMI were accepted and the CMI was during the course of the sessions able to assist with suggesting wording with a view to addressing concerns raised by other delegations. The progress registered was significant to the extent that in its report to the 54 Session of the Commission, the Secretariat reported that such progress has been registered that it was hoping to finalise a final draft in the remaining two sessions for presentation to the Commission in May of 2022. In fact the dates of the 39th and the 40th session of working group V1 were brought forward to the 18th-22nd of October 2021 and to the 7th - 11th February 2022. If UNICTRAL approves the draft, there is the possibility that the text would then go to the UN General Assembly later on in 2022 year.

Of course this is very welcome and gratifying news for the CMI – we have all worked very hard indeed.

In view of all of this, our focus now dear friends is to fine tune the existing text. What we have done therefore is consider the annotated 4th revision by reviewing what remains in square brackets and give our views thereon with a view to closing off issues still to be closed off and finalised.

I therefore attach hereto the ***CMI Meeting Notes for the 39th Session of UNCITRAL Working Group V1 Judicial Sales - Vienna 18th - 22nd October 2021.*** These notes have now become standard fare prior to each session and we are delighted to see that delegations consider them to be a very useful point of reference which assist in concentrating the attention of various delegations on the remaining outstanding issues.

May we please ask you all to ensure that these meeting notes are circulated to your State delegations attending the 39th session. We cannot thank enough those delegations who are participating whole heartedly and who are made up of maritime experts who have succeeded in adding tremendous value to the discussions. The difference between the very first session held in New York in May 2019 and the last session is enormous and this is thanks to the State and

NGO delegations who have realised the value of the attendance and participation of their own national maritime experts who can advise accordingly.

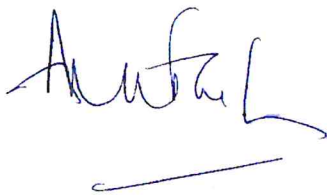
Many thanks indeed go to all the National Maritime Law Associations who are participating in this historic project and to others who have been present throughout including the IMO and the EU Commission and NGO's making a very special and important contribution. These include BIMCO, ICS, IBA, IAJ, Law Asia, ITF, IMO, and IUMI.

I would also like to underline that this has been and remains a very substantial joint effort by numerous players, at the forefront of which are the representatives of the national maritime law associations, some of whom are members of state and NGO delegations. These have contributed significantly in assisting the CMI in its deliberations.

The IWG on Judicial sales would like to thank you all for your efforts so far and for the final push that we need to put into this project to ensure it gets over the line. As I said in my previous communication, this is a very important project for CMI which captures the very entire raison d'être of the CMI and which continues to underline the important role which CMI needs to continue to play on the stage of international maritime law.

Many thanks for all your efforts.

Yours sincerely



Ann Fenech
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