

27 May 2021

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**United Nations Commission on
International Trade Law
Fifty-third session**

**Draft decision on the procedure for taking decisions of
UNCITRAL pertaining to its fifty-fourth session, as well as
the organization and agenda of the fifty-fourth session**

On the proposal of the Bureau of the fifty-third session of UNCITRAL upon consultation with all States members of UNCITRAL, States members of UNCITRAL adopted the following decision on ... June 2021:

“States members of UNCITRAL,

Recalling the decision of UNCITRAL to hold its fifty-fourth session in Vienna from 28 June to 16 July 2021, subject to possible adjustments in the light of prevailing circumstances of the coronavirus disease 2019 (COVID-19) pandemic ([A/75/17](#), part two, para. 94),

Recalling the decision adopted by States members of UNCITRAL on 8 June 2020 on the procedure for taking decisions of UNCITRAL during the COVID-19 pandemic (document [A/CN.9/1013](#), Annex, decision I),

Further recalling the decision adopted by States members of UNCITRAL on 28 August 2020 on the organization and agenda of the resumed fifty-third session of UNCITRAL (14-18 September 2020) (document [A/CN.9/1038](#), Annex, decision II),

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

Wishing to advance the work of UNCITRAL to the extent possible in light of its relevance and importance, including for the COVID-19 response and recovery,

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

Taking note of the provisional agenda of the session contained in a note by the Secretariat (document [A/CN.9/1041/Rev.1](#)),

Taking into account the need to adopt the agenda of the fifty-fourth session of UNCITRAL before the session opens on 28 June 2021,

1. *Decide:*

(a) The procedure for taking decisions of UNCITRAL during the COVID-19 pandemic adopted by States members of UNCITRAL on 8 June 2020



(document [A/CN.9/1013](#), Annex, decision I as reproduced in the Appendix) shall apply *mutatis mutandis* to the adoption of decisions pertaining to the fifty-fourth session; and

(b) The arrangements put in place for the resumed fifty-third session of UNCITRAL (other than meeting hours), as set out in operative paragraphs 1 and 2 of the decision entitled “Decision on the organization and agenda of the resumed fifty-third session of UNCITRAL (14–18 September 2020)” adopted by States members of UNCITRAL on 28 August 2020 (document [A/CN.9/1038](#), Annex, decision II as reproduced in the Appendix), shall apply *mutatis mutandis* to the organization of the fifty-fourth session;

On the understanding that the procedure and the arrangements set out in the present decision are of an exceptional and temporary nature and will not set a precedent, and that UNCITRAL should take note of the decisions adopted through this procedure at its first plenary meeting during the fifty-fourth session.”

2. *Adopt* the agenda of the session as contained in the note by the Secretariat (document [A/CN.9/1041/Rev.1](#)).”

Appendix

[A/CN.9/1013](#), Annex, decision I

Decision on the procedure for taking decisions of UNCITRAL during the coronavirus disease 2019 (COVID-19) pandemic

On the proposal of the Bureau of the fifty-second session of UNCITRAL upon consultation with States members of UNCITRAL, States members of UNCITRAL adopted the following decision on 8 June 2020:

“States members of UNCITRAL,

Noting the limitations imposed on holding large in-person meetings within the United Nations premises due to the coronavirus disease 2019 (COVID-19) pandemic, and the impact they may have on holding the fifty-third session of UNCITRAL in New York for two weeks, from 6 to 17 July 2020, as had been decided by the Commission at its fifty-second session ([A/74/17](#), para. 331),

Bearing in mind the need for member States of UNCITRAL and the Secretariat to plan their attendance at, and prepare for, upcoming sessions of the Commission and its working groups, with the adjustments to the meeting schedule that may be required by the current extraordinary situation,

Recalling the decision of the Commission to be guided by the general principle that the rules of procedure of the General Assembly should apply, *mutatis mutandis*, to the Commission as may be appropriate for the performance of its functions ([A/7216](#), paras. 16 and 17),

Recalling in that context General Assembly decision 74/544 of 27 March 2020 entitled “Procedure for taking decisions of the General Assembly during the coronavirus disease 2019 (COVID-19) pandemic”, extended by General Assembly decision 74/555 of 15 May 2020,

Decide:

(a) To authorize the Chair of UNCITRAL at its fifty-second session to circulate, after consultation with States members of UNCITRAL, draft decisions relating to UNCITRAL to all States members of UNCITRAL under a silence procedure of at least 72 hours;

(b) To consider the decision to be adopted if the silence is not broken;

(c) To apply this decision until the opening of the fifty-third session of UNCITRAL;

On the understanding that the procedure set out in the present decision is of an exceptional and temporary nature and will not set a precedent, and that UNCITRAL should take note of the decisions adopted through this procedure at its first plenary meeting during the fifty-third session.”

A/CN.9/1038, Annex, decision II (excluding agenda of the resumed fifty-third session of UNCITRAL)

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.
