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**United Nations Commission on
International Trade Law**
Resumed fifty-third session
Vienna (online), 14–18 September 2020

Decisions adopted by States members of UNCITRAL in August 2020 in accordance with the procedure for taking decisions of UNCITRAL during the coronavirus disease 2019 (COVID-19) pandemic

Note by the Secretariat

In an annex to this note, the Secretariat transmits to the Commission decisions adopted by States members of the Commission in August 2020 applying *mutatis mutandis* the procedure for taking decisions of UNCITRAL during the coronavirus disease 2019 (COVID-19) pandemic agreed upon by the UNCITRAL member States on 8 June 2020. The Commission may wish to take note of those decisions at its first plenary meeting during the resumed fifty-third session.



Annex

I. Decision on the format, officers and methods of work of the UNCITRAL working groups during the coronavirus disease 2019 (COVID-19) pandemic adopted on 19 August 2020

On the proposal of the Chair of the United Nations Commission on International Trade Law (UNCITRAL) at its fifty-third session upon consultation with all States members of UNCITRAL, States members of UNCITRAL adopted the following decision on 19 August 2020:

“States members of UNCITRAL,

Recalling the Commission’s decision on the dates of the sessions of its working groups in the second half of 2020,¹

Noting the impact of prevailing travel restrictions due to the coronavirus disease 2019 (COVID-19) pandemic on the participation of delegations at the sessions of the working groups,

Bearing in mind the importance of advancing work of all working groups to the extent possible in light of the relevance and importance of that work, including for the COVID-19 response and recovery,

Recalling methods of work of the Commission and its working groups as summarized in annex III to the report of the forty-third session of UNCITRAL² and in document [A/CN.9/638](#), in particular paragraphs 27 to 32,³

Stressing the need to preserve transparency, inclusiveness, flexibility, effectiveness and equality in carrying out the work of the working groups.

Decide:

1. Arrangements shall be made to allow delegations to participate at the sessions in person or remotely. In light of the travel restrictions, remote participation may ensure equality of participation for all delegates from different geographical regions.

2. Delegations will be able to avail themselves of the possibility to make written submissions to facilitate the deliberations during the session. For written submissions to be circulated in the six official United Nations languages, delegations should make their submissions at least two weeks in advance of the session.

3. To further facilitate the progress of the work, the officers of the working groups elected at the last sessions of the working groups⁴ shall continue their offices, subject to their availability, at the session(s), intersessionally, and until they are replaced by newly elected officers at the first session held in accordance with the ordinary procedure.

4. The chairperson of each working group will take steps to ensure an inclusive and transparent approach, including by adjusting the pace and organization of the sessions to accommodate remote participation, especially as delegations may face technological difficulties. To the maximum extent possible, the chairperson shall ensure that delegations participating remotely are on an equal footing with those participating in person, and consider *inter alia*

¹ *Official Records of the General Assembly, Seventy-fifth Session, Supplement No.17 (A/75/17)*, part one, para. 28.

² *Ibid.*, *Sixty-fifth Session, Supplement No.17 (A/65/17)*.

³ Available at <https://uncitral.un.org/en/about/methods/officialdocs>.

⁴ Thirty-third session for Working Group I; seventy-first session for Working Group II; thirty-eighth session for Working Group III, fifty-ninth session for Working Group IV; fifty-sixth session for Working Group V; and thirty-sixth session for Working Group VI.

and where appropriate, postponing resolution of issues to the next session or arriving at consensus through a written process.

5. To better adapt the session to the circumstances, the chairperson of each working group shall prepare a provisional agenda for each session in consultation with the UNCITRAL member States and circulate it for comments prior to the session. The agenda will be submitted to the working group at the beginning of the session for its adoption.

6. The chairperson and the rapporteur of each working group will prepare a summary reflecting the deliberations and any conclusions reached during the session. After the session, the chairperson and the rapporteur shall circulate their summary for comments to the delegations of the working group. Based on the comments received, the chairperson and the rapporteur will revise the summary and present it as such to the fifty-fourth session of the Commission, unless it has been adopted by the working group as its report.

7. The procedures set out in this decision are of an exceptional and temporary nature applicable only to the working group sessions in the second half of 2020¹ and will not set a precedent.”

