



United Nations Commission on International Trade Law

Fifty-third session

6–17 July 2020 (to be held virtually) and
Vienna, 14–18 September 2020

Provisional agenda, annotations thereto and scheduling of meetings of the fifty-third session

I. Provisional agenda, scheduling of meetings and documentation

The fifty-third session of the Commission will be held in two parts: the first part will be held virtually from 6 to 17 July 2020; and the resumed fifty-third session will be held in Vienna, from 14 to 18 September 2020,¹ in the format to be determined by the Commission on or around 14 August 2020 but not later than 28 August 2020 and announced thereafter on the web page of the fifty-third session.

First part of the fifty-third session of UNCITRAL 6–17 July 2020 (to be held virtually)

Agenda item

Pre-session documentation

Monday, 6 July

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| <p>1. Opening of the session</p> <p>2. Decisions adopted by States members of UNCITRAL 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</p> <p>3. Approval of a joint UNCITRAL-Unidroit-The Hague Conference guide on commercial contract law for publication</p> | <p>A note by the Secretariat on decisions adopted by States members of UNCITRAL 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: A/CN.9/1013</p> <p>Draft Legal Guide to Uniform Legal Instruments in the Area of International Commercial Contracts (with a focus on sales): A/CN.9/1029</p> <p>Adjustments to the draft Legal Guide to Uniform Legal Instruments in the Area of International Commercial Contracts (with a focus on sales), as contained in document A/CN.9/1029: A/CN.9/1030</p> |
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¹ *Official Records of the General Assembly, Seventy-fourth Session, Supplement No. 17 (A/74/17)*, para. 331 and decision of States members of UNCITRAL of 23 June 2020 (see [A/CN.9/1013](#), decision 2).



Tuesday, 7 July

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| 4. Endorsement of texts of other organizations: Incoterms® 2020 | A note by the Secretariat transmitting the request by the International Chamber of Commerce to UNCITRAL to endorse Incoterms® 2020: A/CN.9/1028 |
| 5. Coordination and cooperation | <p>A note by the Secretariat on coordination activities: A/CN.9/1018</p> <p>A note by the Secretariat on international governmental and non-governmental organizations invited to sessions of UNCITRAL and its working groups: A/CN.9/1023</p> <p>[Oral reports by invited international organizations may be expected at the session under this item]</p> |
| 6. Secretariat reports on non-legislative activities: | Note by the Secretariat on publications to promote a uniform interpretation and application of UNCITRAL texts (CLOUT and digests) and support their implementation and enactment: A/CN.9/1017 |
| (a) CLOUT and digests; | |
| (b) Technical assistance and cooperation; | Note by the Secretariat on technical assistance and cooperation activities: A/CN.9/1032 |
| (c) Status and promotion of UNCITRAL legal texts and the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958) (the “New York Convention”); | Note by the Secretariat on dissemination of information and related activities to support UNCITRAL’s work and the use of its texts: A/CN.9/1033 |
| (d) Consideration of the pilot operation of the repository of published information under the UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration ² and the way forward; | Report of the Regional Centre for Asia and the Pacific: A/CN.9/1024 |
| (e) Relevant General Assembly resolutions; | Bibliography of recent writings related to the work of UNCITRAL: A/CN.9/1019 |
| (f) Current role of UNCITRAL in promoting the rule of law; | Note by the Secretariat on the status of conventions and model laws: A/CN.9/1020 |
| (g) Bibliography of recent writings related to the work of UNCITRAL. | Note by the Secretariat on the pilot operation of the repository of published information under the UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration, and consideration of the way forward: A/CN.9/1015 |
| | Note by the Secretariat on relevant General Assembly resolutions: A/CN.9/1021 |
| | Note by the Secretariat on the role of UNCITRAL in promoting the rule of law at the national and international levels: A/CN.9/1022 |

Wednesday, 8 July–Thursday, 16 July

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| 7. UNCITRAL texts and COVID-19-related response and recovery | A series of panel discussions followed by an oral report of the Secretariat to the Commission on main takeaways |
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Friday, 17 July

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| 7. UNCITRAL texts and COVID-19-related response and recovery (<i>continued</i>) | An oral report by the Secretariat to the Commission on main takeaways from the panel discussions on “UNCITRAL texts and COVID-19-related response and recovery” held during 8–16 July |
| 8. Other business | |
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² Ibid., *Sixty-eighth Session, Supplement No. 17 (A/68/17)*, annex I.

**Resumed fifty-third session
Vienna, 14–18 September 2020**

(To be held in the format to be determined by the Commission on or around 14 August 2020 but not later than 28 August 2020 and announced thereafter on the web page of the fifty-third session of UNCITRAL)

*Agenda item**Pre-session documentation*

Monday, 14 September

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| 1. Opening of the resumed fifty-third session | |
| 2. Finalization and adoption of mediation texts: | |
| (a) A guide to enactment and use of the UNCITRAL Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation (2018); | Draft guide to enactment and use of the UNCITRAL Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation (2018): A/CN.9/1025 |
| (b) UNCITRAL mediation rules; and | Draft UNCITRAL mediation rules: A/CN.9/1026 |
| (c) UNCITRAL notes on mediation. | Draft UNCITRAL notes on mediation: A/CN.9/1027
Compilation of comments received from States on draft UNCITRAL mediation rules as contained in document A/CN.9/1026 and on draft UNCITRAL notes on mediation as contained in document A/CN.9/1027 : A/CN.9/1031 and addendum |

