**Questionnaire on measures taken by States to overcome**

**the consequences of the global COVID-19 pandemic**

**At its fifty-third session (2020), the Commission considered (**[**A/75/17**](https://undocs.org/A/75/17)**, part two, paras. 86-89) a proposal (**[**A/CN.9/1039/Rev.1**](https://undocs.org/A/CN.9/1039/Rev.1)**) made by the Government of the Russian Federation, and supported by the Governments of Armenia and Viet Nam, requesting the UNCITRAL secretariat to commence exploratory work on matters of international commercial law related to overcoming the consequences of the global COVID-19 pandemic, and other large-scale emergencies, on international trade.**

**In keeping with the request of the Commission to explore the proposal further (in partnership with interested governments or organizations) and report back to the Commission at its fifty-fourth session in 2021 (**[**A/75/17**](https://undocs.org/A/75/17)**, part two, paras. 16 (i) and 89), and mindful of the mandate of UNCITRAL and of other international organizations, the following questionnaire has been prepared. The Secretariat requests member and observer States to provide their responses to the questionnaire via** [**https://uncitral.un.org/en/covid19-questionnaire**](https://uncitral.un.org/en/covid19-questionnaire) **no later than 19 March 2021. Responses will be used by the Secretariat in discharging the exploratory mandate conferred by the Commission and in reporting back to the Commission at its fifty-fourth session.**

**The Secretariat was also requested during the fifty-third session of the Commission (**[**A/75/17**](https://undocs.org/A/75/17)**, part two, para. 89) to explore the possibility of developing an online information platform where States might share their experience with legal response and recovery measures related to the COVID-19 pandemic. To that end, information provided by States in response to this questionnaire may be used to populate such a platform, pending its approval by the Commission at a future session. In addition, unless otherwise indicated in the appropriate field, information provided by States may be consulted by other States.**

Questionnaire for UNCITRAL member and observer States on measures taken in response to the COVID-19 pandemic (“response measures”):

State:

Organization:

First name:

Last name:

Email:

1. Please specify the response measures that the Government has adopted to alleviate negative impacts of the pandemic on businesses in the following areas:

1. bankruptcy and insolvency,

1. support for small and medium-sized enterprises,

1. public procurement,

1. electronic commerce (including in the areas of electronic signatures, electronic authentication, and paperless trade),

1. business-to-business contractual relations (including drafting, interpretation and application of force majeure clause),

1. transportation and logistics, and

g) corporate governance.

If these measures were legislated, please provide a link to the legislation (or a separate copy if the legislation is not publicly accessible online).

2. Please specify the response measures adopted to support businesses (including in the form of financial assistance), and the criteria for businesses to receive support. Please also indicate the legislative basis for these measures and whether new legislation was needed.

3. Please specify the type of monitoring or compliance regime that has been applied to businesses receiving the support mentioned in question 2.

4. Please specify the kinds of obstacles reported by businesses (if any) to cross‑border trade and commerce due to measures implemented by States to overcome the pandemic.

5. Aside from the measures specified in response to question 1, please specify: (a) any legislation that the Government has passed to overcome obstacles to cross‑border trade, and (b) any other legislative measures to respond to the pandemic which may affect cross-border trade.

6. Please specify the measures that have been put in place to mitigate the effects of the pandemic on commercial dispute settlement (for example, facilitating remote hearings, expanding fast-track proceedings, extension of limitation periods).

7. Please indicate any issues related to COVID-19 response and recovery that would most benefit from harmonized legal solutions in the area of international commercial law[[1]](#footnote-2).

8. Please indicate whether these responses may be consulted by other States.

Yes  No

1. Note that the Commission has acknowledged ([A/75/17](https://undocs.org/A/75/17), part one, para. 27) that several UNCITRAL legislative tools can play an important role in assisting States to mitigate the effect of response measures, as well as their economic recovery efforts, and has, in particular, renewed calls for States to consider adopting UNCITRAL legislative texts in the field of electronic commerce and insolvency, as well as instruments supporting micro-, small and medium-sized enterprises and promoting the effective settlement of commercial disputes. Note also that the Secretariat is currently undertaking an appraisal of existing UNCITRAL texts to determine how they apply in light of emerging technologies and their applications and whether any gaps need to be addressed by future harmonization efforts ([A/75/17](https://undocs.org/A/75/17), part two, para. 76). [↑](#footnote-ref-2)