II. Decision on the organization and agenda of the resumed fifty-third session of UNCITRAL (14–18 September 2020)

On the proposal of the Chair of UNCITRAL at its fifty-third session upon consultation with all States members of UNCITRAL, States members of UNCITRAL adopted the following decision on 28 August 2020:

“States members of UNCITRAL,

Recalling their decision of 23 June 2020 on the date, place, format and organization of the fifty-third session of UNCITRAL, by which they agreed that the resumed fifty-third session would take place in Vienna, from 14 to 18 September 2020, in the format to be agreed upon by the Commission on or around 14 August 2020 but not later than 28 August 2020, informed by inputs of the Secretariat, taking into account evolving public health concerns and travel restrictions due to the coronavirus disease 2019 (COVID-19) pandemic and that at that point, the Commission would also decide on the procedure for taking decisions during that part of the session,

Noting the impact of prevailing travel restrictions due to the COVID-19 pandemic on the participation of delegations at the resumed fifty-third session of UNCITRAL,

Bearing in mind the importance of advancing work of UNCITRAL to the extent possible in the light of the relevance and importance of that work, including for the COVID-19 response and recovery,

Stressing the need to preserve transparency, inclusiveness, flexibility, effectiveness and equality in carrying out that work,

Noting also that the General Assembly decided, by its decision 74/561 of 21 July 2020, that its decision 74/544 of 27 March 2020 entitled “Procedure for taking decisions of the General Assembly during the Coronavirus disease 2019 (COVID-19) pandemic” and decision 74/555 of 15 May 2020 extending that procedure and making it available for use by the General Assembly subsidiary bodies shall continue to be in effect until the end of August 2020, and hence being of the view that the procedure for taking decisions of UNCITRAL during the COVID-19 pandemic adopted by the UNCITRAL member States in their decision of 8 June 2020 will continue to apply mutatis mutandis to the adoption of this decision,

Decide:

1. To hold the resumed fifty-third session as scheduled with appropriate arrangements put in place to enable both in-person and remote participation in meetings to be held at alternating times, either 9 a.m. to 11 a.m. and 1 p.m. to 3 p.m. or 12 p.m. to 2 p.m. and 4 p.m. to 6 p.m. Vienna time, each day.

2. The Chair of the fifty-third session of UNCITRAL shall take steps to ensure an inclusive and transparent approach, including by adjusting the pace and organization of the session to accommodate remote participation, especially as delegations may face technological difficulties. To the maximum extent possible, the Chair of the fifty-third session of UNCITRAL shall ensure that delegations participating remotely are on an equal footing with those participating in person, and consider *inter alia* and where appropriate, postponing resolution of issues to the next session or arriving at consensus through a written process.

3. The procedure for taking decisions of UNCITRAL during the COVID-19 pandemic adopted by States members of UNCITRAL on 8 June 2020 shall apply *mutatis mutandis* to the adoption of decisions pertaining to the resumed fifty-third session.

4. To adopt the agenda of the session as set out in the annex to this decision.

Annex

Agenda of the resumed fifty-third session of UNCITRAL

Monday, 14 September 2020

1. Opening of the resumed fifty-third session.
2. Decisions adopted by States members of UNCITRAL in August 2020 in accordance with the procedure for taking decisions of UNCITRAL during the coronavirus disease 2019 (COVID-19) pandemic adopted by States members of UNCITRAL on 8 June 2020.
3. Progress report of working groups (including a proposal by Belgium as regards Working Group II ([A/CN.9/1035](#))).

Tuesday, 15 September 2020

4. Work programme of the Commission:
 - (a) A note by the Secretariat on the work programme of the Commission ([A/CN.9/1016](#));
 - (b) Consideration of the progress made in exploratory work by the Secretariat on legal issues arising from digital economy, including high-tech dispute resolution ([A/CN.9/1012](#) and addenda);
 - (c) Consideration of the progress made in exploratory work by the Secretariat on legal issues of railway consignment notes ([A/CN.9/1034](#)).

Wednesday, 16 September 2020

4. Work programme of the Commission (*continued*):
 - (d) Report of the Colloquium on Civil Assets Tracing and Recovery ([A/CN.9/1008](#));
 - (e) A new date in 2020 for the colloquium on applicable law in insolvency proceedings;

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- (f) Consideration of the progress made in exploratory work by the Secretariat on warehouse receipts ([A/CN.9/1014](#));
 - (g) Consideration of additional topics for possible future work: proposal by Japan on Stocktaking of Dispute Resolution in the Modern Context ([A/CN.9/1037](#)).
5. Dates and place of future meetings in 2021.

Thursday, 17 September 2020

6. Other business:
- (a) Consideration of resource requirements for the implementation of the work programme of the Commission ([A/CN.9/1011](#) and [A/CN.9/1036](#)).

Friday, 18 September 2020

6. Other business:
- (a) Consideration of resource requirements for the implementation of the work programme of the Commission ([A/CN.9/1011](#) and [A/CN.9/1036](#)) (*continued*);
 - (b) Enlargement of UNCITRAL membership;
 - (c) Evaluation of the role of the UNCITRAL secretariat in facilitating the work of the Commission (to be circulated and compiled online);
 - (d) Other matters.
7. Adoption of the report, including the narrative part of the report of the first part of the session.”
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