Tuesday, 15 September

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| 3. Progress report of working groups | |
| | Report of Working Group I (MSMEs) on the work of its thirty-third session: A/CN.9/1002 |
| | Reports of Working Group II (Dispute Settlement) on the work of its seventieth and seventy-first sessions: A/CN.9/1003 and A/CN.9/1010 |
| | Reports of Working Group III (ISDS Reform) on the work of its thirty-eighth and resumed thirty-eighth sessions: A/CN.9/1004 and A/CN.9/1004/Add.1 |
| | Report of Working Group IV (Electronic Commerce) on the work of its fifty-ninth session: A/CN.9/1005 |
| | Report of Working Group V (Insolvency Law) on the work of its fifty-sixth session: A/CN.9/1006 |
| | Report of Working Group VI (Judicial Sale of Ships) on the work of its thirty-sixth session: A/CN.9/1007 |

Tuesday–Thursday, 15–17 September

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| 4. Work programme of the Commission: | |
| (a) Consideration of the report of the Colloquium on Civil Asset Tracing and Recovery; | A note by the Secretariat on the work programme of the Commission: A/CN.9/1016
Report of the Colloquium on Civil Asset Tracing and Recovery (Vienna, 6 December 2019): A/CN.9/1008 |
| (b) Consideration of the progress made in exploratory work by the Secretariat on legal issues arising from digital economy, including high-tech dispute resolution; | Note by the Secretariat on the progress made in its exploratory work on legal issues of digital economy: A/CN.9/1012 and addenda
Note by the Secretariat on the progress made in its exploratory work on legal issues of warehouse receipts: A/CN.9/1014 |
| (c) Consideration of the progress made in exploratory work by the Secretariat on warehouse receipts; | Note by the Secretariat on the progress made in its exploratory work on legal issues of railway consignment notes: A/CN.9/1034 |
| (d) Consideration of the progress made in exploratory work by the Secretariat on legal issues of railway consignment notes; | |

- (e) Consideration of additional topics for possible future work by UNCITRAL;
- (f) Consideration of resource requirements for the implementation of the work programme of the Commission.
5. Date and place of future meetings in 2021
6. Other business
- (a) Enlargement of UNCITRAL membership;
- (b) Evaluation of the role of the UNCITRAL secretariat in facilitating the work of the Commission;
- (c) Other matters.

Note by the Secretariat on resources to implement the work programme with respect to investor-State dispute settlement (ISDS) reform: [A/CN.9/1011](#)

Provisional agenda, annotations thereto and scheduling of meetings of the fifty-third session: [A/CN.9/1001/Rev.1](#) (see paras. 49–53 below)

A report on the progress made during the intersessional consultations on the proposal by the Governments of Israel and Japan for enlarging the membership of UNCITRAL

Friday, 18 September

7. Adoption of the report of the Commission
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II. Annotations to the agenda items provisionally scheduled for the first part of the session (6–17 July 2020)

1. Opening of the session

1. The first part of the session will be opened on Monday, 6 July 2020.
2. As at 6 July 2020, the United Nations Commission on International Trade Law will be composed of the following member States: Algeria (2025), Argentina (2022), Australia (2022), Austria (2022), Belarus (2022), Belgium (2025), Brazil (2022), Burundi (2022), Cameroon (2025), Canada (2025), Chile (2022), China (2025), Colombia (2022), Côte d'Ivoire (2025), Croatia (2025), Czechia (2022), Dominican Republic (2025), Ecuador (2025), Finland (2025), France (2025), Germany (2025), Ghana (2025), Honduras (2025), Hungary (2025), India (2022), Indonesia (2025), Iran (Islamic Republic of) (2022), Israel (2022), Italy (2022), Japan (2025), Kenya (2022), Lebanon (2022), Lesotho (2022), Libya (2022), Malaysia (2025), Mali (2025), Mauritius (2022), Mexico (2025), Nigeria (2022), Pakistan (2022), Peru (2025), Philippines (2022), Poland (2022), Republic of Korea (2025), Romania (2022), Russian Federation (2025), Singapore (2025), South Africa (2025), Spain (2022), Sri Lanka (2022), Switzerland (2025), Thailand (2022), Turkey (2022), Uganda (2022), Ukraine (2025), United Kingdom of Great Britain and Northern Ireland (2025), United States of America (2022), Venezuela (Bolivarian Republic of) (2022), Viet Nam (2025) and Zimbabwe (2025).
3. Member States not members of the Commission, non-Member States having received a standing invitation to participate as observers in the sessions and the work of the General Assembly, 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.

2. Decisions adopted by States members of UNCITRAL 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

4. The Commission will have before it a note by the Secretariat ([A/CN.9/1013](#)) consolidating decisions adopted by States members of UNCITRAL in preparation for the fifty-third session of UNCITRAL 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. The Commission may wish to take note of those decisions.

3. Approval of a joint UNCITRAL-Unidroit-The Hague Conference guide on commercial contract law for publication

5. At its forty-ninth session, in 2016, the Commission considered the “Joint proposal on cooperation in the area of international commercial contract law (with a focus on sales)” ([A/CN.9/892](#)). At that session, it was indicated that the proposal aimed at facilitating orientation in the field of uniform contract law, with a focus on sales law, by compiling relevant texts and providing a short illustration thereof, including with respect to their relationship to other texts. Thus, it was explained, the resulting guidance text could significantly contribute to the coherent adoption, interpretation and use of uniform texts, and to strengthen their underlying principles, such as freedom of contract. It was added that the exercise was intended to be carried out with the involvement of experts and within available resources and that work at the working group level was not envisaged.³

6. At that session, after discussion, the Commission approved the “Joint proposal on cooperation in the area of international commercial contract law (with a focus on sales)” and asked the Secretariat to implement the Commission’s decision in coordination with the Hague Conference on Private International Law and with Unidroit and to report periodically on the progress of that work.⁴ At its fifty-second session, the Commission took note of the progress made on the preparation of the joint guidance document on commercial contract law (with a focus on sales) and urged the Secretariat to finalize it.⁵

7. At its fifty-third session, the Commission will have before it: (a) a draft UNCITRAL-Unidroit-The Hague Conference legal guide to uniform legal instruments in the area of international commercial contracts (with a focus on sales) ([A/CN.9/1029](#)); and (b) a note by the Secretariat listing adjustments proposed to be made to the draft Legal Guide to Uniform Legal Instruments in the Area of International Commercial Contracts (with a focus on sales), as contained in document [A/CN.9/1029](#), in the light of comments received on that draft ([A/CN.9/1030](#)). The Commission may wish to authorize the publication of the text as a joint publication of its secretariat with Unidroit and the Hague Conference.

4. Endorsement of texts of other organizations: Incoterms® 2020

8. The International Chamber of Commerce (ICC) requested UNCITRAL to endorse the 2020 revision of the ICC Rules for the Use of Domestic and International Trade Terms (“Incoterms® 2020”). The Commission will have before it a note by the Secretariat transmitting the request of the ICC ([A/CN.9/1028](#)). The complete text of the Incoterms® 2020 has been made available to States for their consideration in the six official languages of the United Nations in electronic form.

³ Ibid., *Seventy-first Session, Supplement No. 17 (A/71/17)*, para. 279.

⁴ Ibid., para. 281.

⁵ Ibid., *Seventy-fourth session, Supplement No. 17 (A/74/17)*, paras. 222 (a) and 224.

5. Coordination and cooperation

9. The Commission will be informed by a note of the Secretariat about activities undertaken by the Secretariat since the Commission's previous session to ensure coordination with the work of other organizations active in the field of international trade law (A/CN.9/1018).

10. Representatives of international organizations will be given an opportunity to apprise the Commission of their current activities and possible means of strengthening cooperation with UNCITRAL.

11. The Commission may wish to recall that from its forty-fourth to fiftieth session, in 2011 to 2017, it heard oral reports by the Secretariat about intergovernmental and non-governmental organizations invited to sessions of UNCITRAL.⁶ At its forty-eighth session, in 2015, the Commission requested the Secretariat, when presenting its oral report on the topic of organizations invited to sessions of UNCITRAL, to provide comments on the manner in which invited organizations fulfilled the criteria applied by the Secretariat in making its decision to invite non-governmental organizations.⁷ At its forty-ninth session, in 2016, the Commission welcomed the detailed and informative report presented by the Secretariat pursuant to that request.⁸ At its fiftieth session, in 2017, the Commission requested the Secretariat to provide information about intergovernmental and non-governmental organizations invited to sessions of UNCITRAL in writing for future sessions.⁹ Pursuant to that request, the Commission had before it at its fifty-first and fifty-second sessions, in 2018 and 2019, respectively, notes by the Secretariat on international governmental and non-governmental organizations invited to sessions of UNCITRAL and its working groups (A/CN.9/951 and A/CN.9/984).¹⁰ A similar note will be before the Commission at its fifty-third session (A/CN.9/1023).

6. Secretariat reports on non-legislative activities

12. As requested by the Commission at its fifty-first session, in 2018,¹¹ the Commission will have before it for information notes by the Secretariat on: (a) publications to promote a uniform interpretation and application of UNCITRAL texts (CLOUT and digests) and support their implementation and enactment (A/CN.9/1017); (b) technical assistance and cooperation activities (A/CN.9/1032); (c) dissemination of information and related activities to support UNCITRAL's work and the use of its texts (A/CN.9/1033); (d) the report of the Regional Centre for Asia and the Pacific (A/CN.9/1024); (e) status of conventions and model laws (A/CN.9/1020); (f) the pilot operation of the repository of published information under the UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration and the way forward (A/CN.9/1015); (g) relevant General Assembly resolutions (A/CN.9/1021); (h) the role of UNCITRAL in promoting the rule of law at the national and international levels (A/CN.9/1022); and (i) bibliography of recent writings related to the work of UNCITRAL (A/CN.9/1019).

⁶ Ibid., *Sixty-sixth Session, Supplement No. 17* (A/66/17), paras. 288–298; *ibid.*, *Sixty-seventh Session, Supplement No. 17* (A/67/17), paras. 174–178; *ibid.*, *Sixty-eighth Session, Supplement No. 17* (A/68/17), paras. 257–261; *ibid.*, *Sixty-ninth Session, Supplement No. 17* (A/69/17), paras. 205–207; *ibid.*, *Seventieth Session, Supplement No. 17* (A/70/17), paras. 279–281; *ibid.*, *Seventy-first Session, Supplement No. 17* (A/71/17), paras. 286–290; and *ibid.*, *Seventy-second Session, Supplement No. 17* (A/72/17), paras. 360–364.

⁷ Ibid., *Seventieth Session, Supplement No. 17* (A/70/17), para. 280.

⁸ Ibid., *Seventy-first Session, Supplement No. 17* (A/71/17), para. 290.

⁹ Ibid., *Seventy-second Session, Supplement No. 17* (A/72/17), para. 364.

¹⁰ Ibid., *Seventy-third Session, Supplement No. 17* (A/73/17), paras. 185–186, and *ibid.*, *Seventy-fourth Session, Supplement No. 17* (A/74/17), paras. 236–238.

¹¹ Ibid., *Seventy-third Session, Supplement No. 17* (A/73/17), paras. 258–267.

13. Pursuant to the requests of the Commission,¹² the Secretariat will keep the Commission informed of developments regarding the establishment of UNCITRAL regional centres, in particular their funding and budgetary situation.

14. Pursuant to the requests of the General Assembly and the Commission,¹³ the Secretariat will inform the Commission about developments regarding the funding and budgetary situation of the repository of published information under the Rules on Transparency in Treaty-based Investor-State Arbitration.¹⁴ Being operated as a pilot project until the end of 2020, it is funded entirely by voluntary contributions (the Fund for International Development of the Organization of the Petroleum Exporting Countries and the European Commission). The Commission may wish to consider the status of the project and the way forward on the basis of a note by the Secretariat (A/CN.9/1015).

7. UNCITRAL texts and COVID-19-related response and recovery

15. In accordance with a decision adopted by States members of UNCITRAL (A/CN.9/1013, decision 2, para. 2), a series of panel discussions on “UNCITRAL texts and COVID-19-related response and recovery” organized by the Secretariat will be held during the session. The panel discussions will be open, in addition to the States and observer organizations invited to the session, to other interested stakeholders. The panel discussions intend to demonstrate how the UNCITRAL work can assist States in their response and recovery from the COVID-19 pandemic, which has had a massive impact on international trade and cross-border commercial activity.

8. Other business

16. The Commission may wish to discuss other matters under this agenda item.

III. Annotations to agenda items provisionally scheduled for the resumed fifty-third session (Vienna, 14–18 September 2020)

1. Opening of the resumed fifty-third session

17. The resumed fifty-third session will be opened, on Monday, 14 September 2020. As at 14 September 2020, the United Nations Commission on International Trade Law will be composed of the member States listed in paragraph 2 above. Observers mentioned in paragraph 3 above may also attend the resumed fifty-third session.

2. Finalization and adoption of mediation texts

(a) Guide to enactment and use of the UNCITRAL Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation (2018)

18. At its fifty-first session, in 2018, the Commission agreed that the Secretariat should be tasked with the preparation of a text to supplement the “Guide to enactment and use of the UNCITRAL Model Law on International Commercial Conciliation”¹⁵ in the light of the UNCITRAL Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation adopted by the Commission at that session.^{16,17}

¹² Most recently, *ibid.*, *Seventy-second Session, Supplement No. 17 (A/72/17)*, paras. 293 and 296.

¹³ Most recently, General Assembly resolution 74/182, para. 6.

¹⁴ *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 17 (A/68/17)*, annex I.

¹⁵ *UNCITRAL Yearbook*, vol. XXXIII: 2002, part three, annex II.

¹⁶ *Official Records of the General Assembly, Seventy-third Session, Supplement No. 17 (A/73/17)*, para. 68 and annex II.

¹⁷ *Ibid.*, para. 67.

19. At its fifty-third session, the Commission will have before it a draft guide to enactment and use of the UNCITRAL Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation (2018) (A/CN.9/1025).

(b) UNCITRAL mediation rules and UNCITRAL notes on mediation

20. At its fifty-first session, in 2018, the Commission noted that, in the area of dispute settlement, the Secretariat would prepare notes on organizing mediation proceedings and update the UNCITRAL Conciliation Rules¹⁸ in the light of the two texts finalized by the Commission at that session (the United Nations Convention on International Settlement Agreements Resulting from Mediation, adopted by the General Assembly in December 2018¹⁹ and the UNCITRAL Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation (see para. 18 above)).²⁰

21. At its fifty-second session, in 2019, the Commission had before it the draft UNCITRAL mediation rules (A/CN.9/986) and the draft UNCITRAL notes on mediation (A/CN.9/987) prepared by the Secretariat in broad consultation with experts. At that session, acknowledging that the Commission would not be in a position to adopt the draft mediation texts at the session, it was agreed that the Commission would consider both texts at its next session, in 2020. In order to ensure that comments from States and other interested organizations would be further reflected in the drafts to be presented to the Commission at its next session, States and other interested organizations were invited to submit comments on the draft mediation texts.²¹

22. At its fifty-third session, the Commission will have before it a revised draft of UNCITRAL mediation rules (A/CN.9/1026), a revised draft of UNCITRAL notes on mediation (A/CN.9/1027) and compilation of comments that the Secretariat received on those texts (A/CN.9/1031 and addendum).

3. Progress report of working groups

(a) Working Group I (MSMEs)

23. At its forty-sixth session, in 2013, the Commission requested that a working group should commence work aimed at reducing the legal obstacles encountered by micro, small and medium-sized enterprises (MSMEs) throughout their life cycle, and, in particular, in developing economies.²² At that session, the Commission also agreed that such work should start with a focus on the legal questions surrounding the simplification of incorporation,²³ and that the work should be allocated to Working Group I.²⁴ That mandate was reaffirmed by the Commission at its forty-seventh to fifty-second sessions, in 2014 to 2019, respectively.²⁵

24. In accordance with that mandate, the Working Group proceeded to consider the legal issues surrounding the simplification of incorporation as well as good practices in business registration, both of which aimed at reducing the legal obstacles

¹⁸ Ibid., *Thirty-fifth Session, Supplement No. 17 (A/35/17)*, chap. V, sect. A, para. 106. See also *UNCITRAL Yearbook*, vol. XI: 1980, part three, annex II.

¹⁹ General Assembly resolution 73/198. See also *Official Records of the General Assembly, Seventy-third Session, Supplement No. 17 (A/73/17)*, para. 49 and annex I.

²⁰ *Official Records of the General Assembly, Seventy-third Session, Supplement No. 17 (A/73/17)*, para. 254.

²¹ Ibid., *Seventy-fourth session, Supplement No. 17 (A/74/17)*, para. 118–123.

²² Ibid., *Sixty-eighth Session, Supplement No. 17 (A/68/17)*, para. 321.

²³ Ibid.

²⁴ Ibid., para. 322.

²⁵ Ibid., *Sixty-ninth Session, Supplement No. 17 (A/69/17)*, para. 134; *ibid.*, *Seventieth Session, Supplement No. 17 (A/70/17)*, paras. 225 and 340; *ibid.*, *Seventy-first Session, Supplement No. 17 (A/71/17)*, para. 347; *ibid.*, *Seventy-second Session, Supplement No. 17 (A/72/17)*, para. 235; *ibid.*, *Seventy-third session, Supplement No. 17 (A/73/17)*, para. 238 (a); and *ibid.*, *Seventy-fourth session, Supplement No. 17 (A/74/17)*, para. 192 (a).

encountered by MSMEs throughout their life cycle. At its forty-ninth session, in 2016, the Commission noted the decision of the Working Group to proceed with the preparation of a legislative guide in respect of each of those two topics.²⁶ Following the adoption of the *UNCITRAL Legislative Guide on Key Principles of a Business Registry*, in 2018,²⁷ the Working Group continued its deliberations on the draft legislative guide on an UNCITRAL Limited Liability Organization (UNLLO).

25. At its thirty-third session (Vienna, 7–11 October 2019), the Working Group completed the first review of the draft guide (as contained in working paper [A/CN.9/WG.I/WP.116](#)) ([A/CN.9/1002](#)) and was scheduled to consider a revised draft ([A/CN.9/WG.I/WP.118](#)) at its thirty-fourth session (New York, 23–27 March 2020). Due to the measures put in place by States and the United Nations in response to the COVID-19 pandemic, the thirty-fourth session of the Working Group could not take place as scheduled. The Secretariat invited Governments and observer organizations to submit comments on the revised draft. The comments received are transmitted to the Commission for its consideration (see para. 27 below).

26. In addition to that work, at its fifty-second session, in 2019, the Commission agreed to strengthen and complete its work on reducing the legal obstacles faced by MSMEs throughout their life cycles by requesting the Secretariat to start preparing draft materials on MSME access to credit. It was agreed that the materials should draw as appropriate on the relevant recommendations and guidance contained in the UNCITRAL Model Law on Secured Transactions and be submitted for consideration to Working Group I in due course.²⁸ The Working Group was scheduled to consider a note by the Secretariat on the subject ([A/CN.9/WG.I/WP.119](#)) at its thirty-fourth session (New York, 23–27 March 2020).

27. At its fifty-third session, the Commission will have before it the report of the thirty-third session of the Working Group ([A/CN.9/1002](#)) and the compilation of comments received by the Secretariat on the revised draft contained in document [A/CN.9/WG.I/WP.118](#) ([A/CN.9/1009](#) and addendum). The Commission may hear an oral report by the Secretariat on progress made so far on the subject.

(b) Working Group II (Dispute Settlement)

28. At its fifty-first session, in 2018, the Commission heard a proposal for possible future work in the field of dispute resolution, in particular on expedited arbitration ([A/CN.9/959](#)) and agreed that Working Group II should be mandated to take up issues relating to expedited arbitration.²⁹ At its seventieth session (Vienna, 23–27 September 2019), the Working Group commenced its consideration of the draft provisions on expedited arbitration and requested the Secretariat to update the draft provisions based on the deliberations, illustrating how they could appear as an appendix to the UNCITRAL Arbitration Rules and also how those provisions could be presented in a stand-alone set of rules on expedited arbitration. At its seventy-first session (New York, 3–7 February 2020), the Working Group continued its consideration of the draft provisions on expedited arbitration and requested the Secretariat to prepare a revised draft as they would appear as an appendix to the UNCITRAL Arbitration Rules, without prejudice to the final presentation of the expedited arbitration provisions. In addition, the Secretariat was requested to address the interaction between the expedited arbitration provisions and the UNCITRAL Arbitration Rules and to provide an overview of the different time frames that would be applicable in expedited arbitration.

29. At its fifty-third session, the Commission will have before it the reports of the Working Group on the work of its seventieth and seventy-first sessions ([A/CN.9/1003](#) and [A/CN.9/1010](#)).

²⁶ *Ibid.*, *Seventy-first Session, Supplement No. 17* ([A/71/17](#)), paras. 220–221.

²⁷ *Ibid.*, *Seventy-third Session, Supplement No. 17* ([A/73/17](#)), para. 111.

²⁸ *Ibid.*, *Seventy-fourth session, Supplement No. 17* ([A/74/17](#)), para. 192 (a).

²⁹ *Ibid.*, *Seventy-third Session, Supplement No. 17* ([A/73/17](#)), paras. 244–245 and 252.

(c) Working Group III (ISDS Reform)

30. At its fiftieth session, in 2017, the Commission entrusted Working Group III with a broad mandate to work on the possible reform of investor-State dispute settlement (ISDS), and in particular: (a) to identify and consider concerns regarding ISDS; (b) to consider whether reform was desirable in light of any identified concerns; and (c) if the Working Group were to conclude that reform was desirable, to develop any relevant solutions to be recommended to the Commission.³⁰

31. At its thirty-sixth session (Vienna, 29 October–2 November 2018), the Working Group concluded that development of reforms by UNCITRAL was desirable to address concerns relating to cost and duration of ISDS, the appointment mechanism and related issues regarding arbitrators and decision makers, as well as the lack of consistency, coherence, predictability and correctness of decisions by ISDS tribunals (A/CN.9/964, paras. 43, 53, 63, 83, 90, 98, 108, 123 and 133). At its thirty-seventh session (New York, 1–5 April 2019), the Working Group concluded that development of reforms by UNCITRAL was desirable to address concerns relating to third-party funding and also concluded that there was no additional concern that could be identified with regard to ISDS at the current stage of its deliberations (A/CN.9/970, paras. 25, 39 and 40).

32. At its thirty-eighth session (Vienna, 14–18 October 2019), the Working Group commenced work on phase three of its mandate, the development of relevant solutions, by agreeing on a project schedule aimed at considering multiple potential reform options simultaneously and at furthering the elaboration and development of potential solutions to be recommended to the Commission (A/CN.9/1004, paras. 25, 27 and 104). Accordingly, the Working Group considered at its thirty-eighth and resumed thirty-eighth (Vienna, 20–24 January 2020) sessions the following reform options: (a) establishment of an advisory centre (A/CN.9/1004, paras. 28–50); (b) code of conduct (A/CN.9/1004, paras. 51–78); (c) third-party funding (A/CN.9/1004, paras. 79–98); (d) appellate mechanisms (A/CN.9/1004/Add.1, paras. 16–61); (e) enforcement issues (A/CN.9/1004/Add.1, paras. 62–81); (f) financing of a permanent body (A/CN.9/1004/Add.1, paras. 82–94); (g) selection and appointment of ISDS tribunal members (A/CN.9/1004/Add.1, paras. 95–133). The Working Group concluded that preparatory work should be undertaken on each of these options, including further research and draft provisions for relevant instruments.

33. Due to the measures put in place by States and the United Nations in response to the COVID-19 pandemic, the thirty-ninth session of the Working Group (New York, 30 March–3 April 2020) could not take place as scheduled. The Secretariat organized informal webinars and other informal events and consultations.

34. At its fifty-third session, the Commission will have before it the reports of the thirty-eighth and resumed thirty-eighth sessions of the Working Group (A/CN.9/1004 and A/CN.9/1004/Add.1) and may hear an oral report on the results of the above-mentioned consultations.

(d) Working Group IV (Electronic Commerce)

35. At its fifty-first session, in 2018, the Commission requested Working Group IV to conduct work on legal issues relating to identity management (IdM) and trust services with a view to preparing a text aimed at facilitating cross-border recognition of IdM and trust services, on the basis of the principles and issues identified by the Working Group at its fifty-sixth session (A/CN.9/936, paras. 61–94).³¹

36. At its fifty-second session, in 2019, the Commission expressed its satisfaction with the progress made by the Working Group and encouraged the Working Group to continue its work on the basis of the revised set of provisions to be prepared by the

³⁰ Ibid., *Seventy-second Session, Supplement No. 17 (A/72/17)*, para. 264.

³¹ Ibid., *Seventy-third Session, Supplement No. 17 (A/73/17)*, para. 159.

Secretariat.³² The Commission also noted that, at this early stage of the project, the Working Group should work towards an instrument that could apply to both domestic and cross-border use of IdM and trust services, and that the outcome of the work had implications for matters beyond commercial transactions.³³

37. The Working Group considered legal aspects of IdM and trust services at its fifty-ninth (Vienna, 25–29 November 2019) session. Due to the measures put in place by States and the United Nations in response to the COVID-19 pandemic, the sixtieth session of the Working Group (New York, 6–9 April 2020) could not take place as scheduled.

38. At its fifty-third session, the Commission will have before it the report of the Working Group on the work of its fifty-ninth session ([A/CN.9/1005](#)) and hear an oral report on the consultations conducted by the Secretariat on the revised draft that had been prepared for the sixtieth session of the Working Group.

(e) Working Group V (Insolvency Law)

39. At its forty-ninth session, in 2016, the Commission agreed that Working Group V (Insolvency Law) should develop appropriate mechanisms and solutions, focusing on both natural and legal persons engaged in commercial activity, to resolve the insolvency of MSMEs. The Commission was of the view that, while the key insolvency principles and the guidance provided by the UNCITRAL Legislative Guide on Insolvency Law should be the starting point for discussions, the Working Group should aim to tailor the mechanisms already provided in the Legislative Guide to specifically address MSMEs and develop new and simplified mechanisms as required, taking into account the need for those mechanisms to be equitable, fast, flexible and cost efficient. It was noted at that time that the form the work might take should be decided at a later time based on the nature of the various solutions that were being developed.³⁴

40. After a preliminary discussion of the topic,³⁵ the Working Group, having completed its work on enterprise group insolvency, had commenced detailed deliberations of features of a simplified insolvency regime, deciding to focus on the needs of micro and small entities (MSEs) in the first instance and deferring the definition of such entities to States.³⁶ At its fifty-second session, in 2019, the Commission expressed support for that work and noted that more time might be needed to make progress.³⁷ The Commission also acknowledged the importance of coordinating the work with Working Group I and with that of the World Bank while the World Bank was updating its Principles for Effective Insolvency and Creditor/Debtor Regimes in order to deal with specific aspects of the insolvency of MSEs.³⁸

41. The detailed consideration of the topic proceeded at the Working Group's fifty-sixth session (Vienna, 2–5 December 2019) on the basis of a note by the Secretariat ([A/CN.9/WG.V/WP.168](#)) ([A/CN.9/1006](#)) and was expected to continue at the fifty-seventh session of the Working Group, scheduled to take place in New York from 11 to 14 May 2020, on the basis of a revised text contained in document [A/CN.9/WG.V/WP.170](#). Due to the measures put in place by States and the United Nations in response to the COVID-19 pandemic, the fifty-seventh session of the

³² *Ibid.*, *Seventy-fourth Session, Supplement No. 17 (A/74/17)*, para. 175.

³³ *Ibid.*, para. 172.

³⁴ *Ibid.*, *Seventy-first Session, Supplement No. 17 (A/71/17)*, para. 246.

³⁵ See reports of the fifty-first (New York, 10–19 May 2017), fifty-third (New York, 7–11 May 2018) and fifty-fourth (Vienna, 10–14 December 2018) sessions of the Working Group ([A/CN.9/903](#), paras. 13–14; [A/CN.9/937](#), chapter VI; and [A/CN.9/966](#), paras. 114–143).

³⁶ See the report of the fifty-fifth session of the Working Group (New York, 28–31 May 2019) ([A/CN.9/972](#)).

³⁷ *Official Records of the General Assembly, Seventy-fourth Session, Supplement No. 17 (A/74/17)*, paras. 180 and 182.

³⁸ *Ibid.*, paras. 182–183.

Working Group could not take place as scheduled. The Secretariat organized informal consultations on the revised text.

42. At its fifty-third session, the Commission will have before it the report of the Working Group on the work of its fifty-sixth session ([A/CN.9/1006](#)) and hear a report of the Secretariat on informal consultations held from 11 to 15 May 2020.

(f) Working Group VI (Judicial Sale of Ships)

43. At its fifty-second session, in 2019, the Commission noted the ongoing work within Working Group VI on a draft instrument on the judicial sale of ships known as the “Beijing Draft”.³⁹ The Working Group continued its deliberations at its thirty-sixth session (Vienna, 18–22 November 2019) on the basis of a first revision of the Beijing Draft, which had been prepared by the Secretariat to incorporate the discussions and decisions at its thirty-fifth session ([A/CN.9/WG.VI/WP.84](#)). In response to the wish expressed at the fifty-second session of the Commission,⁴⁰ the Working Group paid special attention to definitional issues ([A/CN.9/1007](#), paras. 11–33) and the scope of the instrument (*ibid.*, paras. 34–42) with the Working Group expressing a preliminary view that the instrument should take the form of a convention (*ibid.*, para. 99).

44. Due to the measures put in place by States and the United Nations in response to the COVID-19 pandemic, the thirty-seventh session of the Working Group (New York, 20–24 April 2020) could not take place as scheduled.

45. At its fifty-third session, the Commission will have before it the report of the Working Group on the work of its thirty-sixth session ([A/CN.9/1007](#)).

4. Work programme of the Commission

46. At its forty-sixth session, in 2013, the Commission agreed that it should reserve time for discussion of future work as a separate topic at each Commission session.⁴¹ Under this agenda item, the Commission will have before it: (a) a note by the Secretariat giving a general overview of the work programme of the Commission and of its working groups and secretariat ([A/CN.9/1016](#)); (b) a report of the UNCITRAL Colloquium on Civil Asset Tracing and Recovery ([A/CN.9/1008](#)), held on 6 December 2019 further to a decision of the Commission at its fifty-second session, in 2019⁴²; (c) a note by the Secretariat on the progress made in its exploratory work on legal issues of digital economy ([A/CN.9/1012](#) and addenda);⁴³ (d) a note by the Secretariat on the progress made in its exploratory work on legal issues of warehouse receipts ([A/CN.9/1014](#));⁴⁴ and (e) a note by the Secretariat on the progress made in its exploratory work on legal issues of railway consignment notes ([A/CN.9/1034](#)).⁴⁵

47. The Commission will also have before it a note by the Secretariat on resources to implement the work programme with respect to investor-State dispute settlement (ISDS) reform ([A/CN.9/1011](#)) that intends to supplement a note by the Secretariat giving a general overview of the work programme of the Commission and of its working groups and secretariat ([A/CN.9/1016](#)) and the information provided to Working Group III on options for implementing its workplan ([A/CN.9/WG.III/WP.158](#)).

48. The Commission may wish to note that, due to the measures put in place by States and the United Nations in response to the COVID-19 pandemic, the International Colloquium on Applicable Law in Insolvency Proceedings could not

³⁹ *Ibid.*, paras. 185–189.

⁴⁰ *Ibid.*, para. 189.

⁴¹ *Ibid.*, *Sixty-eighth Session, Supplement No. 17 (A/68/17)*, para. 310.

⁴² *Ibid.*, *Seventy-fourth Session, Supplement No. 17 (A/74/17)*, paras. 203 and 221 (a) and chapter XXIII, section B, table 1.

⁴³ *Ibid.*, para. 221 (c).

⁴⁴ *Ibid.*, para. 221 (b).

⁴⁵ *Ibid.*, para. 221 (d).

take place on 15 May 2020 as scheduled further to a decision of the Commission at its fifty-second session, in 2019.⁴⁶ The Commission may wish to consider rescheduling the Colloquium for 11 December 2020 using the entitlement of Working Group V (Insolvency Law).

5. Date and place of future meetings in 2021

Fifty-fourth session of the Commission

49. The Commission may wish to note that its fifty-fourth session will be held in Vienna. Tentative arrangements have been made for the session to be held from 28 June to 16 July 2021. The Commission may wish to recall that, at its fifty-second session, it confirmed its understanding that two-week sessions would generally be sufficient and that the duration of each annual session was to be determined on a case-by-case basis depending on the expected workload.⁴⁷

Sessions of working groups

50. At its thirty-sixth session, in 2003, the Commission agreed that: (a) working groups should normally meet for a one-week session twice a year; (b) extra time, if required, could be allocated from the unused entitlement of another working group provided that such arrangement would not result in the increase of the total number of 12 weeks of conference services per year currently allotted to sessions of all six working groups of the Commission; and (c) if any request by a working group for extra time would result in the increase of the 12-week allotment, it should be reviewed by the Commission, with proper justification being given by that working group regarding the reasons for which a change in the meeting pattern was needed.⁴⁸

51. At its fifty-second session, in 2019, the Commission decided that extra time for conference services, if required, could also be allocated to working groups from the unused time of the Commission session.⁴⁹ It confirmed that requests by working groups for additional time for conference services would be considered by the Commission on a case-by-case basis, taking into account the needs of the requesting working group, the needs of other working groups and the other needs of the Commission at the given time, and taking into account the views of all member States of UNCITRAL. The Commission also confirmed that the request from a working group should not by itself be treated as a sufficient ground for granting the request; in each case, the request had to be properly substantiated.⁵⁰

52. At its fiftieth session, in 2017, the Commission took note of General Assembly resolutions on the pattern of conferences promulgating policies as regards significant holidays, on which the United Nations Headquarters and the Vienna International Centre remained open but United Nations bodies were invited to avoid holding meetings. The Commission agreed to take into account those policies as far as possible when considering the dates of its future meetings.⁵¹

53. The Commission is expected to consider conference service requirements in the light of its work programme, reports of its working groups and a note by the Secretariat (A/CN.9/1011, see para. 47 above), taking into account that the last day of the tentative dates of the forty-first session of Working Group III (19 November 2021) would fall on Gurpurab, one of the significant holidays of the United Nations.

⁴⁶ Ibid., paras. 206 and 221 (a) and chapter XXIII, section B, table 1.

⁴⁷ Ibid., para. 331.

⁴⁸ Ibid., *Fifty-eighth Session, Supplement No. 17 (A/58/17)*, para. 275.

⁴⁹ Ibid., *Seventy-fourth Session, Supplement No. 17 (A/74/17)*, para. 323.

⁵⁰ Ibid., para. 325.

⁵¹ Ibid., *Seventy-second Session, Supplement No. 17 (A/72/17)*, para. 485.

	<i>First half of 2021 (New York)</i>	<i>Second half of 2021 (Vienna) (to be confirmed by the Commission at its fifty-fourth session, in 2021)</i>
Working Group I (MSMEs)	35th session 22–26 March 2021	36th session 4–8 October 2021
Working Group II (Dispute Settlement)	73rd session 8 to 12 February 2021	74th session 27 September–1 October 2021
Working Group III (ISDS Reform)	40th session 12–16 April 2021	41st session 15–19 November 2021 (falls on Gurburab)
Working Group IV (Electronic Commerce)	61st session 5–9 April 2021	62nd session 18–22 October 2021
Working Group V (Insolvency Law)	58th session 3 to 7 May 2021	59th session 13–17 December 2021
Working Group VI (Judicial Sale of Ships)	38th session 19–23 April 2021	39th session 22–26 November 2021

6. Other business

(a) Enlargement of UNCITRAL membership

54. At its fifty-second session, in 2019, the Commission received a proposal by the Governments of Israel and Japan for enlarging the membership of UNCITRAL. At that session, the Commission noted many issues that remained open in relation to the proposal, encouraged its member States to consult with each other and other interested States on the proposal during the intersessional period and requested the Secretariat to facilitate those intersessional consultations.⁵²

55. At its fifty-third session, in 2020, the Commission may expect to receive a report on the progress made during the intersessional consultations on the proposal.

(b) Evaluation of the role of the UNCITRAL secretariat in facilitating the work of the Commission

56. At its fifty-second session, the Commission recalled that “facilitating the work of UNCITRAL” had been listed among the expected accomplishments of the UNCITRAL secretariat in the old budgetary framework and the performance metric for that expected accomplishment had been the level of satisfaction of UNCITRAL with the services provided by its secretariat, as evidenced by a rating on a scale ranging from 1 to 5 (5 being the highest rating).⁵³ At that session, the Commission also recalled that the Secretariat had in the past circulated an evaluation questionnaire to elicit evaluation from States. The Commission was further informed at the session that, although continuing that practice was no longer necessary as a result of changes introduced in the budgetary framework, the UNCITRAL secretariat intended to continue circulating a questionnaire during the sessions of UNCITRAL for self-evaluation.⁵⁴

57. At the fifty-third session of the Commission, States will be requested to fill in an evaluation questionnaire that will be circulated during the session, and the Commission may expect to hear an oral report from the Secretariat on the number of responses received and the level of satisfaction with the services provided to UNCITRAL by the UNCITRAL secretariat indicated in those responses.

(c) Other matters

58. The Commission may wish to consider possible other matters under this agenda item.

⁵² Ibid., *Seventy-fourth Session, Supplement No. 17 (A/74/17)*, paras. 311–315.

⁵³ Ibid., para. 319.

⁵⁴ Ibid., para. 320.

7. Adoption of the report of the Commission

59. The General Assembly, in its resolution 2205 (XXI) of 17 December 1966, decided that the Commission should submit an annual report to it and that the report should be submitted simultaneously to the United Nations Conference on Trade and Development for comments. Pursuant to a decision of the Sixth Committee of the General Assembly,⁵⁵ the report of the Commission is introduced to the General Assembly by the chairperson of the Commission or by another officer designated by the chairperson. The Commission may wish to request the General Assembly to postpone the consideration of the report of the Commission in the Sixth Committee from the scheduled 19 October 2020 to November 2020.

IV. Scheduling of meetings and documentation

60. Meetings during the first part of the session will be held virtually, two hours per day. Information about the hours of the meetings, the platform to be used and connection details will be communicated to the registered participants. The format of the resumed fifty-third session as determined by the Commission on or around 14 August 2020 but not later than 28 August 2020, and scheduling of meetings during that part of the session will be announced on the web page of the session.

61. UNCITRAL documents are posted on the UNCITRAL website (uncitral.un.org) upon their issuance in all the official languages of the United Nations. Delegates may wish to check the availability of the documents for the fifty-third session by accessing the page of the Commission in the “Working Documents” section of the UNCITRAL website (uncitral.un.org).

62. The recommendations on the scheduling of meetings under each agenda item in chapter I above are intended to assist States and invited organizations in planning the attendance of their pertinent representatives; the actual scheduling will be determined by the Commission itself.

⁵⁵ Ibid., *Twenty-third Session, annexes*, agenda item 88, document A/7408, para. 3.